



Broadcasting Decision CRTC 2018-269

PDF version

References: 2017-160 and 2017-160-1

Ottawa, 2 August 2018

Videotron Ltd.

Various locations in Quebec

Public record for this proceeding: 1011-NOC2017-0160

The application numbers are set out in the decision.

Public hearing in the National Capital Region

16 October 2017

Videotron – Licence renewal for various terrestrial broadcasting distribution undertakings

*The Commission **renews** the licences for terrestrial broadcasting distribution undertakings serving various locations in Quebec, as set out in this decision, from 1 September 2018 to 31 August 2024.*

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

Applications

1. Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P., now Videotron Ltd.¹ (Videotron), filed applications to renew the licences for the following terrestrial broadcasting distribution undertakings (BDUs), which expire 31 August 2018:²

¹ In Broadcasting Decision 2017-453, the Commission approved an application by Videotron Ltd. for authority to acquire the assets of Videotron G.P. (Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P.).

² The Commission renewed these licences from 1 December 2016 to 30 November 2017 in Broadcasting Decision 2016-458 with the exception of the BDUs serving Granby, Saguenay and Sherbrooke, the licences for which were administratively renewed from 1 September 2017 to 30 November 2017 in Broadcasting Decision 2017-20. 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.

Locations	Application number
Gatineau (Aylmer, Gatineau, Hull) and surrounding areas, Quebec	2016-0969-5
Granby, Quebec	2016-0952-0
Québec and surrounding areas, Quebec	2016-0971-0
Montréal, Quebec	2016-0972-8
Montréal West, Quebec	2016-0973-6
Saguenay (Chicoutimi), Quebec	2016-0964-5
Sherbrooke, Quebec	2016-0966-1
Terrebonne, Quebec	2016-0970-3

2. The Commission received several interventions regarding the applications, to which Videotron replied.

Commission's analysis and decisions

3. The Commission's determinations relating to issues common to the terrestrial BDUs renewed in this proceeding are set out in Broadcasting Decision 2018-263 (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 Videotron's BDUs, set out in the appendix 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 Videotron, as a vertically integrated entity, specific conditions of licence in this regard, as set out in detail in the Introductory Decision. In particular, Videotron will be required to provide set-top box data to that system by 30 September 2019 and, if no such system is established by that date, to provide such data to Canadian programming services upon request.

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 terms, such as Videotron, 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 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 control, and 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. Having examined the public record for these applications, including complaints regarding Videotron's community channel, the Commission considers that the outstanding issues for Videotron's BDUs that it must address in this decision relate to the following:
 - the programming broadcast on the community channel;
 - funding for community television corporations (TVCs);
 - TVC programming – high-definition (HD) format;
 - the reflection of underrepresented groups in community programming;
 - citizen advisory committees;
 - the creation of an additional service zone to serve Vaudreuil-Soulanges; and
 - closed captioning.

Programming broadcast on the community channel

8. 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.
9. 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.
 10. In addition, the Commission found it appropriate to impose a condition of licence requiring certain licensees, including Videotron, 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.
 11. In regard to Videotron’s BDUs, at the Commission’s request Videotron submitted logs for three weeks³ of programming on the community channels serving Montréal, Gatineau, Saguenay, Québec and Sherbrooke (licensed) and Bas-Saint-Laurent and Cap-de-la-Madeleine (exempt), as well as audiovisual recordings and related logs covering a fourth week⁴ for the Montréal, Gatineau and Saguenay systems.
 12. In its intervention, Independent Community Television-Montreal (ICTV) noted that based on its assessment of the logs submitted by Videotron, all of the Videotron community channels it examined violated numerous objectives of the Community Television Policy, including requirements relating to access programming.⁵ ICTV effectively reviewed Videotron’s classification of the access programs in its logs and recalculated the percentage of access programming based on the changes that it had made.
 13. For example, ICTV disqualified from the “access programming” category any program featuring a professional in an area other than media, since such a program could be considered as advertising for a private business.
 14. This conclusion is inconsistent with the view expressed by the Commission in the Community Television Policy to the effect that “programs produced with Canadians that are professionals in areas other than media (e.g., yoga instructors, hunting and

³ The logs cover the weeks of 17 to 23 January 2016, 8 to 14 May 2016 and 14 to 20 August 2016.

