



Broadcasting Decision CRTC 2009-526

Route reference: 2009-113

Other references: 2009-70, 2009-70-1, 2009-70-2, 2009-113-1, 2009-113-2

Ottawa, 27 August 2009

Télévision MBS inc.

Rivière-du-Loup, Trois-Pistoles, Cabano, Forestville, Baie-Comeau, Sept-Îles, Les Escoumins, Gaspé, Baie-Saint-Paul, Carleton-sur-Mer and Rimouski, Quebec, and Edmundston, New Brunswick

Application 2009-0112-5, received 12 January 2009

Public Hearing in the National Capital Region

27 April 2009

CFTF-TV Rivière-du-Loup and its transmitters – Licence renewal

The Commission renews the broadcasting licence for the French-language conventional television programming undertaking CFTF-TV Rivière-du-Loup and its transmitters from 1 September 2009 to 31 August 2016.

Introduction

1. In Broadcasting Notice of Consultation 2009-113, the Commission announced that it would hold a public hearing commencing 27 April 2009 to consider various licence renewal applications for conventional television programming undertakings.
2. In this context, the Commission received an application by Télévision MBS inc. (Télévision MBS) to renew the broadcasting licence for the French-language conventional television programming undertaking CFTF-TV Rivière-du-Loup and its transmitters CFTF-TV-2 Trois-Pistoles, CFTF-TV-3 Cabano, CFTF-TV-4 Forestville, CFTF-TV-5 Baie-Comeau, CFTF-TV-6 Rivière-du-Loup, CFTF-TV-7 Sept-Îles, CFTF-TV-8 Les Escoumins, CFTF-TV-9 Gaspé, CFTF-TV-10 Baie-Saint-Paul, CFTF-TV-11 Carleton-sur-Mer and CJPC-TV Rimouski, Quebec, and CFTF-TV-1 Edmundston, New Brunswick, under the same terms and conditions as those in effect under the current licence, which expires 31 August 2009.
3. The Commission notes that CFTF-TV and its transmitters are affiliates of the French-language television network TQS.
4. In Broadcasting Decision 2009-279, the Commission announced that it would be renewing the licence for Télévision MBS's television station for the seven-year term requested by the licensee since the renewal of the licence for this station did not fall within the scope of the group-based licence renewal process discussed in that decision.

5. As part of this process, the Commission received and considered interventions with respect to each application. The Commission notes that it did not receive any interventions in opposition to this application. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

6. After examining the applications in light of applicable regulations and policies, including the policy determinations announced in Broadcasting Regulatory Policy 2009-406, and having considered the interventions received and the applicant's replies to the interventions, the Commission considers that the issues to be addressed in its determinations relate to:
 - local programming;
 - closed captioning;
 - audio description and described video;
 - digital conversion; and
 - cultural diversity.

Local programming

7. Currently, the Commission expects CFTF-TV to broadcast three hours and 10 minutes of local programming in each broadcast week. The licensee requested that this level be maintained over the upcoming licence term.
8. In view of the major challenges facing the conventional television sector, the Commission accepts the licensee's proposal to continue to broadcast the same number of hours of local programming in each broadcast week. As stated in Broadcasting Regulatory Policy 2009-406, the Commission has determined that it will impose minimum local programming thresholds by condition of licence. Accordingly, a **condition of licence** to that effect is set out in the appendix to this decision.
9. The Commission notes that the licensee exceeded its local programming commitments over the previous licence term and commends it for doing so. The Commission expects the licensee to continue to do so during the new licence term.

Closed captioning

10. The licensee requested an exception to the Commission's closed captioning policy in order to caption only 80% of the newscasts it will broadcast during the broadcast day over the next licence period.

