



## Broadcasting Decision CRTC 2017-151

PDF version

References: 2016-225, 2016-225-1, 2016-225-2, 2016-225-3 and 2016-225-5

Ottawa, 15 May 2017

**Rogers Media Inc. on behalf of itself and of 8064750 Canada Inc., 8834776  
Canada Inc. and 9742638 Canada Inc.**

Across Canada

*Application 2016-0009-9, received 1 April 2016*

**Rogers Communications Canada Inc.**

Across Canada

*Application 2016-0332-4, received 1 April 2016*

*Public hearing in the National Capital Region*

*28 November to 2 December 2016*

### **Rogers Media Inc. – Licence renewals for English-language television stations, services and network**

*The Commission **renews** the broadcasting licences for the currently licensed television stations and discretionary services that will form part of the Rogers Media Inc. Group in the next licence term, from 1 September 2017 to 31 August 2022.*

*Further, the Commission **renews** the broadcasting licences for the mainstream sports services Sportsnet and Sportsnet One, and the on-demand service Rogers on Demand, from 1 September 2017 to 31 August 2022.*

*In addition, the Commission **renews** the television network licence for the program Hockey Night in Canada, from 1 September 2017 to 31 August 2022.*

*To coincide with the expiry date of the broadcasting licence granted to Rogers Media Inc. in Broadcasting Decision 2017-152, also published today, to operate the national, multilingual multi-ethnic discretionary service OMNI Regional, the Commission **renews** the broadcasting licences for the OMNI television stations from 1 September 2017 to 31 August 2020.*

#### **Application**

1. Rogers Media Inc. (Rogers Media), on behalf of itself and the various licensees listed in Appendices 1 and 2 to this decision, filed an application to renew the broadcasting licences for the television stations and discretionary services set out in those appendices.

2. Further, Rogers Communications Canada Inc. filed an application to renew the broadcasting licence for its on-demand service Rogers on Demand.
3. Rogers Media proposed that its group of services be comprised of its English-language City television stations and its English-language discretionary services VICELAND (formerly The Biography Channel), FX, FXX, G4 (Canada), Outdoor Life Network and Sportsnet 360.
4. Rogers Media proposed to exclude the following from its group of services:
  - the multilingual multi-ethnic OMNI television stations;
  - the English-language mainstream sports services Sportsnet and Sportsnet One; and
  - the network licence for the program Hockey Night in Canada.
5. It also requested that the Commission not renew the broadcasting licence for Sportsnet World so that it can operate the service as an exempt discretionary service, pursuant to Broadcasting Order 2015-88.
6. The Commission received interventions and comments in regard to these applications. The public record for this proceeding can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the application numbers provided above.

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

7. The Commission's determinations relating to issues common to all of the English-language ownership groups are set out in Broadcasting Decision 2017-148 (the Introductory Decision), also issued today, which should be read in conjunction with this decision.
8. In the Introductory Decision, the Commission set out its determinations on various issues, including setting a standard minimum Canadian programming expenditure (CPE) requirement of 30% of gross annual revenues of the previous broadcast year and a standard minimum requirement of 5% of gross annual revenues of the previous broadcast year for expenditures on programs of national interest (PNI) (with at least 75% of PNI expenditures to be allocated to independently produced programming), as well as setting standard minimum requirements for local programming and local reflection. These determinations will apply to the Rogers Media Group, and are reflected below and in the conditions of licence for its services.
9. After examining the record for these applications in light of the Introductory Decision as well as applicable regulations and policies, the Commission considers that the issues it must address in this decision relate to the following:

- the renewal of Rogers Media’s network licence and the associated reporting requirement;
- local programming requirements for the OMNI television stations;
- licence amendments for Sportsnet and Sportsnet One;
- the non-renewal of Sportsnet World’s licence;
- the deletion of various conditions of licence and expectations, as well as amendments to other conditions of licence for certain services and stations; and
- the on-demand service Rogers on Demand

### **Network licence and reporting requirement**

#### **Rogers Media’s request**

10. Rogers Media was granted a television network licence to broadcast the program Hockey Night in Canada on the Canadian Broadcasting Corporation’s (CBC) English-language television stations in Broadcasting Decision 2015-154.
11. It proposed that the network licence not be renewed and that instead the following condition of licence be imposed on its mainstream sports service Sportsnet to outline its responsibility regarding Hockey Night in Canada programming:
 

The licensee shall produce and sell commercial inventory for the program Hockey Night in Canada, which will be broadcast on the Canadian Broadcasting Corporation’s English-language conventional television stations and shall be responsible for all regulatory issues related thereto, including, but not limited to, all programming-related complaints.
12. The licensee stated that approval of this request would make it less administratively burdensome and would be consistent with the Commission’s position regarding streamlining and simplifying licensing processes, as detailed in Broadcasting Regulatory Policy 2015-86.
13. However, Rogers Media also specified in its application that should the Commission deny its request, it wishes to renew the network licence under the same terms and conditions, with the exception of the condition of licence requiring the filing of a “Report on Specified Procedures.” It argued that this report is costly and time-consuming to prepare, and that no other licensee is bound by such a requirement.
14. In addition, Rogers Media requested the deletion of the following condition of licence:

The licensee shall submit to the Commission by no later than 31 October 2014 a document defining its policy regarding its allocation methodology of the National Hockey League (NHL) revenues and expenses, including but not limited to the allocation of NHL programming across all of its channels and between its linear and non-linear services.

15. Rogers Media took the position that this condition of licence has fulfilled its purpose since it submitted its allocation methodology for NHL revenues and expenses relating to linear and non-linear services on 31 October 2014.

#### **Commission's analysis and decision**

16. The *Broadcasting Act* (the Act) defines a network as “any operation where control over all or any part of the program or program schedule of one or more broadcasting undertakings is delegated to another undertaking or person.” Section 3 of the Act sets out that “all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast.” Because of these statutory provisions, the Commission created a specific class of licences for networks.
17. As set out in Broadcasting Decision 2015-154, the Commission determined that Rogers Media required a network licence to broadcast Hockey Night in Canada on the CBC's television stations. The Commission determined that the CBC was delegating to Rogers Media some production and all editorial control for all hockey games broadcast on the CBC, as well as control of advertising sales and all associated revenues. In this case, the absence of a network licence would make it difficult to determine which party (Rogers Media or the CBC) is responsible for the programming being broadcast on the CBC.
18. Moreover, the “Report on Specified Procedures” provides independent confirmation that all NHL revenues and expenses, including digital revenues and expenses, are being accounted for in a manner consistent with Canadian accounting standards. This document is placed on the public record and provides public accountability for Rogers Media and important information for the public in relation to the network. It is important for the public to have confidence that the revenues and expenses of the network are being accounted for properly and that the information contained within the report can be used when commenting on Commission proceedings and other various public uses without divulging any confidential information.
19. In light of the above, the Commission **denies** Rogers Media's request to not renew its television network licence to broadcast the program Hockey Night in Canada and to delete the condition of licence regarding the filing of a “Report on Specified Procedures.”
20. In regard to Rogers Media's request to delete the condition of licence relating to the filing of its allocation methodology for NHL revenues and expenses by 31 October 2014, the Commission **approves** this request as the licensee has fulfilled this requirement.