⁴ The audiovisual recordings and related logs cover the week of 18 to 24 September 2016.

⁵ The access programming requirements are 50% for licensed BDUs and 30% for exempt BDUs.

fishing experts, astrologers) may qualify as access programming as they allow people who have no access to the broadcasting system to share their passions on screen.” The Commission also specified that “these types of programs must comply with the sponsorship rules in place to ensure that they do not become infomercials for the business of the person requesting access.”

15. Furthermore, in the present case, ICTV did not provide any evidence that the professionals producing access programming for Videotron’s community channel MATV failed to comply with the sponsorship rules or devised the program as an infomercial for their own businesses.
16. As such, Videotron was justified in categorizing as access programming the programs disqualified by ICTV on the basis that they featured a professional in an area other than media.
17. ICTV also alleged that under section 31(2)(c)⁶ of the Regulations, BDUs may count only 20% of the programming originating from not-for-profit TVCs towards their total 50% requirement for access programming. ICTV therefore disregarded any TVC programming beyond this 20% limit.
18. Videotron replied that ICTV was incorrect in asserting that the 20% of programming made available by BDUs to TVCs constitutes a ceiling and that all programming produced by a TVC that exceeds this level cannot be considered access programming.
19. When the Commission announced the requirement that BDUs must make available up to 20% of the programming broadcast to TVCs, the objective was to grant access rights to TVCs rather than to limit such rights. Accordingly, interpreting section 31(2)(c) in the manner proposed by ICTV is contrary to the Commission’s initial intention. ICTV was therefore incorrect in eliminating any TVC programming over the 20% limit in its review of Videotron’s logs.
20. Finally, ICTV also excluded a number of shows for which access had been granted to a media professional from the “access programming” category. However, as set out in the Introductory Decision, the Commission accepted this categorization for the weeks that were subject to a monitoring exercise.
21. In light of the above, the Commission is of the view that Videotron’s interpretation of the logs that it submitted more adequately represents the amount of access programming broadcast than the interpretation brought forth by ICTV. Accordingly, the Commission finds that Videotron operated its community channels in compliance with access and local programming exhibition requirements.

⁶ Section 31(2)(c) stipulates that if one or more community television corporations are in operation in a licensed area, a licensee shall make available to them up to 20% of the programming distributed on the community channel in each broadcast week for community access television programming.

Funding for community television corporations

22. Certain stakeholders, including CSUR la télé (CSUR) and the Fédération des télévisions communautaires autonomes du Québec (FTCAQ), requested that Videotron be required to allocate more funding to TVCs, provide for an annual increase in this funding in keeping with inflation, and share information with TVCs on how it distributes funds allocated to local expression.
23. In its response, Videotron noted that there is currently no regulatory obligation for BDUs to allocate money to a TVC. Videotron stated that by choosing to provide financial assistance to TVCs, it demonstrated its continued commitment to TVCs and that it considers their presence beneficial for its subscribers.
24. In the Community Television Policy, the Commission determined that it was not necessary to impose measures requiring BDUs to fund TVCs that provide programming. Rather, the Commission determined that the expenditure and exhibition requirements for access programming are sufficient to ensure that an appropriate amount of this type of programming is distributed by community channels.⁷
25. Accordingly, while some parties advocated for increased funding from Videotron to support TVCs, Videotron has no regulatory obligation to provide them with funding, even though it generally does so.
26. The Commission considers that the parties have not demonstrated that it would be appropriate to reconsider the approach set out in the Community Television Policy relating to the funding of TVCs. Consequently, the Commission **denies** the parties' requests to require Videotron to provide funding for TVCs.

Community television corporation programming – Programs in high-definition format

27. CSUR and the FTCAQ requested that Videotron be required to broadcast programs produced by TVCs in HD.
28. In reply, Videotron noted that the programming of several TVCs is already available in HD. Specifically, at the public hearing, Videotron indicated that of the 19 TVCs currently producing programming for Videotron, 8 are already completely distributed in HD, while another 5 will be by August 2018. Videotron indicated that the cost of switching to HD is sourced from the amounts invested in community programming. Videotron added that programs will be distributed in HD format as HD broadcast facilities become available and the TVCs are able to provide Videotron with programs in the required format and according to internal standards. As such,

⁷ See paragraph 172 of the Community Television Policy.

