



Broadcasting Decision CRTC 2018-266

PDF version

References: 2017-160 and 2017-160-1

Ottawa, 2 August 2018

Shaw Cablesystems Limited and Shaw Cablesystems (VCI) Limited

Various locations in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario

Public record: 1011-NOC2017-0160

The application numbers are set out in Appendix 1 to the decision.

Public hearing in the National Capital Region

16 October 2017

Shaw – Licence renewal for various terrestrial broadcasting distribution undertakings

The Commission renews the licences for the terrestrial broadcasting distribution undertakings serving various locations in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario, as set out in this decision, from 1 September 2018 to 31 August 2023.

These short-term renewals will allow the Commission to review at an earlier date the licensees' compliance with regulatory requirements.

Applications

1. Shaw Cablesystems Limited and Shaw Cablesystems (VCI) Limited (collectively, Shaw) filed applications to renew the licences for the terrestrial broadcasting distribution undertakings (BDUs) listed in Appendix 1 to this decision. The current licences expire 31 August 2018.¹
2. The Commission received several interventions in regard to the applications, to which Shaw replied.

Commission's analysis and decisions

3. The Commission's determinations relating to issues common to all terrestrial BDUs renewed in this proceeding are set out in Broadcasting Decision 2018-263

¹ The Commission renewed these licences from 1 December 2016 to 30 November 2017 in Broadcasting Decision 2016-458. The Commission administratively renewed these licences from 1 December 2017 to 31 May 2018 in Broadcasting Decision 2017-159 and from 1 June 2018 to 31 August 2018 in Broadcasting Decision 2018-182.

(the Introductory Decision), also issued today, which should be read in conjunction with this decision.

4. The Introductory Decision addresses, among other things, issues relating to community programming; a proposal to impose conditions of licence relating to best practices for the small basic service and flexible packaging options; the pricing of standalone services; a national set-top box audience measurement system; accessibility; and the insertion of unpaid Canadian public service announcements within the local availabilities of non-Canadian services. Where applicable, the determinations are reflected in the conditions of licence for Shaw's BDUs, set out in Appendix 2 to this decision.
5. In regard to the implementation of a national set-top box audience measurement system, the Commission has found it appropriate to impose on Shaw, as a vertically integrated BDU, specific conditions of licence in this regard, as set out in greater detail in the Introductory Decision. In particular, Shaw will be required to provide set-top box data to that system by no later than 30 September 2019, and if no such system is established by that date, to provide such data to Canadian programming services upon request in certain circumstances.
6. In regard to accessibility, the Commission has determined that certain of the BDU licensees listed in the Introductory Decision will be required, by condition of licence, to close caption original licensee-produced programming by 31 August 2025. For BDUs that are subject to shorter licence terms, such as Shaw, the Commission intends to impose this condition of licence at the time of its next licence renewal so that it takes effect on 1 September 2025. They will also be required to include in the annual returns for their BDUs certain information relating to the availability and penetration of accessible set-top boxes and remote controls, as well as accessibility-related queries. In addition, these BDUs will be expected to close caption any advertising, sponsorship messages and promos inserted in local availabilities. Finally, for the purpose of standardization, the Commission has replaced the current requirements, expectations and encouragements relating to accessibility for those BDUs with a common set of accessibility-related conditions of licence and expectations.
7. In regard to programming broadcast on community channels, in the Introductory Decision, the Commission has set out the following determinations regarding types of programs that generally qualify or do not qualify as access or local programming broadcast on the community channel:
 - Elected officials: There is nothing preventing an elected official who resides within a BDU's service area from requesting access to the community channel. Further, as long as a particular program conforms to all related provisions in the *Broadcasting Distribution Regulations* (the Regulations) and Broadcasting Regulatory Policy 2016-224 (the Community Television Policy), the Commission will not consider the fact that a program involves an elected official to disqualify it from consideration as community programming.