## Local programming requirements for the OMNI local television stations

21. In Broadcasting Regulatory Policy 2016-224, the Commission stated that local news, information and analysis produced and distributed through the broadcasting system are of central importance to meeting the objectives of the Act, and remain important today. Specifically, this policy framework requires that television stations operating in metropolitan markets, such as those served by the OMNI stations, broadcast 14 hours of local programming per broadcast week, as well as maintain historical levels of locally reflective news and information programming.
22. As part of its application<sup>1</sup> to operate a new national, multilingual multi-ethnic discretionary service with mandatory distribution to be known as OMNI Regional, Rogers Media committed to broadcast 10 hours of local independent production in Vancouver, Toronto and Alberta (Calgary and Edmonton combined) each week, measured on a monthly basis.
23. While these amounts differ from those required in Broadcasting Regulatory Policy 2016-224, the Commission nevertheless recognizes the greater challenges that can be associated with producing local programming for multilingual and multi-ethnic audiences, and the financial difficulties in operating the OMNI television stations. Accordingly, the Commission imposes **conditions of licence** on the OMNI television stations that reflect its above-noted commitments regarding local programming.
24. In regard to locally reflective news and information programming, although Rogers Media did not make specific commitments to broadcast such programming in each of its OMNI markets, it does presently provide this type of programming through its current affairs programs in Toronto and Vancouver.
25. Despite the financial difficulties of the OMNI television stations described by Rogers Media, the Commission considers it essential that television stations provide at least some level of locally reflective news and information programming to the communities they serve. Considering the above factors, the Commission will impose a modified version of its Local and Community Policy approach by generally requiring that Rogers Media broadcast the same amount of locally reflective news programming on its OMNI television stations that it had committed to broadcast on its City television stations. With respect to the OMNI Alberta stations, since they will be allowed to meet other local programming requirements jointly, these stations will also be permitted to meet the new requirement for locally reflective news and information programming collectively. Accordingly, the Commission requires that Rogers Media broadcast the following amounts of locally reflective news programming :

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<sup>1</sup> See application 2016-0377-0

- 6 hours per broadcast week on each of its Toronto stations (CFMT-DT Toronto (OMNI.1) and CJMT-DT Toronto (OMNI.2)) and on its Vancouver station (CHNM-DT Vancouver (OMNI BC)); and
- a combined total of 6 hours per broadcast week between its Calgary station (CJCO-DT Calgary (OMNI AB)) and its Edmonton station (CJEO-DT Edmonton (OMNI AB)).

### **Sportsnet and Sportsnet One**

26. Rogers Media requested that the Commission delete the following condition of licence applicable to Sportsnet and Sportsnet One:

In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, the licensee shall file, within 30 days of its execution, for the Commission's review, a copy of the programming supply agreement and/or licence or trademark agreement it has entered into with a non-Canadian party. In addition, the Commission may request any additional document(s) that could affect control of the programming or management of the service.

27. The licensee indicated that the above condition is not one of the standard conditions of licence applicable to mainstream sports services and that its deletion would be in line with the streamlined and simplified licensing process described in Broadcasting Regulatory Policy 2015-86.
28. Such a requirement has been adopted by the Commission for inclusion in standard conditions of licence for virtually all types of programming services, as outlined in Broadcasting Regulatory Policy 2016-436. Further, the Commission has stated its intention to maintain this condition of licence for on-demand services in Broadcasting Notice of Consultation 2017-52. While this requirement is important for all services, it is particularly necessary for mainstream sports services that rely on a significant portion of programming originating from outside Canada.
29. Accordingly, the Commission **denies** Rogers Media's request to delete the condition of licence requiring Sportsnet and Sportsnet One to comply with the *Direction to the CRTC (Ineligibility of non-Canadians)* as this condition is essential for sports services.

### **Sportsnet World**

30. Rogers Media requested that the Commission not renew the broadcasting licence for Sportsnet World. It indicated that it wished to operate the service as an exempt undertaking pursuant to Broadcasting Order 2015-88 (the Exemption Order).
31. In light of the fact that the service meets the criteria set out in the Exemption Order and therefore qualifies as an exempt undertaking, the Commission will not renew the licence for Sportsnet World. Accordingly, the licence will expire 31 August 2017. As

of 1 September 2017, Rogers Media will operate Sportsnet World as an exempt undertaking pursuant to the criteria set out in the Exemption Order.

### **Deletion of and amendments to various requirements for certain services**

32. Rogers Media requested the deletion of various conditions of licence and expectations, as well as amendments to other conditions of licence for certain services. Given that the proposed changes are consistent with Commission policies, the Commission **approves** the following requests:
- for all television stations and discretionary services, to delete the condition of licence requiring adherence to a terms of trade agreement with the Canadian Media Producers Association;
  - for CJNT-DT Montréal, to delete the condition of licence requiring the station to broadcast a three-hour local English-language morning program from Monday to Friday, and a weekly half-hour local sports show;
  - for all of its City television stations, to replace the Canadian content condition of licence with the following condition:
    - The licensee shall devote to the broadcast of Canadian programs at least 50% of the total programming broadcast between 6 p.m. and midnight.
  - for all of its OMNI television stations,
    - to replace the condition of licence requiring the establishment of advisory councils in Ontario, Alberta and British-Columbia by no later than 30 November 2014, and the submission of a report to the Commission confirming the establishment of such councils, with the following condition:

The licensee shall submit a report once a year to the Commission, by no later than 30 November following the end of each broadcast year, on the activities and accomplishments of the Advisory Councils in Ontario, Alberta and British-Columbia.
    - to replace the Canadian content condition of licence with the following condition:

The licensee shall devote to the broadcast of Canadian programs at least 50% of the total programming broadcast between 6 p.m. and midnight.
  - for CFMT-DT Toronto (OMNI.1), CJMT-DT Toronto (OMNI.2) and CHNM-DT Vancouver (OMNI BC), to delete the expectations regarding the maintenance of news bureaus in Ottawa and Victoria;

- for CHNM-DT Vancouver (OMNI BC), to delete the condition of licence regarding the fulfilment of various tangible benefits commitments;
- for Sportsnet One, to be subject to the standard conditions of licence for mainstream sports services, set out in Broadcasting Regulatory Policy 2009-562-2, and to delete the conditions of licence relating to the service’s previous status as a Category B service;
- for VICELAND and G4 (Canada), to delete the condition of licence requiring that not less than 25% of all Canadian programs broadcast by the licensee, other than news, sports and current affairs programming (program categories 1 News, 2(a) Analysis and interpretation, 6(a) Professional sports and 6(b) Amateur sports), be produced by independent production companies;
- for Outdoor Life Network,
  - to delete its condition of licence regarding the requirement to file a programming compliance report relating to the service’s nature of service;
  - to delete its condition of licence prohibiting the licensee from remitting any program development funds to its shareholders or affiliated corporations; and
  - to delete its expectation whereby the licensee should ensure that at least 75% of all original, first-run Canadian programming broadcast on the service is acquired from independent production companies;
- for VICELAND, FX, FXX, G4 (Canada), Outdoor Life Network and Sportsnet 360,
  - to replace the Canadian content condition of licence with the following condition:
 

The licensee shall devote not less than 35% of all programming broadcast during the broadcast day to the exhibition of Canadian programs.
  - to delete their nature of service conditions of licence and replace them with the descriptions set out in the table below.

Service	Proposed description of service
VICELAND	The licensee shall provide a national, English-language discretionary service targeted to Millennials focused on lifestyle, documentary and information programming.
FX	The licensee shall provide a national, English-language discretionary service focused on premium comedic and dramatic television series.



FXX	The licensee shall provide a national, English-language discretionary service focused on premium comedic and dramatic television series for a younger audience.
G4 Canada	The licensee shall provide a national, English-language discretionary service consisting of interactive, technology and entertainment programming aimed at a youth demographic.
Outdoor Life Network	The licensee shall provide a national, English-language discretionary service consisting of lifestyle and entertainment programming.
Sportsnet 360	The licensee shall provide a national, English-language discretionary service dedicated to the broadcast of sports results, information and live events.