11. However, the licensee stated that it could caption 100% of its programs if the additional expenses it incurred to do so were eligible for funding from the Local Programming Improvement Fund (LPIF).
12. In Broadcasting Public Notice 2007-54, the Commission concluded that all English- and French-language television broadcasters must, upon commencement of operations, caption all programs broadcast over the broadcast day with the exception of advertising and promos. The Commission added that it was prepared to consider requests to tailor the 100% requirement to enable some applicants to reach this objective gradually. Such applications must demonstrate, with specific and detailed supporting evidence such as financial data, that the applicants are not able to meet the 100% closed captioning requirement.
13. In the present case, the licensee did not provide sufficient evidence so as to allow the Commission to determine the costs that it would incur in order to provide closed captioning in compliance with the approach set out in Broadcasting Public Notice 2007-54. The Commission is therefore unable to determine whether the hardship the applicant would face in complying with the above-mentioned approach would outweigh the strong public interest in ensuring that the applicant caption 100% of its programs.
14. The Commission also notes that it announced in Broadcasting Regulatory Policy 2009-406 that closed captioning expenses incurred by independent regional television broadcasters such as Télévision MBS will be eligible for LPIF funding.
15. In light of the above and in accordance with Broadcasting Public Notice 2007-54, the Commission requires Télévision MBS to caption no less than 90% of the programming it broadcasts over the broadcast day immediately and to caption 100% of the programming it airs over the broadcast day, with the exception of advertising and promos, by the end of the new licence term. A **condition of licence** to that effect is set out in the appendix to this decision. The Commission reminds the licensee that for the purposes of this requirement, a closed captioned program is one that is closed captioned from beginning to end, as set out in Broadcasting Public Notice 2007-54.
16. Further, where closed captioning is available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming broadcast during the overnight period.
17. In accordance with Broadcasting and Telecom Regulatory Policy 2009-430, the Commission further expects the licensee to take the following measures as soon as possible:
 - ensure that advertising, sponsorship messages and promos are closed captioned by the end of its new licence term;
 - elaborate and submit at its next licence renewal its own measures and procedures to ensure the quality of captioning; and
 - implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that it reaches the viewer in its original form.

18. The Commission intends to impose the above-mentioned expectations by condition of licence at the next licence renewal for CFTF-TV.

Audio description and described video

19. Television broadcasters provide access to television programming for those with visual impairments through two means: described video¹ and audio description.²

Audio description

20. As set out in Broadcasting and Telecom Regulatory Policy 2009-430, the Commission expects broadcasters to provide audio description of their programming and in particular of their news programming. The Commission intends to impose this expectation relating to audio description as a condition of licence at the next licence renewal for CFTF-TV.

Described video

21. The Commission expects the licensee's station to broadcast the described video included in the broadcast signal it receives from TQS, with which it is affiliated, and to ensure that the described video reaches the viewer in its original form.

Conversion to digital

22. The Commission notes that, over the new licence term, CFTF-TV and its transmitters will have to cease transmission of analog television signals unless they qualify for an exception. Specifically, in Broadcasting Public Notice 2007-53, the Commission determined that most television licensees will be authorized to broadcast only digital over-the-air signals after 31 August 2011. Télévision MBS indicated that it would convert from analog to digital the transmitters that do not qualify for an exception. A **condition of licence** to that effect is set out in the appendix to this decision.
23. The Commission is of the view that broadcasters should implement the transition to digital as quickly as possible and not wait until August 2011. If all broadcasters wait until the last minute to make the transition, there could be a shortage of engineers and qualified technicians capable of developing new plans and installing new systems and structures. The Commission therefore encourages Télévision MBS to make the transition at the earliest possible date.
24. The conditions of licence set out in this decision will remain in effect despite the conversion from analog to digital transmission. In the event that the conversion results in amendments to the conditions of licence, these amendments will be carried out accordingly. The Commission reminds Télévision MBS that it must comply with the technical requirements of the Department of Industry over its entire licence term.

¹ Described video is a technique whereby a narrator provides a description of a program's key visual elements so that persons who are blind or have visual impairments can understand what is occurring on the screen.

² Audio description occurs when announcers read aloud the textual and graphic information that is displayed on the screen during information programs.

Cultural diversity

25. All broadcasting licensees have the responsibility to contribute to the reflection and representation of Canadian cultural diversity in order to promote the objectives set out in section 3(1)(d) of the *Broadcasting Act*, namely, to reflect the multicultural and multiracial nature of Canadian society. More specifically, in Broadcasting Public Notice 2005-24, the Commission stated that it expected all broadcasters to share responsibility for assisting in the development of a broadcasting system that accurately reflects Canada's ethnocultural minorities and Aboriginal peoples. In the same public notice, the Commission added that the broadcasting system should provide employment opportunities for people of all ethnocultural backgrounds, whether as writers, presenters, producers, directors or actors, and expected broadcasters to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical. The reflection and inclusion of persons with disabilities is henceforth included in the Commission's cultural diversity policy.
26. Since 2001, the Commission's approach to cultural diversity on television has been comprised of two components: (a) the Commission requires all broadcast groups to file corporate plans at licence renewal as well as annual progress reports, and (b) the Commission also created the Task Force for Cultural Diversity on Television, which includes representatives of the industry and of the community, to undertake research and develop best practices and industry initiatives. The result of the Task Force's research and the Commission's reaction are recorded in Broadcasting Public Notice 2005-24.
27. In this case, since Télévision MBS can be considered a regional television broadcaster, the Commission requires that Télévision MBS adopt the Canadian Association of Broadcasters' best practices; however, the Commission exempts Télévision MBS from submitting reports to the Commission to account for its progress with respect to diversity. At the time of CFTF-TV's next licence renewal, the Commission could require it to submit a business plan and an action plan that shall include specific and detailed commitments in regard to cultural diversity.