- Magazine-style programs: As long as the segments within a magazine-style program meet the criteria for access programming and/or local programming, those segments can be counted as such by BDUs.
 - Canadian Hockey League games: As of 1 September 2018, BDUs will no longer be permitted to count such games as access programming. They will, however, be permitted to count them as local programming where the specific program meets the necessary criteria.
 - Media professionals: Consistent with the Community Television Policy and the manner in which the expression “media professional” is interpreted by the Commission in that policy, going forward, programs originating with media professionals will not be considered access programming.
8. The Commission also reminded BDUs that they should schedule access programming in a reasonable manner throughout the broadcast day, including during the peak viewing period.
 9. In addition, the Commission found it appropriate to impose a condition of licence requiring certain licensees, including Shaw, to ensure that the number of hours of programming reported in the annual return for their community channels include only the number of hours of original programming broadcast.
 10. Having examined the public record for these applications, the Commission considers that the outstanding issues for Shaw’s BDUs that it must address in this decision relate to the following:
 - whether Shaw is in compliance with its obligations regarding community channels, specifically:
 - whether it is taking adequate measures to seek citizen participation in its community channels;
 - whether it provided sufficient evidence to allow the Commission to assess whether its programs qualify as access or local programming; and
 - whether it has incorrectly categorized programming produced by one undertaking as access or local programming for other undertakings;
 - length of the licence terms and measures to address any instances of non-compliance;
 - closed captioning;
 - the distribution of TFO; and
 - other matters.

Citizen participation

11. The Canadian Association of Community Television Users and Stations (CACTUS) submitted that many BDUs, including Shaw, exhibited very little programming produced by community members unassisted by the licensee. CACTUS argued that this was a result of Shaw not taking sufficient measures to seek citizen participation in the community channel and instead cherry picking experienced radio hosts, fitness club owners, chefs and sports clubs to make access programming assisted by the licensee.
12. Shaw replied that its exhibition levels for this type of programming do not reflect insufficient outreach efforts on its part to encourage community participation in the community channels. Shaw submitted that the more likely reason is that community members no longer require the facilities of Shaw TV to create and distribute their content. For example, they could do so using various Internet-based applications.
13. Shaw provided evidence of the efforts its various community channels make to encourage participation by the public in its community channels. Shaw submitted that representatives of its community channels held over 1,000 public outreach events, spoke at school open houses, held forums for digital online content producers, and promoted citizen participation on their respective community channels and on their community channel websites.
14. Shaw also indicated that, going forward, it would take steps to simplify access, such as modifying its magazine-style programming offerings so that each would only include one type of programming (either access programming or local programming—not both within a same program).
15. As set out in the Community Television Policy, access programs are defined as programs produced by members of the community, whether assisted or unassisted by the licensee.
16. The Commission received close to 200 interventions from individuals, politicians, schools, charitable organizations and businesses in support of Shaw's community channels. Further, there were no complaints by community members that they have been refused access to any of Shaw's community channels.
17. Based on the record of the proceeding, the Commission finds that Shaw has made significant efforts to encourage public participation in its community channels and has provided the communities served with the opportunity to access their respective community channels. In regard to CACTUS's claim, there is no specific exhibition requirement for programming produced by community members and unassisted by the licensee. In fact, the definition of "access programming" in Broadcasting Regulatory Policy 2016-224 (the Community Television Policy) specifically includes programming that is produced by members of the community, either assisted or unassisted by the licensee.

Access and local programming

18. As part of a community channel monitoring exercise, Shaw was asked to provide certain materials, including programming grids and video recordings, for certain weeks from both licensed and exempt undertakings across all geographic areas in which Shaw operates BDUs.
19. Shaw provided the following:
 - programming grids and video recordings for eight community channels for the week of 18 to 24 September 2016; and
 - programming grids for 29 community channels for the weeks of 17 to 23 January 2016, 8 to 14 May 2016 and 14 to 20 August 2016.
20. Programming grids were also requested for the weeks of 17 to 23 January 2016, 8 to 14 May 2016 and 14 to 20 August 2016 for the eight community channels that provided materials for the week of 18 to 24 September 2016. Despite this, Shaw did not provide the requested programming grids for seven of these community channels.
21. Shaw included information regarding the individual programs within the programming grids it did provide, which in its view was sufficient to categorize the programs as access, local or other types of programming.