Videotron submitted that there was no reason to impose more restrictive conditions of licence.

29. The Commission notes that the transition to HD is progressing, even in the absence of regulatory requirements. Given that TVCs are not all of the same size, do not all benefit from the same budget and do not all produce the same types of programs, it seems normal that the pace of transition to HD varies among them.
30. Accordingly, the Commission **denies** the parties' request. However, the Commission encourages Videotron to distribute TVC programming in HD as soon as TVCs are able to provide Videotron with programs in the required format and HD broadcast facilities become available.

Reflection of under-represented groups in community programming

Positions of parties

31. According to ICTV, Videotron does not effectively reflect the communities it serves. It indicated that based on the logs provided by Videotron, MAtv broadcast 187 programs, of which only five were in English and four were aimed at visible minorities, and none of which targeted Indigenous communities. ICTV also indicated that none of the programs were produced by or for persons with disabilities in Quebec.
32. The English Language Arts Network (ELAN) submitted that MAtv's English-language programming was of high quality and appropriately reflected Montréal's Anglophone community. However, ELAN expressed concern that the additional flexibility provided to BDUs in the new Community Television Policy would lead to reduced funding for official language minority community (OLMC) programming in the English language.⁸ ELAN proposed the following:
 - that the Commission impose a condition of licence requiring Videotron to continue to operate its MAtv community channel at its current 1.5% level of funding;
 - that the Commission impose a condition of licence requiring Videotron to continue to devote 20% of MAtv's budget in Montréal to English-language programs; and
 - that MAtv channels located outside of Montréal be required allocate at least 10% of its community television programming schedule and of funding to OLMC programming.

⁸ The Community Television Policy now allows licensed BDUs to reduce funding for community channels (and to shut down community channels located in metropolitan markets) in order to reallocate part of the resources previously devoted to community television towards the production of local news. The resources can also be reallocated to community channels operated in other markets.

33. Videotron indicated MATv has made many efforts had been made by MATv to encourage community members to submit program pilots.
34. Videotron added its efforts were starting to bear fruit. For example, MATv Montréal now features Indigenous programming, and MATv Gatineau added English-language programming in the fall of 2017. Given the changing environment in which it operates, Videotron submitted that it would be wiser not to commit to meeting specific quotas but rather to remain open to receiving and producing access programming proposals.

Commission's analysis and decision

35. In Broadcasting Decision 2015-31, the Commission found Videotron to be in non-compliance with its regulatory requirements, including those relating to local reflection.
36. The Commission notes that while some of the linguistic, ethnic and Indigenous groups found in the communities served by Videotron were not reflected in its community programming at that time, Videotron has since made notable improvements. The addition of English-language programs and ethnic and Indigenous programs, all of which were virtually absent from MATv's programming in 2015, can be considered a significant step in the right direction.
37. The Commission therefore considers that Videotron has put in place the necessary measures to ensure that MATv provides greater local reflection.
38. In regard to the English-language OLMC programming in Montréal, the Commission notes that ELAN has indicated that it is satisfied with the work that Videotron has done in reflecting OLMCs on its Montréal community channel.
39. However, ELAN expressed concerns that the additional flexibility provided to BDUs in the Community Television Policy would lead to reduced funding for English-language OLMC programming.
40. In regard to ELAN's request that Videotron be required to continue to operate its community channel MATv at its current funding level of 1.5%, the Commission notes that ELAN is in reality asking it to prohibit Videotron from benefitting from the flexibility provided by the Community Television Policy. Since the possibility of reallocating resources from metropolitan markets to support the production of local news was clearly established in the Community Television Policy and incorporated into the Regulations as of 1 September 2017, the Commission considers that it would not be appropriate to prohibit Videotron from availing itself of this flexibility if it deems it necessary.
41. In regard to ELAN's request that the Commission impose a condition of licence requiring Videotron to continue to devote 20% of MATv's budget in Montréal to English-language programming, the Commission considers that there is no evidence of the need to impose a specific condition of licence to this effect as ELAN

acknowledged that the current level of OLMC programming produced and broadcast by MATv in Montréal was appropriate.