Conclusion

28. In light of the foregoing, the Commission **renews** the broadcasting licence for the French-language conventional television programming undertaking CFTF-TV Rivière-du-Loup and its transmitters CFTF-TV-2 Trois-Pistoles, CFTF-TV-3 Cabano, CFTF-TV-4 Forestville, CFTF-TV-5 Baie-Comeau, CFTF-TV-6 Rivière-du-Loup, CFTF-TV-7 Sept-Îles, CFTF-TV-8 Les Escoumins, CFTF-TV-9 Gaspé, CFTF-TV-10 Baie-Saint-Paul, CFTF-TV-11 Carleton-sur-Mer and CJPC-TV Rimouski, Quebec, and CFTF-TV-1 Edmundston, New Brunswick, from 1 September 2009 to 31 August 2016.
29. The licence will be subject to the terms and **conditions of licence** set out in the appendices to this decision.

Secretary General

Related documents

- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Policy determinations resulting from the 27 April 2009 public hearing*, Broadcasting Regulatory Policy CRTC 2009-406, 6 July 2009
- *Renewal of the broadcasting licences for private conventional television stations considered at the 27 April 2009 Gatineau public hearing – Initial decisions and scope of subsequent policy proceeding*, Broadcasting Decision CRTC 2009-279, 15 May 2009
- *Licence Renewals for Private Conventional Television Stations*, Broadcasting Notice of Consultation CRTC 2009-113, 3 March 2009
- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- *Commission's response to the report of the Task Force for Cultural Diversity on Television*, Broadcasting Public Notice CRTC 2005-24, 21 March 2005

This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: www.crtc.gc.ca.

Appendix to Broadcasting Decision CRTC 2009-526

Terms, conditions of licence, expectations and encouragement for the television programming undertaking CFTF-TV Rivière-du-Loup and its transmitters CFTF-TV-2 Trois-Pistoles, CFTF-TV-3 Cabano, CFTF-TV-4 Forestville, CFTF-TV-5 Baie-Comeau, CFTF-TV-6 Rivière-du-Loup, CFTF-TV-7 Sept-Îles, CFTF-TV-8 Les Escoumins, CFTF-TV-9 Gaspé, CFTF-TV-10 Baie-Saint-Paul, CFTF-TV-11 Carleton-sur-Mer and CJPC-TV Rimouski, Quebec, and CFTF-TV-1 Edmundston, New Brunswick

Terms

The licence will be in effect from 1 September 2009 to 31 August 2016.

Conditions of licence

1. The licensee shall broadcast not less than three hours and 10 minutes of local programming in each broadcast week, to be allocated as follows: one hour and 35 minutes of local programming directed to the Rimouski region and surrounding area and one hour and 35 minutes of local programming directed to Rivière-du-Loup and the surrounding area, the Gaspé Peninsula and New Brunswick.
2. Consistent with *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007, the licensee shall caption no less than 90% of the programming aired over the broadcast day as of the beginning of the licence term and 100% of the programming aired over the broadcast day by the end of the new licence term, with the exception of advertising and promos.
3. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
4. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
5. The licensee shall adhere to the *CAB Violence Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
6. Unless otherwise authorized by the Commission, the licensee shall not transmit any television signals in analog mode after 31 August 2011.

Expectations

Closed captioning

In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the Commission further expects the licensee to take the following measures as soon as possible:

- ensure that advertising, sponsorship messages and promos are closed captioned by the end of its new licence term;
- elaborate and submit at its next licence renewal its own measures and procedures to ensure the quality of captioning; and
- implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that it reaches the viewer in its original form.

Where closed captioning is available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

Audio description

The Commission expects the licensee to provide audio description of its programming and in particular of its news programming.

Described video

The Commission expects the licensee's station to broadcast, via its transmitters converted to digital, the described video included in the broadcast signal it receives from TQS, with which it is affiliated, and to ensure that the described video reaches the viewer in its original form.

Cultural diversity

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Aboriginal peoples, and persons with disabilities. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.