Positions of parties

22. CACTUS, the Community Media Advocacy Centre and NewWest.tv, among others, submitted that Shaw provided little to no access or local programming on its community channels. CACTUS submitted that Shaw incorrectly categorized programming produced by one undertaking as access or local programming for several other distinct undertakings, for example, undertakings located on Vancouver Island, or undertakings in Metro Vancouver or in the Okanagan Valley.
23. Shaw argued that CACTUS's position is based on an interpretation of access and local programming that is overly narrow. Shaw stated that its approach to community television is supported by the majority of interveners in this proceeding and is consistent with the Community Television Policy. Shaw argued that adopting CACTUS's more narrow interpretation of the requirements would be unsustainable and would lead to denying viewers locally relevant content from adjacent municipalities and communities within broader regional municipalities, and would result in the production of lower quality community programming. Shaw made the following specific points regarding CACTUS's analysis:
 - Metro Vancouver should be considered a municipality for the purposes of the categorization of local programming and, more generally, for the purposes of community television. Shaw noted that the Metro Vancouver Regional District is a metropolitan municipal governance structure that delivers regional services and sets policy for the region.

- Restricting the meaning of locally reflective and locally relevant to content produced exclusively in—and exclusively for—individual licensed systems denies i) viewers access to dynamic and locally relevant content from adjacent municipalities and communities that share common interests and ii) access producers the benefits of a larger audience.
24. In response to questions regarding the materials that had not been filed as requested, including questions from the Commission during the oral phase of the hearing, Shaw submitted that the scope and detail of the evidence provided was sufficient for the Commission to make its determinations regarding the operation of Shaw's community channels during the licence term. Shaw requested that the Commission rely on the large volume of evidence already provided to verify its compliance with requirements governing access and local programming.

Commission's analysis and decisions

Whether Shaw provided sufficient evidence to determine whether a particular program qualifies as access or local programming

25. The Regulations define community access television programming as programming that is produced by an individual, group or community television corporation residing within the licensed area of a cable distribution undertaking. The Community Television Policy makes clear that for a program to count as access programming, the community member requesting access must have creative control. However, BDUs may assist with training and support community members in the production and distribution of access programming.
26. The Regulations define local community television programming as programming that is reflective of the community. This programming can be produced by a member of the community, with or without the assistance of the licensee, but can also be produced solely by the licensee. Programming produced in another licensed area within the same municipality is also considered local community programming.
27. As part of the above-noted community channel monitoring exercise, Shaw was asked to submit information to justify the categorization of its community programming. Pursuant to section 11(2) of the Regulations, a licensee is required to respond to a request for information regarding its compliance with its regulatory obligations. In this case, the onus was on the licensee to provide sufficient information to demonstrate to the Commission that a given program qualifies as access or local programming, as the case may be.
28. Even when provided with additional opportunities to do so, Shaw did not provide information at a detailed enough level to allow the Commission to verify the categorization of a significant number of programs as access or local programming. In almost all of the programming grids provided by Shaw, examples can be found where key information was not provided, thereby limiting the Commission's ability to confirm, for example, that the requester for an access program was a member of the community served by the licensee in question or how an access producer had ultimate

creative control over the production of a particular program. Not providing complete information adversely affected the Commission's ability to properly ascertain Shaw's compliance with regulatory requirements.

29. Accordingly, while the severity of the issue varies among Shaw's BDUs, the Commission concludes that, at least for all of Shaw's licensed undertakings, programming grids were provided that did not contain the required information. This constitutes a breach of section 11(2) of the Regulations.

Whether Shaw has incorrectly categorized programming produced by one undertaking as access or local programming for other undertakings

30. As set out in section 31(2)(a) of the Regulations, except as otherwise provided under a condition of its licence, a licensee must devote at least 50% of the programming distributed on the community channel in each broadcast week to community access television programming. In light of the definition of community access television programming set out above, except where a condition of licence states otherwise, access programming produced by one undertaking cannot be categorized by another undertaking as access programming.
31. With respect to local programming, as set out in section 31(1) of the Regulations, except as otherwise provided under a condition of its licence, a licensee shall devote at least 60% of the programming distributed on the community channel in the licensed area in each broadcast week to the distribution of local community television programming.
32. The Regulations define local community television programming, in relation to a licensed area, as programming that is reflective of the community served in the licensed area and that is produced (a) by the licensee in the licensed area, by the members of the community served in the licensed area or by a community television corporation residing in the licensed area; or (b) by another licensee in a licensed area within the same municipality as the licensee referred to in (a), by the members of the community served in that licensed area or by a community television corporation residing within that licensed area.
33. In other words, except where a condition of licence says otherwise or in the case of undertakings located within the same municipality, local programming produced by one undertaking cannot also be categorized by another undertaking as local programming.
34. The Commission reviewed the programming grids provided during this proceeding and found that, in many instances, Shaw categorized programming produced for one community channel as access or local programming for several other community channels. This is most evident in the programming grids for the community channels for undertakings that are adjacent to one another, such as those located on Vancouver Island, in Metro Vancouver and in the Okanagan Valley.