33. In addition, Rogers Media requested to discontinue the use of CKVU-TV-1 Courtenay, an analog rebroadcasting transmitter for the City television station CKVU-DT Vancouver. As a result, the authority for CKVU-TV-1 will lapse.

#### **Rogers on Demand**

34. Rogers Communications Canada Inc. requested the renewal of its on-demand service Rogers on Demand. The Commission **approves** the request. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for on-demand services set out in Broadcasting Regulatory Policy 2017-138.

#### **Conclusion**

35. In light of all of the above, the Commission **renews** for a period of five years the broadcasting licences for the currently licensed television stations and discretionary services that will form part of the Rogers Media Inc. Group, listed in Appendix 1 to this decision. The licences will take effect 1 September 2017 and expire 31 August 2022.
36. Further, the Commission **renews** for a period of five years the broadcasting licences for the mainstream sports services Sportsnet and Sportsnet One, and the on-demand service Rogers on Demand operated by Rogers Communications Canada Inc. The licences will take effect 1 September 2017 and expire 31 August 2022.
37. In addition, the Commission **renews** for a period of five years the television network licence for the program Hockey Night in Canada. The licence will take effect 1 September 2017 and expire 31 August 2022.

38. To coincide with the expiry date of the broadcasting licence granted to Rogers Media in Broadcasting Decision 2017-152, also published today, to operate the national, multilingual multi-ethnic discretionary service OMNI Regional, the Commission **renews** the broadcasting licences for the OMNI television stations from 1 September 2017 to 31 August 2020.
39. The licensees shall adhere to the applicable **conditions of licence** set out in Appendices 3 to 10 to this decision.

## Reminders

40. The Commission reminds the licensees that they must pay any remaining tangible and intangible benefits that were required by the Commission in previous decisions.
41. The Commission further reminds the licensees that they must submit any annual reports required by the Commission in prior decisions by no later than 30 November following the end of the previous broadcast year.

Secretary General

## Related documents

- *OMNI Regional – National, multilingual multi-ethnic discretionary service*, Broadcasting Decision CRTC 2017-152 and Broadcasting Order CRTC 2017-153, 15 May 2017
- *Renewal of licences for the television services of large English-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-148, 15 May 2017
- *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017
- *Call for comments on proposed amendments to the standard requirements for on-demand services*, Broadcasting Notice of Consultation CRTC 2017-52, 24 February 2017
- *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *Rogers Media Inc. – Television network licence*, Broadcasting Decision CRTC 2015-154, 17 April 2015

- *Exemption order respecting discretionary television programming undertakings serving fewer than 200,000 subscribers*, Broadcasting Order CRTC 2015-88, 12 March 2015
- *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Definition of “broadcast day” for mainstream sports services*, Broadcasting Regulatory Policy CRTC 2009-562-2, 25 May 2012

*This decision and the appropriate appendices are to be attached to each licence.*

## Appendix 1 to Broadcasting Decision CRTC 2017-151

**Services for which the broadcasting licences have been renewed in this decision and that form part of the Rogers Media Group for the purposes of group-based licensing**

### English-language television stations (City stations)

Licensee	Call sign / Location
Rogers Media Inc.	CJNT-DT Montréal, Quebec
	CITY-DT Toronto, Ontario, and its transmitters CITY-DT-2 Woodstock and CITY-DT-3 Ottawa
	CHMI-DT Portage La Prairie/Winnipeg, Manitoba
	CKAL-DT Calgary, Alberta, and its transmitter CKAL-DT-1 Lethbridge
	CKEM-DT Edmonton, Alberta, and its transmitter CKEM-TV-1 Red Deer
	CKVU-DT Vancouver, British Columbia, and its transmitter CKVU-DT-2 Victoria

### English-language discretionary services

Licensee	Name of service
Rogers Media Inc.	G4 (Canada)
	Outdoor Life Network
	Sportsnet 360
8064750 Canada Inc.	FX
8834776 Canada Inc.	FXX
9742638 Canada Inc.	VICELAND

## Appendix 2 to Broadcasting Decision CRTC 2017-151

**Services and network for which the broadcasting licences have been renewed in this decision and that operate outside the Rogers Media Group for the purposes of group-based licensing**

### Multilingual multi-ethnic television stations (OMNI stations)

Licensee	Call sign / Location
Rogers Media Inc.	CFMT-DT Toronto, Ontario (OMNI.1) and its transmitters CFMT-DT-1 London and CFMT-DT-2 Ottawa
	CJMT-DT Toronto, Ontario (OMNI.2) and its transmitters CJMT-DT-1 London and CJMT-DT-2 Ottawa
	CJCO-DT Calgary, Alberta
	CJEO-DT Edmonton, Alberta
	CHNM-DT Vancouver, British Columbia (OMNI BC) and its transmitter CHNM-DT-1 Victoria

### English-language mainstream sports services

Licensee	Name of service
Rogers Media Inc.	Sportsnet
	Sportsnet One

### On-demand service

Licensee	Name of service
Rogers Communications Canada Inc.	Rogers on Demand

### Television network

Licensee	Name of program
Rogers Media Inc.	Hockey Night in Canada

## Appendix 3 to Broadcasting Decision CRTC 2017-151

### Terms and conditions of licence for the City television stations

#### Terms

The licences will take effect 1 September 2017 and expire 31 August 2022.

#### Conditions of licence

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for television stations set out in Appendix 1 to *Standard requirements for television stations, discretionary services and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, with the exception of condition 14, which is replaced by the following:

The licensee shall, by 1 September 2019, provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.) and that is drawn from program categories 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

2. For each year of the licence term, the licensee shall submit to the Commission a “Report on Specified Procedures” containing all the information requested by the Commission as described in *Rogers Media Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2014-399, 31 July 2014. The report shall be submitted by no later than 30 November following the end of each broadcast year and will be published on the Commission’s website.
3. The licensee shall submit to the Commission an annual confidential unaudited report by no later than 30 November following the end of each broadcast year containing information on the allocation of all the revenues and expenses related to the National Hockey League programming content broadcast on the licensed programming undertakings, the licensed network and all exempt services operated by the licensee.
4. The licensee may not fulfill its local programming exhibition requirements with the broadcast of any National Hockey League games or of any other professional sports programs.
5. In any market containing both an OMNI and a City television station, not more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the City television stations.
6. In any market containing both an OMNI and a City television station, no third-language ethnic programming shall be broadcast on both the OMNI and the City television stations.

## Canadian programming expenditures

7. In accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming a minimum of 30% of the previous year's gross revenues of the undertaking.
8. The licensee may count expenditures made for the acquisition of or investment in Canadian programming by one or more television stations from the Rogers Media Group in the same broadcast year towards fulfilling the requirement set out in condition 7 as long as these expenditures are not used by those television stations towards fulfilling their own Canadian programming expenditure requirement.
9. The licensee may count expenditures made for the acquisition of or investment in Canadian programming by one or more discretionary services from the Rogers Media Group in the same broadcast year towards fulfilling a combined maximum of 25% of the requirement set out in condition 7 as long as these expenditures are not used by those discretionary services towards fulfilling their own Canadian programming expenditure requirement.
10. Subject to condition 11, the licensee may claim, in addition to its expenditures on Canadian programming:
  - a) a 50% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year;
  - b) a 25% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an official language minority community producer and claimed as Canadian programming expenditures during that broadcast year. The licensee may claim the credit if:
    - i. the programming is produced in the province of Quebec and the original language of production is English; or
    - ii. the programming is produced outside the province of Quebec and the original language of production is French.
11. The licensee may claim the credits calculated in accordance with condition 10 until the expenditures made on Canadian programming produced by Indigenous producers and by official language minority community producers, including credits, reach a combined maximum of 10% of the Canadian programming expenditure requirement for the Rogers Media Group.

