



# Broadcasting Notice of Consultation CRTC 2017-428

PDF Version

Reference: 2016-225

Ottawa, 5 December 2017

## Notice of applications received

### Reconsideration of the decisions relating to the licence renewals for the television services of large French-language private ownership groups

**Deadline for submission of interventions/comments/answers: 23 January 2018**

**Deadline for submission of the applicants' replies: 2 February 2018**

[\[Submit an intervention/comment/answer or view related documents\]](#)

## Introduction

1. On 15 May 2017, the Commission issued a series of decisions to renew the licences for the television services of large English- and French-language private ownership groups. As part of this renewal, the Commission implemented the policies stemming from the Let's Talk TV proceeding and from Broadcasting Regulatory Policy 2016-224 (the Local Television Policy).
2. By Order in Council P.C. 2017-1060, issued on 14 August 2017, the Governor General in Council referred back to the Commission for reconsideration and hearing certain aspects of the decisions contained in Broadcasting Decisions 2017-143 to 2017-147 (French-language ownership groups) and Broadcasting Decisions 2017-148 to 2017-151 (English-language ownership groups), indicating that the decisions derogate from the attainment of the objectives of the Canadian broadcasting policy set out in section 3(1) of the *Broadcasting Act* (the Act), and in particular section 3(1)(s).<sup>1</sup>
3. As directed by the Governor General in Council, as part of the reconsideration process of the renewal decisions for the French-language ownership groups, the Commission must consider how it can be ensured that significant contributions are made to the creation and presentation of:
  - original French-language programming; and

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<sup>1</sup> Section 3(1)(s) of the Act states that “private networks and programming undertakings should, to an extent consistent with the financial and other resources available to them, contribute significantly to the creation and presentation of Canadian programming, and be responsive to the evolving demands of the public.”

- music programming.
4. The Order in Council also specifies that in the reconsideration process, the Commission must “take into consideration that creators of Canadian programming are key to the Canadian broadcasting system and that, while the industry is going through a transformation, Canadian programming and a dynamic creative sector are vital to the system’s competitiveness and contribute to Canada’s economy.”
  5. Following these directions from the Governor General in Council, the groups were asked to update their licence renewal application and to submit any information relevant to the aspects of the decisions being reconsidered. The groups were also asked to answer certain questions and to submit new financial information.
  6. The documents filed by the groups, as well as the related correspondence, can be viewed using the following links:
    - **Bell Media Inc.**  
*Application 2017-0783-7*  
*Licensee’s address:*  
299 Queen Street West  
Toronto, Ontario  
M5V 2Z5  
Email: [bell.regulatory@bell.ca](mailto:bell.regulatory@bell.ca)  
Email to request electronic version of application: [alain.strati@bellmedia.ca](mailto:alain.strati@bellmedia.ca)
    - **Corus Entertainment Inc.**  
*Application 2017-0785-3*  
*Licensee’s address:*  
25 Dockside Drive  
Toronto, Ontario  
M5A 0B5  
Email: [sylvie.courtemanche@corusent.com](mailto:sylvie.courtemanche@corusent.com)  
Website to view application: [www.corusent.com](http://www.corusent.com)
    - **Quebecor Media Inc.**  
*Application 2017-0786-1*  
*Licensee’s address:*  
612 Saint Jacques Street  
Montréal, Quebec  
H3C 4M8  
Email: [reglementaires@quebecor.com](mailto:reglementaires@quebecor.com)  
Email to request electronic version of application:  
[reglementaires@quebecor.com](mailto:reglementaires@quebecor.com)
    - **Groupe V Média inc.**  
*Application 2017-0787-9*

*Licensee's address:*

355 Sainte-Catherine Street West  
Suite 100  
Montréal, Quebec  
H3B 1A5  
Email: serge.bellerose55@gmail.com  
Email to request electronic version of application:  
serge.bellerose55@gmail.com

7. To ensure continuity between the proceeding that led to the renewal decisions for the large private ownership groups (Broadcasting Notice of Consultation 2016-225) and this reconsideration proceeding, the public record for the first proceeding will be added to the record of this proceeding.

**Call for comments**

8. The Commission invites comments on the issues raised in the Order in Council and on the documents filed by the groups, particularly their answers to the following questions:
  - Q1. If the Commission decides to impose measures to ensure that large ownership groups contribute significantly to the creation and presentation of original French-language content, what form should those measures take?
  - Q2. If the Commission decides to impose a requirement regarding the creation and presentation of original French-language content for French-language ownership groups, what should the expenditure level be for each individual group or for all groups?
  - Q3. If the Commission decides to reinstate contribution requirements for music services to support music and music video programming, describe how such a decision should apply to the groups.
  - Q4. In the event that the Commission decides to implement new measures to ensure support for the creation and presentation of music and music video programming on all platforms:
    - i. What should those measures be?
    - ii. To what groups should they apply?
  - Q5. Section 3(1)(c) of the Act states that “English and French language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements.” In light of this objective, do you think that the Commission should adopt a different approach to each linguistic market to support the creation and presentation of music and music video programming? Please justify your answer.