35. In regard to Metro Vancouver, the term “municipality” is not defined in the Regulations or the Community Television Policy. However, the evidence provided by Shaw demonstrates that it would be reasonable to consider the communities of Metro Vancouver as a single municipality for the purposes of community television. This would be consistent with Metro Vancouver’s status as a regional district. As a result, the Commission considers that each community channel operated by a Shaw undertaking included within Metro Vancouver was rightfully allowed to categorize programs that were produced by any of the Metro Vancouver community channels as local programming.
36. Nonetheless, the Commission considers that Shaw inappropriately categorized the same programs as access programming for multiple community channels in Metro Vancouver when the programs only qualified as access programming for one undertaking. Examples of this inappropriate categorization include the programs *Vancouver Light and Magic*, *When Paintings Come Alive* and *Metro Vancouver*.
37. Shaw also inappropriately categorized programs as access and local programming for multiple community channels that it operates on Vancouver Island and in the Okanagan Valley. For Vancouver Island, for example, multiple programs such as *VI Sports*, *The Show*, *Life Captured* and *Farkle Garage* were counted as access programming by multiple undertakings. As a further example, during the week of 17 to 23 January 2016, approximately 75% of the hours on the Kelowna community channel grid appear to be for programs that are identical to those on the grid of the Penticton community channel.²
38. These examples, while not exhaustive, are broadly representative of the issues identified by the Commission across many of Shaw’s service areas, especially where multiple systems are located in close geographic proximity.
39. In general, Shaw miscategorized a significant number of access and local programs in a significant number of its licensed systems. It also failed to provide sufficient information such that the Commission was prevented from properly assessing the categorization of a significant amount of programs as access or local programming. These problems seriously call into question Shaw’s compliance, in the majority of its licensed systems, with the requirements set out in sections 31(1) and 31(2)(a) of the Regulations, which state that a licensee must devote at least 60% of the programming broadcast in each broadcast week to local programming and at least 50% to access programming.
40. The volume of information on the record, and the proportion of this information that is unreliable make it difficult to catalogue specific instances of non-compliance with Shaw’s regulatory obligations. Nonetheless, the record is such that, as a result of the issues identified above, the Commission is able to find, on a balance of probabilities, that Shaw has failed to meet the 50% access programming threshold for the licensed

² The Penticton BDU is operated by Shaw as an exempt undertaking.

undertakings serving Coquitlam, Duncan, Kelowna, Nanaimo and New Westminster, British Columbia for the week of 17 to 23 January 2016. This constitutes a breach of section 31(2)(a) of the Regulations.

