



## Broadcasting Decision CRTC 2015-352

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References: 2015-17 and 2015-17-3

Ottawa, 4 August 2015

### **Télévision communautaire Frontenac** Montréal, Quebec

*Application 2014-1167-8, received 16 November 2014*  
*Public hearing in the National Capital Region*  
*8 April 2015*

### **Community service in Montréal**

*The Commission **approves in part** the application by Télévision communautaire Frontenac (TCF) for a broadcasting licence to operate an independent community programming service primarily in the French language to serve Montréal and its surrounding areas.*

*The new service will allow Montréal's Francophone community to benefit from a new outlet for local expression. Further, TCF's commitment to broadcast English-language programming as of the third year of operation will be a positive measure toward enhancing the vitality of Montréal's English-language official language minority community.*

*TCF also requested an exception to the Community television policy to retain the right to receive money from the Quebec government in exchange for the broadcast of public service announcements. Since that policy does not set out any prohibitions in this regard, the Commission considers that TCF's request for an exception is not required and therefore denies the request.*

### **Application**

1. Télévision communautaire Frontenac (TCF) filed an application for a broadcasting licence to operate an independent community programming service primarily in the French language to serve Montréal and its surrounding areas, starting with the Island of Montréal. TCF made a commitment to increase its coverage to other parts of Greater Montréal if the service is distributed outside the Island of Montréal.
2. TCF is a not-for-profit corporation controlled by its board of directors.
3. It requested that the service be distributed on a mandatory basis on the basic service of the licensed broadcasting distribution undertakings (BDUs) Zazeen Inc. (Zareen) and Colba.net in the Montréal region and to receive the maximum allowable contribution to local expression from these BDUs.

4. TCF also requested an exemption to the Community television policy (Broadcasting Regulatory Policy 2010-622) to retain the right to receive money from the Quebec government in exchange for the broadcast of public service announcements.
5. With respect to this community service's programming, TCF proposed to broadcast:
  - 126 hours of programming per broadcast week, of which at least:
    - 60% would be devoted to local and community programming; and
    - 30% would be devoted to access programming produced by members of the community served by the undertaking and to make available at least 50% of its programming for access programming;
  - a maximum of 32 hours of programming from other community channels or community programming services per broadcast week; and
  - English-language programs beginning in its third year of operation, up to a total of 17% of its annual production of original programming.
6. In addition, TCF proposed to increase the quantity of closed captioning each year<sup>1</sup> so that it would ultimately caption 100% of its original programming as of the service's fifth year of operation, with the exception of original programs broadcast live (this programming would be closed captioned when rebroadcast). TCF committed to broadcast captions for programs originating from other community services when they are received with closed captioning. As for audio description, TCF committed to modifying its programs by requesting that the host narrate as needed, thus making its content accessible to persons with visual impairments. It did not make any commitments for described video.

## Interventions

7. The Commission received several interventions in support of the application, notably from community groups in the proposed service area, and one petition with 250 names in support. It also received interventions in comment from the Fédération des télévisions communautaires autonomes du Québec (the Fédération), CSUR LA TÉLÉ and the Canadian Association of Community Television Users and Stations (CACTUS). Zazeen and Colba.net did not file any interventions in this proceeding.
8. The public record for this application can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the application number provided above.

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<sup>1</sup> Year 1: no captioning; Year 2: 25%; Year 3: 50%; Year 4: 75%; Year 5: 100%

9. All three interveners that provided comments supported the application but were of the view that the new community service should not compete with independent community television corporations (TVCs) that broadcast programming via Videotron's community channel MAtv in the Montréal region.
10. In this respect, CACTUS was concerned that TCF, with its slogan "[TRANSLATION] Montréal's community television," was trying to position itself as the only entity offering community content in Montréal. The Fédération requested that Zazeen and Colba.net distribute TCF's service only on the Island of Montréal (where there are currently no TVCs). CSUR LA TÉLÉ and CACTUS requested rather that TCF collaborate with the TVCs in the Greater Montréal area to avoid competition.
11. CSUR LA TÉLÉ and CACTUS were also concerned that in light of Videotron's non-compliance regarding the operation of its French-language community channel MAtv,<sup>2</sup> the Commission would decide to assign the operation of Videotron's community channel and the associated budget to TCF without further process.