9. Bell Media Inc. recently announced its intention to acquire Historia and Séries+, which are currently part of the Corus group in the French-language market. However, no additional measures will be taken prior to the Competition Bureau and the Commission's approval of the transaction, as per the established procedure. The Commission will provide further details to that effect once the outcome of the transaction is known.
10. The Commission invites written comments and proposals, along with rationale and supporting evidence, on the issues raised in this notice.
11. The deadline for filing interventions/comments/answers is **23 January 2018**. The applicants will then have until **2 February 2018** to file their replies.
12. Some of the information deemed confidential by the groups must be made public according to paragraph 34(1) of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*. The information will be added to the public record of the proceeding once received. The deadlines as announced take into account these additions to the public record and the Commission does not intend to accept procedural requests to extend them on these grounds.
13. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
14. The details of the next steps of this proceeding will be announced at a later date.

## **Procedure**

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answers, replies and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

Pursuant to *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline.

Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

### **Important notice**

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

Electronic versions of the applications are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by selecting the application number within this notice. They are also available from the applicants, either on their websites or upon request by contacting the applicants at their email addresses, provided above.

Electronic versions of the interventions and answers, as well as of other documents referred to in this notice, are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782  
Toll-free TDD: 1-877-909-2782

Secretary General

### **Related documents**

- *Rogers Media Inc. – Licence renewals for English-language television stations, services and network*, Broadcasting Decision CRTC 2017-151, 15 May 2017
- *Corus Entertainment Inc. – Licence renewals for English-language television stations and services*, Broadcasting Decision CRTC 2017-150, 15 May 2017
- *Bell Media Inc. – Licence renewals for English-language television stations and services*, Broadcasting Decision CRTC 2017-149, 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
- *Quebecor Media Inc. – Group-based licence renewals for French-language television stations and services*, Broadcasting Decision CRTC 2017-147, 15 May 2017
- *Groupe V Média inc. – Licence renewals for French-language network, television stations and services*, Broadcasting Decision CRTC 2017-146, 15 May 2017
- *Corus Entertainment Inc. – Licence renewals for French-language television services*, Broadcasting Decision CRTC 2017-145, 15 May 2017
- *Bell Media Inc. – Licence renewals for French-language television services*, Broadcasting Decision CRTC 2017-144, 15 May 2017
- *Renewal of licences for the television services of large French-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-143, 15 May 2017
- *Renewal of television licences held by large English- and French-language ownership groups*, Broadcasting Notice of Consultation CRTC 2016-225, 15 June 2016

- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010



# Appendix to Broadcasting Notice of Consultation CRTC 2017-428

## Order in Council

**P.C. 2017-1060, 14 August 2017**

Whereas the Canadian Radio-television and Telecommunications Commission (“the Commission”), in its Broadcasting Decisions CRTC 2017-143 to 2017-151 of May 15, 2017, renewed the broadcasting licences for the television services of large French-language ownership groups and large English-language ownership groups;

Whereas, subsequent to the making of the decisions to renew the broadcasting licences for the television services of large French-language ownership groups and large English-language ownership groups, the Governor in Council received petitions in writing requesting that the decisions be set aside or referred back to the Commission for reconsideration and hearing;

And whereas the Governor in Council, having considered the petitions, is satisfied that the decisions derogate from the attainment of the objectives of the broadcasting policy for Canada set out in subsection 3(1) of the Broadcasting Act, and in particular paragraph 3(1)(s) of that Act;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Canadian Heritage, pursuant to section 28 of the Broadcasting Act,

(a) refers back to the Commission for reconsideration and hearing the decisions, contained in Broadcasting Decisions CRTC 2017-143 to 2017-151 of May 15, 2017, to renew the broadcasting licences for the television services of large French-language ownership groups and large English-language ownership groups; and

(b) is of the opinion that it is material to the reconsideration and hearing that the Commission

(i) in respect of the decisions, contained in Broadcasting Decisions CRTC 2017-143 to 2017-147 of May 15, 2017, to renew the broadcasting licences for the television services of large French-language ownership groups, consider how it can be ensured that significant contributions are made to the creation and presentation of original French-language programming and music programming, and

(ii) in respect of the decisions, contained in Broadcasting Decisions CRTC 2017-148 to 2017-151 of May 15, 2017, to renew the broadcasting licences for the television services of large English-language ownership groups, consider how it can be ensured that significant contributions are

made to the creation and presentation of programs of national interest, music programming, short films and short-form documentaries, and

(iii) take into consideration that creators of Canadian programming are key to the Canadian broadcasting system and that, while the industry is going through a transformation, Canadian programming and a dynamic creative sector are vital to the system's competitiveness and contribute to Canada's economy.