### **Programs of national interest**

12. In accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall in each broadcast year devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of that regulatory policy, a minimum of 5% of the previous year's gross revenues of the undertaking.
13. The licensee may count expenditures made for the acquisition of or investment in programs of national interest by one or more undertakings from the Rogers Media Group in the same broadcast year towards fulfilling the requirement set out in condition 12 as long as these expenditures are not used by those undertakings towards fulfilling their own programs of national interest expenditure requirement.
14. At least 75% of the expenditures in condition 12 must be made to an independent production company.
15. The licensee shall, by 30 November of each year, provide for the previous broadcast year a report in a form acceptable to the Commission that contains information on the programs that were broadcast by all undertakings from the Rogers Media Group in regard to:
  - programs of national interest;
  - the use of Indigenous and official language minority community producers, specifying notably for each: the number of producers they meet with each year; the projects commissioned, including projects in development, in production and completed; the budgets and the total Canadian programming expenditures devoted to such projects; and any other information the Commission requires to this effect; and
  - access that women have to key leadership positions, by providing information regarding the employment of women in key creative leadership positions in the productions broadcast, as well as any other information the Commission requires to this effect.

### **Over- and under-expenditures**

16. Subject to condition 17, the licensee shall, for each broadcast year, make sufficient expenditures such that the undertakings that form the Rogers Media Group collectively devote:
  - a) 30% of the previous year's gross revenues of the undertakings that form the Rogers Media Group to the acquisition of or investment in Canadian programming; and



- b) 5% of the previous year's gross revenues of the undertakings that form the Rogers Media Group to the acquisition of or investment in programs of national interest.
17. In each broadcast year of the licence term, excluding the final year,
- a) the licensee, in concert with the other undertakings that form the Rogers Media Group, may expend an amount on Canadian programming and/or on programs of national interest that is up to 5% less than the minimum required expenditure for that year calculated in accordance with conditions 16a) and 16b), respectively; in such case, the licensee shall ensure that the undertakings that form the Rogers Media Group 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) where the licensee, in concert with the other undertakings that form the Rogers Media Group, expends an amount for that year on Canadian programming or programs of national interest that is greater than the minimum required expenditure calculated in accordance with conditions 16a) and 16b) respectively, the licensee, or another undertaking from the Rogers Media Group, may deduct that amount from the total minimum required expenditure in one or more of the remaining years of the licence term.
  - c) Notwithstanding conditions 17a) and 17b), during the licence term, the licensee shall ensure that the undertakings that form the Rogers Media Group expend on Canadian programming and programs of national interest, at a minimum, the total of the minimum required expenditures calculated in accordance with conditions 16a) and 16b).

**Locally reflective news**

18. In accordance with *Renewal of licences for the television services of large English-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-148, 15 May 2017, and consistent with the definition of “locally reflective news” set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016:
- a) if the licensee operates a station in a metropolitan market, it shall broadcast on that station at least 6 hours of locally reflective news each broadcast week;
  - b) if the licensee operates a station in a non-metropolitan market, it shall broadcast on that station at least 3 hours of locally reflective news each broadcast week.
19. The licensee shall, in each broadcast year, devote to the acquisition of or investment in locally reflective news 11% of the previous broadcast year's gross revenues of the undertaking.

20. The licensee may count expenditures made for the acquisition of or investment in locally reflective news by one or more television stations from the Rogers Media Group in the same broadcast year towards fulfilling the requirement set out in condition 19 as long as these expenditures are not used by those television stations towards fulfilling their own locally reflective news expenditure requirement.
21. Subject to condition 22, the licensee shall, for each broadcast year, make sufficient expenditures such that the television stations from the Rogers Media Group collectively devote to the acquisition of or investment in locally reflective news 11% of the previous year's gross revenues of those television stations.
22. In each broadcast year of the licence term, excluding the final year,
  - a) the licensee, in concert with the other television stations from the Rogers Media Group, may expend an amount on locally reflective news that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition 21; in such case, the licensee shall ensure that the television stations from the Rogers Media Group 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) where the licensee, in concert with the other television stations from the Rogers Media Group, expends an amount for that year on locally reflective news that is greater than the minimum required expenditure calculated in accordance with condition 21, the licensee may deduct that amount from the minimum required expenditure in one or more of the remaining years of the licence term.
  - c) Notwithstanding conditions 22a) and 22b), during the licence term, the licensee shall ensure that the television stations from the Rogers Media Group expend on locally reflective news the total of the minimum required expenditures calculated in accordance with condition 21.

**Licensee's obligations with respect to the Rogers Media Group**

23. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to expenditures on Canadian programming, including programs of national interest, made by the licensee and by the Rogers Media Group for that term.
24. The licensee shall be responsible for any failure to comply with requirements relating to expenditures on Canadian programming, including programs of national interest, that occurred during the previous licence term.
25. In regard to the operation of the undertakings that form the Rogers Media Group:
  - a) Subject to conditions 25b) and 25c), the licensee shall operate the television station and that station shall remain part of the Rogers Media Group, for the duration of the licence term.

- b) Should the licensee wish to operate the television station outside the Rogers Media Group or cease its operation, the licensee shall apply to the Commission for that station to be removed from the Rogers Media Group no later than 120 days prior to operating outside the Rogers Media Group or ceasing its operation.
  - c) The licensee shall ensure that the list of undertakings that form the Rogers Media Group is accurate at all times.
26. In accordance with paragraph 90 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the television station is hereby designated a “designated local television station.” The station shall maintain this designation for the licence term so long as all the television stations from the Rogers Media Group remain in operation.

#### **Repurposing of the 600 MHz frequency band**

27. In regard to the repurposing of the 600 MHz frequency band in Canada:
- a) The licensee is authorized to operate the television station and transmitters according to contours and technical parameters that differ from those approved in its most recent application and/or listed on its licence, to the extent that these new contours and technical parameters have been approved by the Department of Industry (the Department) as a result of the Department’s repurposing initiative of the 600 MHz frequency band as described in *Decision on Repurposing the 600 MHz Band*, SLPB-004-15, 14 August 2015 and its April 2017 *Digital Television (DTV) Allotment Plan, Digital Television (DTV) Transition Schedule* and the *Broadcasting Procedures and Rules* entitled *BPR-11 – Broadcasting Television Application Procedures During the 600 MHz Transition*.
  - b) For the purpose of the *Broadcasting Distribution Regulations*, the licensee is deemed to be operating the television station and transmitters under the contours and technical parameters approved by the Commission and in effect on **15 May 2017**.
  - c) The above authorizations are valid only if the Commission receives confirmation from the Department that the revised contours and technical parameters resulting from the Department’s repurposing initiative of the 600 MHz frequency band satisfy the requirements of the *Radiocommunication Act* and the regulations made thereunder, and that a broadcasting certificate has been or will be issued to the licensee in respect of the revised parameters.

#### **Competitive safeguards**

28. The licensee shall not include or enforce any provision in connection with an affiliation agreement that is designed to prevent or create incentives that would

effectively prevent another programming undertaking or broadcasting distribution undertaking from launching or distributing another licensed programming service.

