



Broadcasting Decision CRTC 2013-386

PDF version

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

Ottawa, 8 August 2013

Accessible Media Inc.
Across Canada

Application 2012-0709-3, received 1 June 2012
Public hearing in the National Capital Region
23 April 2013

AMI-tv Français – Specialty Category A service

*The Commission **approves** an application for a broadcasting licence to operate a national, French-language specialty described video Category A service to be known as AMI-tv Français. The service will provide access to a wide breadth of open format described video programming to Canadians who are blind and visually impaired. The licence will take effect 1 September 2013 and expire 31 August 2018. 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 operate a national, French-language specialty described video Category B service to be known as AMI-tv Français. AMI also requested mandatory distribution of this service on digital basic service by terrestrial and direct-to-home (DTH) broadcasting distribution undertakings (BDUs).
2. AMI is a not-for-profit organization controlled by its board of directors.
3. The applicant proposed to offer a 24-hour, 100% open format¹ described video programming service that would provide a wide breadth of news, information, drama, entertainment and other television programming to Canadians who are blind and visually impaired.
4. In support of its application, AMI raised the following points:

¹ “Open format described video” means that the audio track containing described video is distributed together with the original audio and video on a dedicated channel. Under this approach, described video is always turned on and can be heard by all tuning into the program.

- there is currently no programming service in Canada or the world dedicated to providing full and open access programming to Francophones who are blind or partially sighted;
 - Quebec, New Brunswick and Ontario, which have the largest French-language communities in Canada, exceed the Canadian average of the number of residents who are blind, partially sighted or have some form of age-related macular degeneration, the leading cause of vision loss in Canada, showing that there is a growing need for accessible programming in all French-language communities.
5. In its application, the applicant confirmed that it would abide by the standard conditions of licence, expectations and encouragements set out in Appendix 1 to Broadcasting Regulatory Policy 2011-443, as amended from time to time. The applicant also submitted a list of additional conditions of licence by which it proposes to abide.
 6. The Commission received many interventions in support of this application. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and decisions

7. Section 3(1)(p) of the *Broadcasting Act* (the Act) states that "programming accessible by disabled persons should be provided within the Canadian broadcasting system as resources become available for the purpose." In Public Notice 1995-48, the Commission explicitly recognized that television is a key tool for social integration for all citizens, including persons with disabilities.²
8. The Commission recognizes that due to the limited supply of French-language described programming, as well as to pass-through problems experienced by many BDUs and user problems with accessing described video, there is currently a lack of accessible French-language television programming for subscribers who are blind and visually impaired.
9. Given that AMI would offer a 100% open format described video service providing various types of French-language programming to Canadians who are blind and visually impaired, the Commission considers that the programming proposed by AMI-tv Français would offer an immediate and fully accessible means by which the objective set out in section 3(1)(p) of the Act can be fulfilled. Therefore, in the Commission's view, AMI-tv Français would be of exceptional importance to fulfilling the objectives of the Act.

² As stated in Public Notice 1995-48, "[t]elevision has become an essential tool in the robust debate and free exchange of ideas that nourish a democratic society. When deaf and hard-of-hearing persons, most of whom are unable to hear radio broadcasts, are also unable to receive television broadcasts in a form that is comprehensible to them, they are largely cut off from this essential aspect of citizenship."

10. Further, the Commission considers that AMI has demonstrated that its service would make an exceptional contribution to Canadian expression and achieving the objectives of the Act and the digital basic service by providing Canadians who are blind or partially sighted with a significant amount of programming that would otherwise be inaccessible. The applicant also showed that the service will help Canadians who are blind or partially sighted to take part in the political and cultural life of the country by having their opinions and values taken into account. Accordingly, since broadcasting services for Canadians who are blind or visually impaired are underrepresented in the broadcasting system, the Commission considers that the proposed service will make an exceptional contribution to the expression and the reflection of their opinions and values.
11. Moreover, the Commission considers that the record of this proceeding, including the interventions, demonstrates an extraordinary need for a service that would provide programming in the French language to Canadians who are blind or partially sighted. In this respect, the Commission notes that while English-language Canadians who are blind or partially sighted have had access to a described video service since AMI-tv launched in 2007, an equivalent service does not currently exist in the francophone market. Therefore, to the extent that the AMI-tv English-language service already contributes to achieving the objectives of the Act and section 3(1)(p) relating to the accessibility of programming, it would seem appropriate that a comparable French-language service be made available, consistent with section 3(1)(k) of the Act, which states that “a range of broadcasting services in English and French shall be extended to all Canadians as resources become available.” In this respect, the Commission also notes that AMI committed at the hearing to work with the French-language community to provide a service that meets the needs of this community. Accordingly, the Commission considers that the proposed service will fill a void in the system and expects AMI to meet its above-noted commitment to the French-language community.
12. Given that AMI-tv Français would be of exceptional importance to fulfilling the objectives of the Act, the Commission is of the view that this service, like its English-language counterpart, should be granted a Category A licence. Accordingly, in light of all of the above, the Commission **approves** the application by Accessible Media Inc. for a broadcasting licence to operate the national, French-language specialty described video Category A service AMI-tv Français. The licence will take effect 1 September 2013 and expire 31 August 2018. The terms and **conditions of licence** are set out in the appendix to this decision.
13. Furthermore, as indicated in Broadcasting Regulatory Policy 2013-372, also issued today, the Commission approved the applicant’s request for mandatory distribution of the service on the digital basic service by terrestrial and DTH BDUs. The terms for the distribution of this service are set out in Broadcasting Order 2013-377, also issued today.

Program logs

14. 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.
15. 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.
16. 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.
17. 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

- *Distribution of the digital specialty described video programming service of Accessible Media Inc. known as AMI-tv Français by licensed broadcasting distribution undertakings*, Broadcasting Order CRTC 2013-377, 8 August 2013
- *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
- *Introduction to decisions renewing the licences of privately-owned English-language television stations*, Public notice CRTC 1995-48, 24 March 1995

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

Appendix to Broadcasting Decision CRTC 2013-386

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

Terms

The licence will take effect 1 September 2013 and 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, French-language specialty described video Category A service. One hundred percent of the programming will 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 Canadians who are blind and visually impaired.
 - (b) The licensee may draw programming from all categories set out in item 6 of 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. As regards Canadian program expenditures:
 - (a) The licensee shall expend on the acquisition of or investment in Canadian programs:
 - (i) in the second and third years of the licence term, at least 33% of the previous year's gross revenues derived from the operation of the service; and
 - (ii) in the following years of the licence term, at least 48% of the previous year's gross revenues derived from the operation of the service.
 - (b) 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;

- (c) 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.
 - (d) 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.
5. The licensee shall broadcast no less than 500 new hours per broadcast year of fully described video programming. This programming must be comprised of:
- (a) acquired programming that is described for the first time;
 - (b) original described video programming commissioned from Canadian independent producers; and
 - (c) original described video programming produced by the licensee.
6. The broadcasting undertaking approved hereby is designated as a Category A service.

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

Expectations

The standard expectations applicable to this license 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 license 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.