## Reply

12. TCF indicated that it was seeking mandatory distribution only on the services of Zazeen and Colba.net., and that there would be no possible competition with existing TVCs given that their programming is not offered by these BDUs and that it does not intend to distribute its programs on Videotron's community channel. TCF submitted that the launch of its new community service would constitute an additional offering to those of existing TVCs.
13. TCF noted that its programming is already available throughout the Greater Montréal area through Bell Local, which distributes community programming to the entire area through video-on-demand (VOD). TCF added that, unlike Videotron, the service areas of the targeted BDUs are not divided into service zones that would allow the offering of different community channels. According to TCF, the limited number of subscribers to the targeted BDUs and the amount they could potentially contribute to local expression (between \$5,000 and \$10,000) are such that it would not be appropriate to divide their service areas.
14. TCF noted that it has already broadcast nine series from other TVCs in the area as part of its programming. It is committed to offering air time to TVCs if the targeted BDUs begin marketing their services outside the Island of Montréal, to give their productions visibility and to help them reach viewers in their service areas.
15. Lastly, given that TV bingo is a major source of revenue for TVCs, TCF committed to not hold any games in areas served by a TVC.

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<sup>2</sup> See Broadcasting Decision 2015-31.

## **Commission's analysis and decisions**

16. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:

- distribution of the service in the entire service area of Zazeen and Colba.net;
- request for an exception to the Community television policy; and
- accessibility of programming.

### **Distribution of the service in the entire service area of Zazeen and Colba.net**

17. The Community television policy does not prohibit two BDUs operating in the same service area from distributing, on their own service, a different community channel addressing the same community.

18. Moreover, the Commission notes TCF's commitments to offer air time to TVCs if Zazeen and Colba.net begin marketing their service outside the Island of Montréal and to not hold bingo games in the service areas of existing TVCs.

19. The Commission is of the view that the new community programming service will allow Montréal's Francophone community to benefit from this new outlet for local expression. It also considers that broadcasting English-language community programming as of the third year of operation would be a positive measure toward enhancing the vitality of Montréal's English-language official language minority community.

20. In light of the above, the Commission finds it appropriate to grant TCF a broadcasting licence to operate a community programming service in the entire service area of the targeted BDUs.

### **Request for exception**

21. According to the financial documents provided by TCF, it receives thousands of dollars annually from the Réseau placement média communautaire in exchange for broadcasting public service announcements by the Quebec government. TCF therefore requested an exception so that it would not lose this source of funding, which it already receives as a TVC.

22. The Community television policy permits community services to broadcast "government or public service information material"<sup>3</sup> but prohibits the receipt of financial payment in exchange for the distribution of such content. However, this

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<sup>3</sup> This type of programming is defined in section 30(1)(d) of the *Broadcasting Distribution Regulations* as "an information program funded by and produced for a federal, provincial or municipal government."

prohibition does not apply to “public service announcements,” which TCF states it broadcasts through the Réseau placement média communautaire. Accordingly, TCF can continue to receive money in exchange for their broadcast. The Commission therefore considers that TCF’s request for an exception is not necessary.

### **Accessibility**

23. In the Community television policy, the Commission encourages independent community services to caption as much programming as possible. In that regard, the Commission is of the view that the applicant’s commitments relating to closed captioning are acceptable and go beyond the Commission’s encouragement.
24. As regards audio description, the Commission announced in that policy that it would impose conditions of licence “requiring independent community services to provide audio description for all information programs and for news programming.” It considers that TCF’s commitment to modify its programs to request that the host narrate as needed is acceptable.
25. Moreover, given that the Commission has not issued a requirement, expectation or encouragement on described video, the Commission considers that TCF’s proposal to not provide described video is acceptable.