29. The licensee shall provide a minimum of 90 days' written notice of the impending launch of a new programming service to all broadcasting distribution undertakings. Such notice shall be accompanied by an offer that sets out the general terms of carriage of the programming service to be launched.
30. The licensee shall not:
  - a) require an unreasonable rate (e.g., not based on fair market value);
  - b) require a party with which it is contracting to accept terms or conditions for the distribution of programming on a traditional or ancillary platform that are commercially unreasonable;
  - c) require an excessive activation fee or minimum subscription guarantee;
  - d) impose, on an independent party, a most favoured nation (MFN) clause or any other condition that imposes obligations on that independent party by virtue of a vertically integrated entity or an affiliate thereof entering into an agreement with any vertically integrated entity or any affiliate thereof, including its own.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

31. When negotiating a wholesale rate for a programming service based on fair market value, the licensee shall take into consideration the following factors:
  - a) historical rates;
  - b) penetration levels and volume discounts;
  - c) the packaging of the service;
  - d) rates paid by unaffiliated broadcasting distributors for a programming service;
  - e) rates paid for programming services of similar value to consumers;
  - f) the number of subscribers that subscribe to a package in part or in whole due to the inclusion of the programming service in that package;
  - g) the retail rate charged for the service on a stand-alone basis;
  - h) the retail rate for any packages in which the service is included.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

32. If the licensee has not renewed an affiliation agreement that it signed with a licensed or exempted Canadian television programming undertaking or a broadcasting distribution undertaking within 120 days preceding the expiry of the agreement and if the other party has confirmed its intention to renew the agreement, the licensee shall submit the matter to the Commission for dispute resolution pursuant to sections 12 to 15 of the *Broadcasting Distribution Regulations*.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

33. The licensee shall not:
- a) require minimum penetration or revenue levels that force distribution of a service on the basic tier or in a package that is inconsistent with the service's theme or price point;
  - b) refuse to make programming services available on a stand-alone basis (i.e., requiring the acquisition of a program or service in order to obtain another program or service);
  - c) impose terms that prevent an unrelated distributor from providing a differentiated offer to consumers.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

34. The licensee shall not refuse to make available or condition the availability of or carriage terms for any of its licensed programming services to any broadcasting distribution undertaking (BDU) on whether that BDU agrees to carry any other separately licensed programming service, provided that this condition does not prevent or limit the right or ability of the licensee to offer BDUs multiservice or other discounts, promotions, rebates or similar programs.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

35. The licensee shall negotiate with broadcasting distribution undertakings (BDUs) for non-linear multiplatform rights to the content broadcast on the licensee's programming service at the same time as linear rights for its programming service and provide those rights to BDUs on a timely basis and on commercially reasonable terms.

For certainty, nothing in this condition of licence shall prevent or otherwise restrict the licensee from requesting compensation in exchange for making such non-linear rights available to BDUs.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

### **Definitions**

For the purposes of these conditions:

“Rogers Media Group” means the group of undertakings set out in Appendix 1 to *Rogers Media Inc. – Licence renewals for English-language television stations, services and network*, Broadcasting Decision CRTC 2017-151, 15 May 2017.

“Independent production company” means a Canadian company (i.e., a company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians) whose business is the production of film, videotape or live programs for distribution and in which the licensee and any company related to the licensee owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

“Indigenous producer” means an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and is a Canadian citizen or resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and are Canadian citizens or reside in Canada. In regard to the definition of “independent production company,” “Canadian” includes a person who self-identifies as Indigenous and resides in Canada, whereas “Canadian company” includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

“Locally reflective news” means programming that meets the criteria set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016.

“Official language minority community producer” means a company that meets the definition of “independent production company” and that:

- a) if operating in the province of Quebec, produces original English-language programming, or

- b) if operating outside of the province of Quebec, produces original French-language programming.

## Appendix 4 to Broadcasting Decision CRTC 2017-151

### Terms and conditions of licence applicable to the discretionary services VICELAND, G4 (Canada), Outdoor Life Network, FX, FXX and Sportsnet 360

#### Terms

The licences will take effect 1 September 2017 and expire 31 August 2022.

#### Conditions of licence

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for discretionary services set out in Appendix 2 to *Standard requirements for television stations, discretionary services and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, with the exception of condition of licence 17, which is replaced by the following:

The licensee shall, by 1 September 2019, provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.) and that is drawn from program categories 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

2. In each broadcast year, the licensee shall devote no less than 35% of the broadcast day to the exhibition of Canadian programs.
3. For each year of the licence term, the licensee shall submit to the Commission a “Report on Specified Procedures” containing all the information requested by the Commission as described in *Rogers Media Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2014-399, 31 July 2014. The report shall be submitted by no later than 30 November following the end of each broadcast year and will be published on the Commission’s website.
4. The licensee shall submit to the Commission an annual confidential unaudited report by no later than 30 November following the end of each broadcast year containing information on the allocation of all the revenues and expenses related to the National Hockey League programming content broadcast on the licensed programming undertakings, the licensed network and all exempt services operated by the licensee.

#### Canadian programming expenditures

5. In accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming a minimum of 30% of the previous year’s gross revenues of the undertaking.



6. The licensee may count expenditures made for the acquisition of or investment in Canadian programming by one or more undertakings from the Rogers Media Group in the same broadcast year towards fulfilling the requirement set out in condition 5 as long as these expenditures are not used by those undertakings towards fulfilling their own Canadian programming expenditure requirement.
7. Subject to condition 8, the licensee may claim, in addition to its expenditures on Canadian programming:
  - a) a 50% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year;
  - b) a 25% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an official language minority community producer and claimed as Canadian programming expenditures during that broadcast year. The licensee may claim the credit if:
    - i. the programming is produced in the province of Quebec and the original language of production is English; or
    - ii. the programming is produced outside the province of Quebec and the original language of production is French.
8. The licensee may claim the credits calculated in accordance with condition 7 until the expenditures made on Canadian programming produced by Indigenous producers and by official language minority community producers, including credits, reach a combined maximum of 10% of the Canadian programming expenditure requirement for the Rogers Media Group.

**Programs of national interest**

9. In accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall in each broadcast year devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of that regulatory policy, a minimum of 5% of the previous year's gross revenues of the undertaking.
10. The licensee may count expenditures made for the acquisition of or investment in programs of national interest by one or more undertakings from the Rogers Media Group in the same broadcast year towards fulfilling the requirement set out in condition 9 as long as these expenditures are not used by those undertakings towards fulfilling their own programs of national interest expenditure requirement.
11. At least 75% of the expenditures in condition 9 must be made to an independent production company.

12. The licensee shall, by 30 November of each year, provide for the previous broadcast year a report in a form acceptable to the Commission that contains information on the programs that were broadcast by all undertakings from the Rogers Media Group in regard to:

- programs of national interest;
- the use of Indigenous and official language minority community producers, specifying notably for each: the number of producers they meet with each year; the projects commissioned (including projects in development, in production and completed); the budgets and the total Canadian programming expenditures devoted to such projects; and any other information the Commission requires to this effect; and
- access that women have to key leadership positions, by providing information regarding the employment of women in key creative leadership positions in the productions broadcast, as well as any other information the Commission requires to this effect.

**Over- and under-expenditures**

13. Subject to condition 14, the licensee shall, for each broadcast year, make sufficient expenditures such that the undertakings that form the Rogers Media Group collectively devote:

- a) 30% of the previous year's gross revenues of the undertakings that form the Rogers Media Group to the acquisition of or investment in Canadian programming; and
- b) 5% of the previous year's gross revenues of the undertakings that form the Rogers Media Group to the acquisition of or investment in programs of national interest.