Length of the licence term and measures to address the non-compliance

41. As noted above, based on the information provided on the record of this proceeding, Shaw misinterpreted the definitions of access and local programming set out in the Regulations and the Community Television Policy. As a result, for several of its undertakings, Shaw failed to devote a minimum of 60% of the programming broadcast during each broadcast week to local programming and a minimum of 50% to access programming. More generally, Shaw also failed to provide information at a sufficient level of detail that would permit an accurate evaluation of whether a particular community program qualified as access or local programming for a significant portion of its community channels. The Commission therefore finds Shaw in non-compliance with its obligations regarding the exhibition of access and local programming and the requirement to provide information to the Commission related to its regulatory obligations pursuant to sections 31(1), 31(2)(a) and 11(2) of the Regulations.
42. The Commission considers that the nature of the issues identified and of the non-compliance observed is serious, given that it has impeded the Commission's ability to verify compliance with regulatory requirements and that it has resulted in less local reflection and diversity of voices in community television and, consequently, in the broadcasting system. As a result, the attainment of the objectives of the Community Television Policy and, ultimately, of the objectives of the broadcasting policy set out in the *Broadcasting Act* has been impeded.
43. While some of the instances of non-compliance that the Commission has set out above concern undertakings for which Shaw has since closed the community channel, the Commission is nonetheless more generally concerned that the issues identified in its monitoring exercise appear to be systemic in scope. In the Commission's view, these factors warrant the implementation of measures with respect to all of the licences that are being renewed. As a result, the Commission finds it appropriate to renew these licences for a short-term period of five years. The shorter licence terms reflect the significance of the non-compliance and the issues identified and, at the same time, ensure that Shaw will have a sufficient opportunity to make the necessary changes to its community channels.
44. As noted above, the monitoring exercise undertaken as part of the present proceeding encompassed both licensed and exempt BDUs. In Shaw's case, its misinterpretation of the relevant community television rules and its failure to provide sufficient information related to both exempt and licensed undertakings. However, for greater clarity, any findings of non-compliance under the Regulations and the shorter licence terms imposed relate exclusively to licensed undertakings.

45. In addition, the Commission is requiring Shaw to provide a report detailing the measures it will take to ensure, going forward, that it meets the access and local programming requirements for its licensed and exempt undertakings that operate community channels. The Commission will also implement additional monitoring of Shaw's community channels, both licensed and exempt, to ensure compliance with its regulatory obligations relating to community television.
46. These measures will ensure that the Commission is able to review Shaw's adherence to its regulatory obligations in a sufficiently robust manner and, should it become necessary, take further remedial action within an appropriate timeframe.

Closed captioning

47. Shaw is currently required by condition of licence to close caption 100% of original licensee-produced programming on its community channel and is expected to ensure that 100% of original access programming on the community channel is captioned by the end of the current licence term. In its application, Shaw requested an exception to the closed captioning condition of licence. Specifically, it requested that the condition be converted into an expectation, and that the expectation to close caption 100% of original access programming be converted into an encouragement. Shaw stated that it would do as much closed captioning as possible, but noted that changes in how it planned to ensure the closed captioning of programming across its various undertakings may make it impossible to guarantee that it will fully meet the requirement at all times on all of its undertakings. Shaw committed to making best efforts, depending on available resources for each of their systems. Cogeco supported Shaw's proposed amendments.
48. In the Introductory Decision, the Commission stated that the closed captioning condition of licence and expectation, as set out in the Community Television Policy, are intended to come into effect for BDUs by a common date, seven years following the coming into effect of the renewed licences (i.e. by 31 August 2025). This would provide BDUs with sufficient time to ramp up their production of closed captioning and to improve their processes to make them more efficient and affordable. Because Shaw will be subject to shorter licence terms, the Commission intends to impose the condition of licence and expectation on Shaw at the time of its next licence renewal so that they take effect at the same time as for other licensees.
49. Further, given the evidence provided by Shaw regarding the changes it plans to introduce with respect to the provision of closed captioning and how this could affect its ability to maintain historical levels of closed captioning in the near term, and to ensure that Shaw is subject to the same requirements as other licensees in a similar timeframe, the Commission considers it appropriate to delete the condition of licence requiring Shaw to close caption 100% of original licensee-produced content and to replace it with an expectation in this regard for the new licence term.

Distribution of TFO

Positions of parties

50. Groupe Média TFO requested that Shaw be required to offer the French-language educational television service TFO to Shaw BDU subscribers. In Groupe Média TFO's view, this would play a major role in improving the availability of French-language content in the western provinces. Groupe Média TFO argued that it would be inconsistent with the Commission's obligations pursuant to section 41 of the *Official Languages Act* (OLA) to allow market forces solely to dictate whether Shaw should be required to make TFO available to all of its subscribers. In support of its position, Groupe Média TFO filed a legal opinion it had commissioned on the issue of the Commission's obligations under the OLA. The legal opinion concluded that the Commission had not always given proper consideration to these obligations in the past.
51. Shaw submitted that it manages its cable plant's total finite capacity to deliver Internet, video, and voice services with a portion of the available spectrum dedicated to each. Shaw argued that because of the current technologies it employs for its terrestrial BDUs, the spectrum allocated to video services is generally completely used, which means that it does not have the technical ability to distribute additional services at this time. However, Shaw indicated that it is willing to discuss the potential distribution of TFO via Shaw's direct-to-home BDU and, when new capacity becomes available, to reconsider its position to distribute TFO on its terrestrial distribution platforms.