### **Conclusion**

26. In light of all of the above, the Commission **approves in part** the application by Télévision communautaire Frontenac for a broadcasting licence to operate an independent community programming service primarily in the French language to serve Montréal and its surrounding areas. Given that the Community television policy does not prohibit TCF from receiving financial payment from the government in exchange for the broadcast of public service announcements, the Commission considers that TCF’s request for an exception is not necessary and therefore denies the request.
27. Pursuant to section 17(2)(a) of the *Broadcasting Distribution Regulations* (the Regulations), all BDUs operating in the same licensed area that do not distribute community programming under section 20(1)(d) of the Regulations must distribute TCF’s service as part of their basic service.

Secretary General

### **Related documents**

- *Complaint by Independent Community TV against Videotron G.P. and its community channel Matv*, Broadcasting Decision CRTC 2015-31, 4 February 2015

- *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010, as amended by Broadcasting Regulatory Policy CRTC 2010-622-1, 13 September 2010

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

## Appendix to Broadcasting Decision CRTC 2015-352

### Terms, conditions of licence and expectations for the independent community programming service operating primarily in the French-language to serve Montréal and its surrounding areas (Quebec)

#### Terms

The licence for this undertaking will be issued once 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 no later than the 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **3 August 2017**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

The licence will expire on 31 August 2021.

#### Conditions of licence

1. The licensee shall provide an independent, community programming service primarily in the French-language to serve Montréal and its surrounding areas (Quebec).
2. The licensee shall provide its service in accordance with the conditions set out in sections 30(1) to 30(6) of the *Broadcasting Distribution Regulations* and in accordance with applicable objectives and terms set out in *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010, as amended by Broadcasting Regulatory Policy CRTC 2010-622-1, 13 September 2010.
3. The licensee shall devote at least 60% of the programming aired each broadcast week to local community television programming. For the purposes of this condition of licence, “local community television programming” means programming that is reflective of the community served and that is produced
  - a) by the licensee in the licensed area, by members of the community served in the licensed area or by a community television corporation residing in the licensed area; or
  - b) by another licensee in a licensed area in the same municipality as that of the licensee referred to in paragraph a), by members of the community served in that licensed area or by a community television corporation residing in that licensed area.
4. The licensee shall devote at least 30% of the programming aired each broadcast week to community access programming. Access programming should be scheduled in a reasonable manner throughout the broadcast day, including the peak viewing period (7 p.m. to 11 p.m.). For the purpose of this condition of licence,

“community access programming” is defined as programming produced by an individual, group or community television corporation residing within the licensed service area.

5. The licensee shall not distribute any foreign or commercial programs or major-league professional sports programs.
6. The licensee is not permitted to receive financial payment in exchange for the distribution of government or public service information material.
7. The licensee shall adhere to the following industry codes:
  - the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission;
  - the Canadian Association of Broadcasters’ *CAB Violence Code*, as amended from time to time and approved by the Commission;
  - the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission; and
  - *Cable television community channel standards*, Public Notice CRTC 1992-39, 1 June 1992, as amended from time to time.
8. The licensee shall close caption 100% of the original French- and English-language programs broadcast during the broadcast day by the end of the licence term, with the exception of programs broadcast live, religious celebrations, station promotion and public service announcements.
9. The licensee shall provide audio description for all the key elements of Canadian information programs, including news programming. For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.

## **Expectations**

The Commission expects the licensee to reflect the various community groups in Greater Montréal.

The Commission expects the licensee to consult members of the community to determine the mix, scope and types of programs that best serve the community’s needs and interests through advisory boards and/or feedback from volunteers.

The Commission expects the licensee to honour its commitment to close caption 25% of its original programming in Year 2 of its licence term, 50% in Year 3, 75% in Year 4 and 100% as of the fifth year of operation. Further, the Commission expects the licensee to close caption programs originally broadcast live when they are rebroadcast, as well as all



programming from other community services, religious celebrations, station promotion and public service announcements received with closed captioning.

The Commission expects to licensee to respect its commitments to make available at least 50% of its programming to access programming and to broadcast English-language programs as of the third year of operation, up to a total of 17% of its annual production of original programming.