14. In each broadcast year of the licence term, excluding the final year,

- a) the licensee, in concert with the other undertakings that form the Rogers Media Group, may expend an amount on Canadian programming and/or on programs of national interest that is up to 5% less than the minimum required expenditure for that year calculated in accordance with conditions 13a) and 13b), respectively; in such case, the licensee shall ensure that the undertakings that form the Rogers Media Group 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) where the licensee, in concert with the other undertakings that form the Rogers Media Group, expends an amount for that year on Canadian programming or programs of national interest that is greater than the

minimum required expenditure calculated in accordance with conditions 13a) and 13b) respectively, the licensee, or another undertaking from the Rogers Media Group, may deduct that amount from the total minimum required expenditure in one or more of the remaining years of the licence term.

- c) Notwithstanding conditions 14a) and 14b), during the licence term, the licensee shall ensure that the undertakings that form the Rogers Media Group expend on Canadian programming and programs of national interest, at a minimum, the total of the minimum required expenditures calculated in accordance with conditions 13a) and 13b).

#### **Licensee's obligations with respect to the Rogers Media Group**

- 15. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to the expenditures on Canadian programming, including programs of national interest, made by the licensee and by the Rogers Media Group for that term.
- 16. The licensee shall be responsible for any failure to comply with the requirements relating to expenditures on Canadian programming, including programs of national interest, that occurred during the previous licence term.
- 17. In regard to the operation of the undertakings that form the Rogers Media Group:
  - a) Subject to condition 17b), the licensee shall remain part of the Rogers Media Group for the duration of the licence term.
  - b) Should the licensee wish to operate the undertaking outside the Rogers Media Group, the licensee shall apply to the Commission for that undertaking to be removed from the Rogers Media Group no later than 120 days prior to operating the undertaking outside the Rogers Media Group.
  - c) The licensee shall ensure that the list of undertakings that form the Rogers Media Group is accurate at all times.

#### **Competitive safeguards**

- 18. The licensee shall not include or enforce any provision in or in connection with an affiliation agreement that is designed to prevent or create incentives that would effectively prevent another programming undertaking or broadcasting distribution undertaking from launching or distributing another licensed programming service.
- 19. The licensee shall provide a minimum of 90 days' written notice of the impending launch of a new programming service to all broadcasting distribution undertakings. Such notice shall be accompanied by an offer that sets out the general terms of carriage of the programming service to be launched.

20. The licensee shall not:

- a) require an unreasonable rate (e.g., not based on fair market value);
- b) require a party with which it is contracting to accept terms or conditions for the distribution of programming on a traditional or ancillary platform that are commercially unreasonable;
- c) require an excessive activation fee or minimum subscription guarantee;
- d) impose, on an independent party, a most favoured nation (MFN) clause or any other condition that imposes obligations on that independent party by virtue of a vertically integrated entity or an affiliate thereof entering into an agreement with any vertically integrated entity or any affiliate thereof, including its own.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

21. When negotiating a wholesale rate for a programming service based on fair market value, the licensee shall take into consideration the following factors:

- a) historical rates;
- b) penetration levels and volume discounts;
- c) the packaging of the service;
- d) rates paid by unaffiliated broadcasting distributors for a programming service;
- e) rates paid for programming services of similar value to consumers;
- f) the number of subscribers that subscribe to a package in part or in whole due to the inclusion of the programming service in that package;
- g) the retail rate charged for the service on a stand-alone basis;
- h) the retail rate for any packages in which the service is included.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

22. If the licensee has not renewed an affiliation agreement that it signed with a licensed or exempted Canadian television programming undertaking or a broadcasting distribution undertaking within 120 days preceding the expiry of the agreement and if the other party has confirmed its intention to renew the agreement, the licensee shall submit the matter to the Commission for dispute resolution pursuant to sections 12 to 15 of the *Broadcasting Distribution Regulations*.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

23. The licensee shall not:

- a) require minimum penetration or revenue levels that force distribution of a service on the basic tier or in a package that is inconsistent with the service's theme or price point;
- b) refuse to make programming services available on a stand-alone basis (i.e., requiring the acquisition of a program or service in order to obtain another program or service);
- c) impose terms that prevent an unrelated distributor from providing a differentiated offer to consumers.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

24. The licensee shall not refuse to make available or condition the availability of or carriage terms for any of its licensed programming services to any broadcasting distribution undertaking (BDU) on whether that BDU agrees to carry any other separately licensed programming service, provided that this condition does not prevent or limit the right or ability of the licensee to offer BDUs multiservice or other discounts, promotions, rebates or similar programs.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

25. The licensee shall negotiate with broadcasting distribution undertakings (BDUs) for non-linear multiplatform rights to the content broadcast on the licensee's programming service at the same time as linear rights for its programming service and provide those rights to BDUs on a timely basis and on commercially reasonable terms.

For certainty, nothing in this condition of licence shall prevent or otherwise restrict the licensee from requesting compensation in exchange for making such non-linear rights available to BDUs.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

## **Condition of licence applicable to the discretionary service Sportsnet 360**

26. The licensee may distribute separate regional programming in place of its national service to affiliated distribution undertakings, provided that the hours devoted to such regional programming do not exceed 10% of the licensee's quarterly program schedule.

The licensee must file separate logs for each region and regional programming must be logged under Program Class "REG."

### **Definitions**

For the purpose of these conditions:

"Rogers Media Group" means the group of undertakings set out in Appendix 1 to *Rogers Media Inc. – Licence renewals for English-language television stations, services and network*, Broadcasting Decision CRTC 2017-151, 15 May 2017.

"Independent production company" means a Canadian company (i.e., a company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians) whose business is the production of film, videotape or live programs for distribution and in which the licensee and any company related to the licensee owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

"Indigenous producer" means an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and is a Canadian citizen or resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and are Canadian citizens or reside in Canada. In regard to the definition of "independent production company," "Canadian" includes a person who self-identifies as Indigenous and resides in Canada, whereas "Canadian company" includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

"Official language minority community producer" means a company that meets the definition of "independent production company" and that:

- a) if operating in the province of Quebec, produces original English-language programming, or
- b) if operating outside of the province of Quebec, produces original French-language programming.

## Appendix 5 to Broadcasting Decision CRTC 2017-151

### Terms and conditions of licence applicable to the mainstream sports services Sportsnet and Sportsnet One

#### Terms

The licences will take effect 1 September 2017 and expire 31 August 2022.

#### Conditions of licence

1. The licensee shall adhere to the conditions set out in Appendix 1 to *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Definition of “broadcast day” for mainstream sports services*, Broadcasting Regulatory Policy 2009-562-2, 25 May 2012, except for condition of licence 7, which is replaced by the following:

Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:

  - a) ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned;
  - b) in regard to the quality of closed captioning, the licensee shall adhere to the requirements set out in the appendix to *English-language closed captioning quality standard related to the accuracy rate for live programming*, Broadcasting Regulatory Policy CRTC 2016-435, 2 November 2016; and
  - c) implement a monitoring system 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 the distributor of that signal in its original form. “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.
2. For each year of the licence term, the licensee shall submit to the Commission a “Report on Specified Procedures” containing all the information requested by the Commission as described in *Rogers Media Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2014-399, 31 July 2014. The report shall be submitted by no later than 30 November following the end of each broadcast year and will be published on the Commission’s website.
3. The licensee shall submit to the Commission an annual confidential unaudited report by no later than the 30 November following the end of each broadcast year containing information on the allocation of all the revenues and expenses related to the National Hockey League programming content broadcast on the licensed

programming undertakings, the licensed network and all exempt services operated by the licensee.

4. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, the licensee shall file, within 30 days of its execution, for the Commission's review, a copy of the programming supply agreement and/or licence or trademark agreement it has entered into with a non-Canadian party. In addition, the Commission may request any additional document(s) that could affect control of the programming or management of the service.
5. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to expenditures on Canadian programming, including programs of national interest, made by the licensee and by the Rogers Media Group for that term.
6. The licensee shall be responsible for any failure to comply with requirements relating to expenditures on Canadian programming, including programs of national interest, that occurred during the previous licence term.

#### **Competitive safeguards**

7. The licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertaking.
8. The licensee shall not include or enforce any provision in or in connection with an affiliation agreement that is designed to prevent, or is designed to create incentives that would effectively prevent another programming undertaking or broadcasting distribution undertaking from launching or distributing another licensed programming service.
9. The licensee shall provide a minimum of 90 days' written notice of the impending launch of a new programming service to all broadcasting distribution undertakings. Such notice shall be accompanied by an offer that sets out the general terms of carriage of the programming service to be launched.
10. The licensee shall not:
  - a) require an unreasonable rate (e.g., not based on fair market value);
  - b) require a party with which it is contracting to accept terms or conditions for the distribution of programming on a traditional or ancillary platform that are commercially unreasonable;
  - c) require an excessive activation fee or minimum subscription guarantee;



- d) impose, on an independent party, a most favoured nation (MFN) clause or any other condition that imposes obligations on that independent party by virtue of a vertically integrated entity or an affiliate thereof entering into an agreement with any vertically integrated entity or any affiliate thereof, including its own.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

11. When negotiating a wholesale rate for a programming service based on fair market value, the licensee shall take into consideration the following factors:
  - a) historical rates;
  - b) penetration levels and volume discounts;
  - c) the packaging of the service;
  - d) rates paid by unaffiliated broadcasting distributors for a programming service;
  - e) rates paid for programming services of similar value to consumers;
  - f) the number of subscribers that subscribe to a package in part or in whole due to the inclusion of the programming service in that package;
  - g) the retail rate charged for the service on a stand-alone basis;
  - h) the retail rate for any packages in which the service is included.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

12. If the licensee has not renewed an affiliation agreement that it signed with a licensed or exempted Canadian television programming undertaking or a broadcasting distribution undertaking within 120 days preceding the expiry of the agreement and if the other party has confirmed its intention to renew the agreement, the licensee shall submit the matter to the Commission for dispute resolution pursuant to sections 12 to 15 of the *Broadcasting Distribution Regulations*.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

13. The licensee shall not:

- a) require minimum penetration or revenue levels that force distribution of a service on the basic tier or in a package that is inconsistent with the service's theme or price point;
- b) refuse to make programming services available on a stand-alone basis (i.e., requiring the acquisition of a program or service in order to obtain another program or service);
- c) impose terms that prevent an unrelated distributor from providing a differentiated offer to consumers.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

14. The licensee shall not refuse to make available or condition the availability of or carriage terms for any of its licensed programming services to any broadcasting distribution undertaking (BDU) on whether that BDU agrees to carry any other separately licensed programming service, provided that this condition does not prevent or limit the right or ability of the licensee to offer BDUs multiservice or other discounts, promotions, rebates or similar programs.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

15. The licensee shall negotiate with broadcasting distribution undertakings (BDUs) for non-linear multiplatform rights to the content broadcast on the licensee's programming service at the same time as linear rights for its programming service and provide those rights to BDUs on a timely basis and on commercially reasonable terms.

For certainty, nothing in this condition of licence shall prevent or otherwise restrict the licensee from requesting compensation in exchange for making such non-linear rights available to BDUs.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

## Appendix 6 to Broadcasting Decision CRTC 2017-151

### Terms, conditions of licence, expectations and encouragements for CFMT-DT Toronto (OMNI.1) and CJMT-DT (OMNI.2) and their transmitters in London and Ottawa

#### Terms

The licences will take effect 1 September 2017 and expire 31 August 2020.

#### Conditions of licence

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for television stations set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, with the exception of conditions of licence 5 and 6, as well as 14, which is replaced by the following:

The licensee shall, by 1 September 2019, provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.), and that is drawn from program categories 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

2. In accordance with *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 1 March 2015, the licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming at least 27% of the previous year's gross revenues of the undertaking.
3. In each broadcast year of the licence term, excluding the final year,
  - a) the licensee may expend an amount on Canadian programming that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition 2; in such case, the licensee shall ensure that it expends, 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) where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure calculated in accordance with condition 2, the licensee may deduct that amount from the total minimum required expenditure in one or more of the remaining years of the licence term.

- c) Notwithstanding conditions 3a) and 3b), during the licence term, the licensee shall ensure that it expends on Canadian programming, at a minimum, the total of the minimum required expenditures calculated in accordance with condition 2.
4. The licensee shall devote to the broadcast of ethnic programs:
  - a) at least 60% of the total number of hours broadcast monthly between 6 a.m. and midnight;
  - b) at least 50% of the total number of hours broadcast monthly between 6 p.m. and midnight; and
  - c) at least 75% of the total number of hours broadcast annually between 8 p.m. and 10 p.m.
5. The licensee shall devote at least 50% of its programming each broadcast month to third-language programming.
6. The licensee shall broadcast ethnic programs directed toward at least 20 distinct ethnic groups monthly. For CJMT-DT Toronto, the licensee must ensure that none of the 20 groups shall have been served by CFMT-DT Toronto during the same broadcast year.
7. The licensee shall broadcast ethnic programs in at least 20 different languages monthly. For CJMT-DT Toronto, the licensee shall not broadcast ethnic programs in a foreign language broadcast by CFMT-DT Toronto during the same broadcast year.
8. The licensee shall devote not more than 16% of its programming to programs in any one foreign language during each broadcast month.
9. In accordance with *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the licensee shall, in each broadcast week, broadcast at least 6 hours of local news.
10. The licensee shall broadcast 10 hours of local independent productions each week, measured on a monthly basis.
11. In any market containing both an OMNI and a City television station, not more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the City television stations.
12. In any market containing both an OMNI and a City television station, no third-language ethnic programming shall be broadcast on both the OMNI and the City television stations.
13. The licensee shall not solicit local advertising in London and in Ottawa, Ontario.

14. The licensee shall submit a report once a year to the Commission by no later than 30 November following the end of each broadcast year on the activities and accomplishments of the Advisory Councils in Ontario, Alberta and British Columbia.

### **Expectations**

The standard expectations applicable to this licensee are set out in *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

### **Encouragements**

The standard encouragements applicable to this licensee are set out in *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

The Commission encourages the licensee to continue its ongoing commitment to work on solutions for making third-language programming more accessible and to caption third-language programming whenever possible.

## Appendix 7 to Broadcasting Decision CRTC 2017-151

### Terms, conditions of licence, expectations and encouragements for CJCO-DT Calgary and CJEO-DT Edmonton

#### Terms

The licences will take effect 1 September 2017 and expire 31 August 2020.

#### Conditions of licence

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for television stations set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, as amended from time to time, with the exception of conditions of licence 5 and 6, as well as 14, which is replaced by the following:

The licensee shall, by 1 September 2019, provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.), and that is drawn from program categories 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

2. In accordance with *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015, the licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming at least 27% of the previous year's gross revenues of the undertaking.
3. In each broadcast year of the licence term, excluding the final year,
  - a) the licensee may expend an amount on Canadian programming that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition 2; in such case, the licensee shall ensure that it expends, 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) where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure calculated in accordance with condition 2, the licensee may deduct that amount from the total minimum required expenditure in one or more of the remaining years of the licence term.