Commission's analysis and decision

52. The Commission acknowledges that the OLA provides for federal institutions to take positive measures towards enhancing the vitality of official language minority communities (OLMCs) in Canada and supporting and assisting their development.
53. The Commission considers that, with respect to OLMCs, the regulation of the broadcasting system must be viewed holistically, rather than by evaluating any single regulatory decision in a vacuum. In a specific instance, such as the present request regarding TFO, the Commission must have regard to a range of relevant considerations, in addition to the OLA, including the broadcasting policy for Canada, and the specific facts on the record of the proceeding before it.
54. In addition to Radio-Canada, TVA and TV5, Shaw's cable systems offer up to 11 French-language discretionary services to their subscribers. Further, the Commission considers it especially relevant that consumers in western Canada already have access to TFO programming through other BDUs. Based on the evidence on the record, in order to distribute TFO, Shaw would have to upgrade its cable plant, modify its existing spectrum allocation practices or cease the distribution of an existing programming service.

55. Given the current availability of French-language services in general, and TFO in particular, to audiences in the competitive BDU market in western Canada, the Commission considers that any benefit to the broadcasting system or to OLMCs that would be achieved by requiring Shaw to distribute TFO would not be significant. Under the circumstances, what would be required would not be commensurate with this benefit. Shaw has made a commitment to discuss the distribution of TFO on Shaw Direct and eventually on its emerging Internet Protocol based distribution systems, when capacity becomes available. The Commission encourages Shaw to follow through on this commitment as soon as practicable. In light of the above, the Commission does not consider that any further action is required in order to address the objectives of the OLA or of the broadcasting policy for Canada. Accordingly, the Commission will not require Shaw to offer TFO to its cable subscribers at this time.

Other matters

56. Shaw requested to maintain or make minor amendments to certain conditions of licence with regard to programming. These requests relate to wording changes that reflect updates in the Regulations and Commission policies and, accordingly, do not raise any concerns. These are reflected in the conditions of licence set out in Appendix 2 to this decision.

Conclusion

57. In light of all of the above, the Commission **renews** the licences for the terrestrial BDUs serving various locations in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario set out in Appendix 1 to this decision from 1 September 2018 to 31 August 2023. These short-term renewals will allow the Commission to review at an earlier date the licensees' compliance with regulatory requirements. The terms and **conditions of licence** for each undertaking are set out in Appendix 2 to this decision.

58. In addition, the Commission **directs** Shaw to provide a report, by **1 November 2018**, detailing the measures it will take to ensure that it meets the access and local programming requirements for each of its licensed and exempt undertakings going forward.

59. Further, as part of the Commission's regular community channel monitoring exercise, Shaw's community channels will be subject to additional monitoring.

Employment equity

60. Because the licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Renewal of licences for various terrestrial broadcasting distribution undertakings that will expire in August 2018 – Introductory decision*, Broadcasting Decision CRTC 2018-263, 2 August 2018
- *Various terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2018-182, 24 May 2018
- *Various terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2017-159, 18 May 2017
- *Licence renewal of broadcasting distribution undertakings – Review of practices relating to the small basic service and flexible packaging options and imposition of various requirements*, Broadcasting Decision CRTC 2016-458, 21 November 2016
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016

This decision is to be appended to each licence.

