



Broadcasting Decision CRTC 2013-385

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Route reference: 2013-19

Additional references: 2013-19-1, 2013-19-3 and 2013-19-4

Ottawa, 8 August 2013

Accessible Media Inc.
Across Canada

Application 2012-1095-5, received 30 August 2012
Public hearing in the National Capital Region
23 April 2013

AMI-tv – Licence renewal and amendment

*The Commission **renews** the broadcasting licence for the national English-language specialty described video Category A service AMI-tv from 1 September 2013 to 31 August 2018. The service will provide a wide breadth of programming to Canadians who are blind and partially sighted through open format described video. The terms and conditions of licence are set out in the appendix to this decision.*

The application

1. Accessible Media Inc. (AMI) filed an application to renew the broadcasting licence for the national English-language specialty described video Category A service¹ AMI-tv (formerly The Accessible Channel), which expires 31 August 2013, and for continued mandatory distribution of the service on the digital basic service of Canadian cable and satellite providers, pursuant to an order issued under section 9(1)(h) of the *Broadcasting Act*.
2. The Commission received interventions supporting and commenting on this application. None of the interventions opposed the renewal of the licence. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. AMI is a not-for-profit organization controlled by its board of directors.
4. In its application, AMI confirmed that it would abide by the standard conditions of licence, expectations and encouragements set out in Appendix 1 to Broadcasting

¹ As set out in Broadcasting Public Notice 2008-100, effective 31 August 2011, Category 1 digital and analog pay and specialty services were renamed Category A services and Category 2 digital services were renamed Category B services.

Regulatory Policy 2011-443, as amended from time to time. The applicant also submitted a list of proposed conditions of licence, including an amendment to its current conditions of licence 9 and 10 related to described video to more accurately reflect the various sources of described video programming currently broadcast by AMI-tv. The new condition of licence would read as follows:

- a) The licensee shall broadcast at least 500 new hours per broadcast year of fully described video programming, of which at least 30% shall be Canadian.
 - b) This programming must be comprised of:
 - i. acquired programming that is described for the first time;
 - ii. original described video programming commissioned from Canadian independent producers; or
 - iii. original described video produced by the licensee.
5. In Broadcasting Regulatory Policy 2013-372, also issued today, the Commission approved the applicant's request for continued mandatory distribution. In that policy, the Commission decided that a five-year term for the distribution order was appropriate, given the pace of change in the Canadian broadcasting environment. The Commission considers that the term of the licence should coincide with that of the associated order.

Commission's analysis and decision

6. The Commission **approves** the requested amendments relating to described video programming as set out above. The revised condition of licence includes a requirement with respect to the broadcast of original described video programming from Canadian independent producers. The Commission considers that this will serve to diversify the sources of programming available on AMI-tv. As a result, the Commission considers that the current conditions of licence 9 and 10 are no longer necessary and deletes them.

Conclusion

7. The Commission **renews** the broadcasting licence for the national English-language specialty described video Category A service AMI-tv from 1 September 2013 to 31 August 2018. The terms and **conditions of licence** are set out in the appendix to this decision.

Program logs

8. Section 7(2) of the *Specialty Services Regulations, 1990* states that except as otherwise provided under a condition of its licence, a licensee shall furnish to the

Commission, within 30 days after the end of each month, the program log or machine-readable record of its programming for the month.

9. The Commission reminds AMI that according to these regulations, the logs shall at all times be kept in an acceptable form, which means that they must be accurate, exact and precise.
10. The Commission will provide an annual assessment of the licensee's compliance with its regulatory requirements. This evaluation will be sent to the licensee before the end of the broadcast year following the year being evaluated. This will allow the licensee to verify that it is in compliance with its requirements for the year being evaluated.
11. It is important that AMI ensure that its program logs are accurate throughout the year because the Commission will not re-evaluate the licensee's compliance for the year in question.

Secretary General

Related documents

- *Applications for mandatory distribution on cable and satellite under section 9(1)(h) of the Broadcasting Act, Broadcasting Regulatory Policy CRTC 2013-372, 8 August 2013*
- *Standard conditions of licence, expectations and encouragements for specialty and pay television Category A services, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011*
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008*

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2013-385

Terms, conditions of licence, expectations and encouragements for the national English-language specialty described video Category A service AMI-tv

Terms

The licence will expire 31 August 2018.

Conditions of licence

1. The licensee shall adhere to the standard conditions of licence set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category A pay and specialty services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011, as amended from time to time.
2. As regards the nature of service:
 - (a) The licensee shall provide a national, English-language specialty described video Category A service. One hundred percent of the programming provided by the service shall be open format described video programming so as to provide access to a wide breadth of news, information, drama, entertainment and other television programming to blind and partially sighted Canadians.
 - (b) The licensee may draw programming from all categories set out in item 6 Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time.
3. In each broadcast year, the licensee shall devote at least 60% of the programming broadcast during the broadcast day and at least 50% of the programming broadcast between 6 p.m. and midnight to Canadian programs.
4. The licensee shall expend on the acquisition of or investment in Canadian programs at least 48% of the previous year's gross revenues derived from the operation of the service.
5. As regards Canadian program expenditures:
 - (a) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programs that is up to 5% less than the minimum required expenditure for that year calculated in accordance with this condition; in such case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure;
 - (b) In each broadcast year of the licence term, where the licensee expends an amount on Canadian programs that is greater than the minimum required

expenditure for that year calculated in accordance with this condition, the licensee may deduct:

(i) from the minimum required expenditure for the following year of the licence term, an amount not exceeding the amount of the previous year's over-expenditure; and

(ii) from the minimum required expenditure for any subsequent broadcast year of the licence term, an amount not exceeding the difference between the over-expenditure and any amount deducted under (i) above.

(c) Notwithstanding paragraphs (b) and (c) above, during the licence term, the licensee shall expend on Canadian programs, at a minimum, the total of the minimum required expenditures calculated in accordance with this condition of licence.

6. The licensee shall broadcast at least 500 new hours per broadcast year of fully described video programming, of which at least 30% shall be Canadian. This programming must be comprised of:
 - (i). acquired programming that is described for the first time;
 - (ii). original described video programming commissioned from Canadian independent producers; or
 - (iii). original described video programming produced by the licensee.

7. The service renewed hereby is designated as a Category A service.

For the purposes of these conditions, the terms "basic service," "broadcast day," "broadcast year," "Canadian program" and "evening broadcast period" shall have the same meanings as set out in the *Television Broadcasting Regulations, 1987*.

Expectations

The standard expectations applicable to this licensee are set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category A pay and specialty services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011, as amended from time to time.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category A pay and specialty services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011, as amended from time to time.