- c) Notwithstanding conditions 3a) and 3b), during the licence term, the licensee shall ensure that it expends on Canadian programming, at a minimum, the total of the minimum required expenditures calculated in accordance with condition 2.
4. The licensee shall devote to the broadcast of ethnic programs:
  - a) at least 60% of the total number of hours broadcast monthly between 6 a.m. and midnight;
  - b) at least 50% of the total number of hours broadcast monthly between 6 p.m. and midnight; and
  - c) at least 75% of the total number of hours broadcast annually between 8 p.m. and 10 p.m.
5. The licensee shall devote at least 50% of its programming each broadcast month to third-language programming.
6. The licensee shall broadcast ethnic programs directed toward at least 20 distinct ethnic groups monthly.
7. The licensee shall broadcast ethnic programs in at least 20 different languages monthly.
8. The licensee shall devote not more than 16% of its programming to programs in any one foreign language during each broadcast month.
9. The licensee shall broadcast 10 hours of local independent productions each week, measured on a monthly basis, in Calgary (CJCO-DT) and Edmonton (CJEO-DT) combined.
10. In accordance with *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the licensee shall, in each broadcast week, broadcast at least a combined total of 6 hours of local news between its stations CJCO-DT Calgary and CJEO-DT Edmonton.
11. In any market containing both an OMNI and a City television station, no more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the City television stations.
12. In any market containing both an OMNI and a City television station, no third-language ethnic programming shall be broadcast on both the OMNI and the City television stations.
13. The licensee shall submit a report once a year to the Commission by no later than 30 November following the end of each broadcast year on the activities and accomplishments of the Advisory Councils in Ontario, Alberta and British Columbia.

## **Expectations**

The standard expectations applicable to this licensee are set out in *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

## **Encouragements**

The standard encouragements applicable to this licensee are set out in *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

The Commission encourages the licensee to continue its ongoing commitment to work on solutions for making third-language programming more accessible and to caption third-language programming whenever possible.



## Appendix 8 to Broadcasting Decision CRTC 2017-151

### Terms, conditions of licence, expectations and encouragements for CHNM-DT Vancouver and its transmitter in Victoria (OMNI BC)

#### Terms

The licence will take effect 1 September 2017 and expire 31 August 2020.

#### Conditions of licence

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for television stations set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, as amended from time to time, with the exception of conditions of licence 5 and 6, as well as 14, which is replaced by the following:

The licensee shall, by 1 September 2019, provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.), and that is drawn from program categories 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

2. In accordance with *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015, the licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming at least 27% of the previous year's gross revenues of the undertaking.
3. In each broadcast year of the licence term, excluding the final year,
  - a) the licensee may expend an amount on Canadian programming that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition 2; in such case, the licensee shall ensure that it expends, 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) where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure calculated in accordance with condition 2, the licensee may deduct that amount from the total minimum required expenditure in one or more of the remaining years of the licence term.
  - c) Notwithstanding conditions 3a) and 3b), during the licence term, the licensee shall ensure that it expends on Canadian programming, at a minimum, the

total of the minimum required expenditures calculated in accordance with condition 2.

4. The licensee shall devote to the broadcast of ethnic programs:
  - a) at least 60% of the total number of hours broadcast monthly between 6 a.m. and midnight;
  - b) at least 50% of the total number of hours broadcast monthly between 6 p.m. and midnight; and
  - c) at least 75% of the total number of hours broadcast annually between 8 p.m. and 10 p.m.
5. The licensee shall devote at least 50% of its programming each broadcast month to third-language programming.
6. The licensee shall broadcast ethnic programs directed toward at least 20 distinct ethnic groups monthly.
7. The licensee shall broadcast ethnic programs in at least 20 different languages monthly.
8. The licensee shall devote not more than 16% of its programming to programs in any one foreign language during each broadcast month.
9. In accordance with *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the licensee shall, in each broadcast week, broadcast at least 6 hours of local news.
10. The licensee shall broadcast 10 hours of local independent productions each week, measured on a monthly basis.
11. In any market containing both an OMNI and a City television station, no more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the City television stations.
12. In any market containing both an OMNI and a City television station, no third-language ethnic programming shall be broadcast on both the OMNI and the City television stations.
13. The licensee shall not solicit local advertising in Victoria, British Columbia.
14. The licensee shall submit a report once a year to the Commission by no later than 30 November following the end of each broadcast year on the activities and accomplishments of the advisory councils in Ontario, Alberta and British Columbia.

**Expectations**

The standard expectations applicable to this licensee are set out in *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

**Encouragements**

The standard encouragements applicable to this licensee are set out in *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

The Commission encourages the licensee to continue its ongoing commitment to work on solutions for making third-language programming more accessible and to caption third-language programming whenever possible.

## **Appendix 9 to Broadcasting Decision CRTC 2017-151**

### **Terms and conditions of licence for the on-demand service Rogers on Demand**

#### **Terms**

The licence will take effect 1 September 2017 and expire 31 August 2022.

#### **Conditions of licence**

The licensee shall adhere to the standard conditions of licence, expectations and encouragements for on-demand services set out in the appendix to *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017.

## Appendix 10 to Broadcasting Decision CRTC 2017-151

### Terms, conditions of licence and expectation for the television network undertaking operated by Rogers Media Inc.

#### Terms

The licence will take effect 1 September 2017 and expire 31 August 2022.

#### Conditions of licence

1. Except as authorized by the Commission, this broadcasting television network undertaking shall be operated in fact by the licensee itself. The licence cannot be transferred or assigned.
2. The licensee shall produce and sell commercial inventory for the program “Hockey Night in Canada,” which will be broadcast on the Canadian Broadcasting Corporation’s English-language conventional television stations.
3. The licensee shall adhere at all times to the *Television Broadcasting Regulations, 1987*.
4. The licensee shall comply at all times with the *Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)* and the *Direction to the CRTC (Ineligibility of Non-Canadians)*.
5. The licensee shall not affiliate with or disaffiliate from a programming undertaking without the prior written approval of the Commission.
6. For each year of the licence term, the licensee shall submit to the Commission a “Report on Specified Procedures” containing all the information requested by the Commission as described in *Rogers Media Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2014-399, 31 July 2014. The report shall be submitted by no later than 30 November following the end of each broadcast year and will be published on the Commission’s website.
7. The licensee shall submit to the Commission an annual confidential unaudited report by no later than 30 November following the end of each broadcast year containing information on the allocation of all the revenues and expenses related to the National Hockey League programming content broadcast on the licensed programming undertakings, the licensed network and all exempt services operated by the licensee.
8. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, 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.

9. The licensee shall adhere to Advertising Standards Canada's *Broadcast Code for Advertising to Children*.
10. The licensee shall adhere to the Canadian Association of Broadcasters' *Violence Code*. However, 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.
11. The licensee shall caption 100% of the English- and French-language programs, broadcast 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.
12. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:
  - a) ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned;
  - b) in regard to the quality of closed captioning:
    - i. for French-language services, the licensee shall adhere to the requirements set out in the appendix to Quality standards for French-language closed captioning – Enforcement, monitoring and the future mandate of the French-language Closed Captioning Working Group, Broadcasting Regulatory Policy CRTC 2011-741-1, 21 February 2012, as amended from time to time; and
    - ii. for English-language services, the licensee shall adhere to the requirements set out in the appendix to English-language closed captioning quality standard related to the accuracy rate for live programming, Broadcasting Regulatory Policy CRTC 2016-435, 2 November 2016, as amended from time to time; and
  - c) implement a monitoring system 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 the distributor of that signal in its original form. "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.
13. 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.

**Expectation**

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.