Appendix 1 to Broadcasting Decision CRTC 2018-266

Licences renewed in this decision

Licensee name	Application number	Location
Shaw Cablesystems Limited	2016-0959-6	Calgary, Alberta
	2016-0936-4	Edmonton, Alberta
	2016-0967-9	Fort McMurray, Alberta
	2016-0960-4	Lethbridge, Alberta
	2016-0961-1	Red Deer, Alberta
	2016-0968-7	Coquitlam, British Columbia
	2016-0978-6	Duncan, British Columbia
	2016-0980-2	Kelowna, British Columbia
	2016-0981-9	Langford, British Columbia
	2016-0988-5	Nanaimo, British Columbia
	2016-0990-1	New Westminster, British Columbia
	2016-0991-8	Vancouver (North and West), British Columbia
	2016-0995-0	Vancouver (Richmond), British Columbia
	2016-0996-8	Victoria, British Columbia
	2016-1000-0	White Rock, British Columbia
	2016-1002-2	Winnipeg, Manitoba
	2016-1007-2	Sault Ste. Marie, Ontario
2016-1008-0	Thunder Bay, Ontario	
2016-0957-0	Saskatoon, Saskatchewan	

Shaw Cablesystems (VCI) Limited	2016-1009-8	Edmonton, Alberta
	2016-1010-6	Winnipeg, Manitoba

Appendix 2 to Broadcasting Decision CRTC 2018-266

Terms, conditions of licence and expectations for the terrestrial broadcasting distribution undertakings renewed in this decision

Terms

The licences will take effect 1 September 2018 and expire 31 August 2023.

Conditions of licence applicable to all terrestrial broadcasting distribution undertakings

1. 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.
2. The licensee shall adhere to the Television Service Provider Code, set out in the appendix to *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016.
3. The licensee shall be a participant in the Commission for Complaints for Telecom-television Services Inc.
4. In the annual return that the licensee is required to submit to the Commission by 30 November for the broadcast year ending the previous 31 August, the licensee shall include the number of hours of original programming broadcast during each broadcast year on each of its community channels.
5. Where the licensee collects set-top box data regarding programming services it distributes, it shall, by no later than 30 September 2019, provide this data to a national set-top box-based audience measurement system.

For the purposes of this condition of licence, “set-top box data” means viewership data that is obtained by the licensee through a set-top box or by comparable means, but does not include any portion of such data that would allow the recipient of the data to identify a particular subscriber or household.

6. Where the licensee collects set-top box data regarding programming services it distributes, it shall, upon the written request of a Canadian programming service, provide that programming service with the set-top box data regarding that programming service, in the form of either raw data or reports, within 30 days,
 - at no cost; and
 - no more than two times per broadcast year, unless otherwise agreed to by the licensee and the Canadian programming service.

The application of the foregoing condition of licence is suspended until 30 September 2019 and, thereafter, so long as a national set-top box-based audience measurement system is operational.

For the purposes of this condition of licence, “set-top box data” means viewership data that is obtained by the licensee through a set-top box or by comparable means, but does not include any portion of such data that would allow the recipient of the data to identify a particular subscriber or household.

7. In the annual return that the licensee is required to submit to the Commission by 30 November for the broadcast year ending the previous 31 August, the licensee shall include information relating to the following:
 - the availability of accessible set-top boxes and remote controls, and their accessibility features;
 - the penetration of accessible set-top boxes and remote controls with the licensee’s customer base; and
 - the number of accessibility-related queries received by the licensee, and the number successfully resolved.
8. The licensee shall provide audio description for all the key elements of information programs, including news programming, on its community channel (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stuck information or weather maps that are posted on screen).
9. The licensee shall provide the necessary training to hosts and access producers associated with its community channel concerning the provision of audio description.
10. The licensee shall provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity.
11. The licensee shall promote information on all of its disability-specific services and products, in the accessible manner(s) of its choice.
12. The licensee shall incorporate an easy-to-find home page link to the sections of its website dealing with the needs of persons with disabilities, if its website includes such sections.
13. The licensee shall make the information on its website accessible to the point of providing reasonable accommodation for persons with disabilities. Examples of what the Commission considers to be reasonable accommodations are listed in paragraph 66 of *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009.

14. Where customer service functions on its website are not accessible, the licensee shall ensure that persons with disabilities will not incur a charge or otherwise be disadvantaged if they use an alternate avenue of customer service.
15. The licensee shall make accessible any customer service functions that are available solely over its website.
16. The licensee shall make its general call centres accessible to the point of providing reasonable accommodation to persons with disabilities by:
 - training customer service representatives in handling enquiries from persons with disabilities and familiarizing them with the service provider's products and services for persons with disabilities; and
 - making its Interactive Voice Response systems accessible.

