



Broadcasting Decision CRTC 2010-103

Route reference: 2009-632

Additional references: 2009-632-1 and 2009-632-2

Ottawa, 22 February 2010

TVA Group Inc.
Across Canada

*Application 2009-0912-9, received 16 June 2009
Public Hearing in the National Capital Region
14 December 2009*

TVA Junior – Category 2 specialty service

*The Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty service.*

Introduction

1. TVA Group Inc. (TVA Group) filed an application for a broadcasting licence to operate a national French-language Category 2 specialty programming undertaking TVA Junior, aimed exclusively at children from two to six years of age. The applicant also requested authorization to offer for distribution a high definition (HD) version of its service beyond a three-year period.
2. TVA Group is a corporation controlled by Quebecor Media Inc.
3. The applicant submitted that its service should not be considered to be in direct competition with existing Category 1 and analog specialty services, since the nature of the proposed service is such that it is aimed at children two to six years of age, and since a general-interest service for young people cannot effectively reach that specific audience. The applicant also stated that francophone youth in Canada are currently poorly served, and that a French-language specialty service exclusively for children two to six years of age, similar to the service Treehouse available in the English-language market, would fill this gap.
4. The Commission received a comment with respect to this application from Les Chaînes Télé Astral, a division of Astral Broadcasting Group Inc. (Astral). TVA Group replied to the intervention. The intervention and the applicant's reply can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis

5. After examining the application in light of applicable regulations and policies and taking into account the intervention received and the applicant's reply, the Commission considers that the issues to be addressed in its determinations are the following:
 - the implementation of the regulatory policy set out in Broadcasting Public Notice 2008-100;
 - the closed captioning of advertising, sponsorship messages and promos; and
 - the distribution of the HD version of the proposed service.

Implementation of the regulatory policy set out in Broadcasting Public Notice 2008-100

6. In its intervention, Astral asked the Commission to implement its regulatory policy set out in Broadcasting Public Notice 2008-100 as quickly as possible, specifically with respect to the distribution ratio of French-language related and unrelated Category B services. Astral argued that a quick updating of the regulations would make it possible to promote competition in Category B services and help with deployment of unrelated Category B services.
7. The Commission notes Astral's strong interest in the implementation of the regulatory policy. However, the Commission reiterates that, as outlined in Broadcasting Public Notice 2008-100, the implementation need not occur until 31 August 2011 at the latest, and the Commission does not intend to modify the schedule.

Closed captioning of advertising, sponsorship messages and promos

8. The Commission acknowledges the concerns raised by television broadcasters with respect to the requirement to caption advertising, sponsorship messages and promos as set out in Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy). Consequently, the Commission deemed it appropriate to allow some flexibility in this respect and to impose the following condition of licence on new services:

The licensee shall ensure that advertising, sponsorship messages and promos are captioned by no later than the fourth year of the licence term.

Distribution of the high definition version of the proposed service

9. The Commission considers that the applicant's request for authorization to offer for distribution an HD version of its service beyond a three-year period conforms to the Commission's approach to HD specialty services set out in Broadcasting Public Notice 2008-100, according to which it is no longer necessary to limit that authorization to a three-year period.

Conclusion

10. The Commission is satisfied that the application complies with the regulatory framework set out in Public Notice 2000-6 and amended in Broadcasting Public Notice 2008-100, as well as the applicable terms and conditions set out in Public Notice 2000-171-1. Consequently, the Commission **approves** the application by TVA Group Inc. for a broadcasting licence to operate the national, French-language Category 2 specialty programming undertaking TVA Junior. The terms and **conditions of licence** are set out in the appendix to this decision.
11. The Commission also **approves** the applicant's request for authorization to offer an HD version of its service for distribution.

Compliance with industry codes

12. In accordance with its usual practice for specialty television services, the Commission is imposing conditions of licence requiring the licensee to adhere to industry codes related to equitable portrayal, advertising to children and the depiction of violence on television.

Reminder

13. The Commission reminds the applicant that distribution of this service is subject to the rules set out in Broadcasting Public Notice 2008-100.

Secretary General

Related documents

- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Regulatory frameworks for distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Introductory statement - Licensing of new digital pay and specialty services - Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

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: <http://www.crtc.gc.ca>.

Appendix to Broadcasting Decision CRTC 2010-103

Terms, conditions of licence, expectations and encouragement for the Category 2 specialty programming undertaking TVA Junior

Terms

The licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:

- The applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event during the 36 months following the date of this decision, unless a request for an extension of time is approved by the Commission before 22 February 2013. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

The licence will expire 31 August 2016.

Conditions of licence

1. The licence will be subject to the conditions set out in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001.
2. The licensee shall provide a national French-language Category 2 specialty programming undertaking aimed exclusively at children from two to six years old.
3. The programming will be drawn exclusively from the following categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 2 (a) Analysis and interpretation
(b) Long-form documentary
 - 5 (a) Formal education and preschool
(b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
(b) Amateur sports
 - 7 Drama and comedy
 - (a) Ongoing dramatic series
 - (b) Ongoing comedy series (sitcoms)
 - (c) Specials, miniseries or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - (e) Animated television programs and films

- (f) Programs of comedy sketches, improvisation, unscripted works, standup comedy
 - (g) Other drama
 - 8 (a) Music and dance other than music video programs or clips
 - (b) Music video clips
 - (c) Music video programs
 - 9 Variety
 - 10 Game shows
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
4. No more than 10% of all programming broadcast during the broadcast month shall be drawn from each of categories 2(b), 6(a) and 7(d).
 5. No more than 10% of all programming broadcast during the broadcast month shall be drawn from categories 8(b) and 8(c) combined.
 6. In order to ensure that the licensee complies at all times with *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, for the Commission's prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party.
 7. The licensee shall caption all (100%) of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
 8. In accordance with the approach established in *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:
 - ensure that advertising, sponsorship messages and promos are captioned by no later than the fourth year of the licence term;
 - comply with the quality standards regarding captioning developed by television industry groups, as approved by the Commission and as amended from time to time; and
 - The licensee shall have a monitoring system in place to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal, and this captioning reaches, in its original form, the distributor of that signal. "Original form" means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.

9. The licensee shall provide audio description for all the key elements of information programs, including news programming.

For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the textual and graphic information that is displayed on the screen during information programs.

10. The licensee is authorized to make available for distribution a version of its service in high definition format, provided that not less than 95% of the video and audio components of the upgraded and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in high definition.
11. The licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. 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.
12. The licensee shall adhere to the provisions of the *Broadcast Code for Advertising to Children* published by the Canadian Association of Broadcasters, as amended from time to time and approved by the Commission.
13. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the *CAB Violence Code*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee is a member in good standing of the Canadian Broadcast Standards Council.

For the purposes of the conditions of this licence, including condition of licence 1, broadcast day refers to the 18-hour period beginning each day at 6 a.m. or any other period approved by the Commission.

Expectations and encouragement

When captions are available, the Commission expects the licensee to provide television viewers with a closed captioned version of all programming aired during the overnight period.

The Commission expects the licensee to acquire and make available described versions of programming, where possible.

In regard to described programming, the Commission expects the licensee to:

- display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program;
and
- make information available regarding the described programs that it will broadcast.

The Commission encourages the licensee to display the standard described video logo and air the audio announcement indicating the presence of described video, following each commercial break.