Additional conditions of licence for the terrestrial broadcasting distribution undertaking serving Calgary, Alberta

17. If it elects to offer community programming, the licensee shall form a citizen advisory committee that is representative of the communities it serves, including volunteers.
18. The licensee is authorized to distribute, at its option, and without advertising material, special programming services consisting of children's programming, the City of Calgary Information Guide and religious programs.
19. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.
20. The licensee is relieved from the requirement to distribute CITV-TV-1 Red Deer.

Additional condition of licence for the terrestrial broadcasting distribution undertakings serving Edmonton, Alberta (Shaw Cablesystems Limited and Shaw Cablesystems (VCI) Limited)

21. If it elects to offer community programming, the licensee shall form a citizen advisory committee that is representative of the communities it serves, including volunteers.

Additional conditions of licence for the terrestrial broadcasting distribution undertaking serving Coquitlam, British Columbia

22. If it elects to offer community programming, the licensee shall form a citizen advisory committee that is representative of the communities it serves, including volunteers.
23. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.
24. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, to the extent provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel: British Columbia Legislative Assembly and Information Network.
25. The licensee is authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington.

Additional condition of licence for the terrestrial broadcasting distribution undertakings serving Duncan, Langford, Nanaimo and Victoria, British Columbia

26. The licensee is authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington.

Additional condition of licence for the terrestrial broadcasting distribution undertaking serving Kelowna, British Columbia

27. The licensee is authorized to distribute CIVT-TV Vancouver as a distant signal. The licensee must ensure that the CIVT-TV signal it distributes contains the covered advertising. Should a local television programming undertaking wish to insert local advertising on the covered portions of the CIVT-TV signal, the Commission's prior approval for the distributor to alter or curtail the signal would be required.

Additional conditions of licence for the terrestrial broadcasting distribution undertaking serving New Westminster, British Columbia

28. If it elects to offer community programming, the licensee shall form a citizen advisory committee that is representative of the communities it serves, including volunteers.
29. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, to the extent provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel: British Columbia Legislative Assembly and Information Network.
30. The licensee is relieved from the requirement to distribute CFEG-TV Abbotsford.
31. The licensee is authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington.
32. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.

Additional conditions of licence for the terrestrial broadcasting distribution undertakings serving Vancouver (North and West), Vancouver (Richmond) and White Rock, British Columbia

33. If it elects to offer community programming, the licensee shall form a citizen advisory committee that is representative of the communities it serves, including volunteers.
34. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, to the extent provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel: British Columbia Legislative Assembly and Information Network.
35. The licensee is authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington.
36. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.

Additional condition of licence for the terrestrial broadcasting distribution undertaking serving Winnipeg, Manitoba (Shaw Cablesystems (VCI) Limited)

37. The licensee is authorized to distribute, at its option, the following programming services, without advertising material: National Film Board documentaries, video programming presented in co-operation with non-profit Manitoba tourism groups, Manitoba Department of Education programming, Indigenous programming supplied by Native Communications Inc., Manitoba Jockey Club Inc., Videon local productions and a cable menu service.

Additional condition of licence for the terrestrial broadcasting distribution undertaking serving Thunder Bay, Ontario

38. The licensee is authorized to distribute WCCO-TV (CBS), KARE (NBC), KSTP-TV (ABC), KMSP-TV (FOX) and KTCI-TV (PBS) Minneapolis, Minnesota as part of the basic service, or alternatively for each signal, the signal of a different

affiliate of the same network located in the same time zone and included in the *List of non-Canadian programming services and stations authorized for distribution*, as amended from time to time.

Expectations applicable to all terrestrial broadcasting distribution undertakings

The Commission expects the licensee to ensure that subscribers are able to identify programming with described video in the electronic program guide.

The Commission expects the licensee to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up.

The Commission expects the licensee to ensure that 100% of original English- and French-language access programming aired on its community channel is closed captioned.

The Commission expects the licensee to ensure that 100% of original English- and French-language licensee-produced programming aired on its community channel is closed captioned.

The Commission expects the licensee to ensure that advertising, sponsorship messages and promos inserted into local availabilities are closed captioned.