42. Rather, the Commission is of the view that the existing policy requirement that community channels reflect the communities they serve, including their various linguistic groups, is sufficient to ensure an adequate level of English-language programming on MATv Montréal.
43. In addition, in regard to ELAN's request that MATv community channels located outside Montréal (Gatineau, Granby, Québec, Sherbrooke and Saguenay) be required to allocate 10% of the community television schedule and funding to OLMC programming, the Commission notes that ELAN has not provided any evidence that Videotron is not making sufficient efforts to reflect OLMCs on the community channels it operates in other areas served.
44. Finally, imposing a harmonized 10% OLMC requirement on all community channels outside Montréal would run counter to the idea of reflecting specific communities and would not take into account the fact that those communities present very different demographic realities, including very different Anglophone populations.
45. The Commission considers that the percentage of the population represented by the various linguistic groups, including OLMCs, in each service area constitutes one of the indicators of the appropriate level of minority-language programming broadcast by community channels.
46. In light of the above and having considered the potential impact on the vitality of the Anglophone communities across Quebec, the Commission **denies** ELAN's request for conditions of licence requiring Videotron to continue to operate its MATv community channel at its current 1.5% level of funding and imposing specific levels of OLMC programming.

Citizen advisory committees

Positions of parties

47. In their interventions, ELAN and ICTV both addressed the issue of citizen advisory committees. ELAN proposed several additional measures concerning the MATv advisory committee, relating specifically to the following: the composition of the committee, a minimum number of yearly meetings, record keeping and reporting.
48. For its part, ICTV submitted that Videotron did not have a citizen advisory committee for eight out of the nine community channels it operates and that in Montréal, where it does have such a committee, this committee has no real power or access to information.
49. In reply to the interventions, Videotron stated that outside Montréal, there is no regulatory obligation regarding the creation of advisory committees. Nevertheless, Videotron indicated that it has gradually established advisory committees for the

majority of its community channels. Although they have no decision-making authority, Videotron noted that these committees play an important role in MAtv's programming choices. However, Videotron submitted that decision-making authority over programming should ultimately rest with the BDUs, since they are the ones that are responsible for the content they broadcast and related regulatory requirements.

Commission's analysis and decision

50. The Commission set out criteria for the establishment of advisory committees in the context of its recent review of the Community Television Policy. More specifically, the Commission determined that:⁹
- Licensed BDUs should be required to establish citizen advisory committees for community channels operating in markets with a population of over one million.
 - Each committee must include members of the various Indigenous, cultural, linguistic and ethnic groups within the community.
 - BDU representatives cannot represent more than one-third of the committee.
 - Specific committee membership will be left to the discretion of the BDUs.
 - BDUs will be required to report on the members sitting on the committee and the groups or organizations they represent to the Commission in their annual report.
51. As such, only BDUs operating community channels in markets with a population of more than one million are required to establish citizen advisory committees that are representative of the communities they serve, including OLMCs. Nonetheless, in the Community Television Policy, the Commission encouraged the creation of advisory committees by all BDUs and stated that it may require the creation of advisory committees for community channels in other markets where the Commission has evidence that the objective of local reflection is not achieved.
52. At the hearing, Videotron indicated that in addition to the required advisory committee it had established in Montréal, it had also created committees in Gatineau, Granby, Sherbrooke, Québec and Rivière-du-Loup (Bas-St-Laurent).
53. Further, the Commission notes that there is no evidence on the record that Videotron does not meet the above-noted criteria relating to the composition of the committees.
54. Accordingly, the Commission considers that Videotron's establishment of advisory committees is consistent with the requirement and encouragement set out in the Community Television Policy. Therefore, the Commission does not consider it appropriate to adopt ELAN's proposed measures, and rejects ICTV's argument that Videotron is in non-compliance with respect to citizen advisory committees.

⁹ See Section A of the Community Television Policy.

Creation of an additional service zone to serve Vaudreuil-Soulanges

Positions of the Parties

55. As a TVC operating in the Suroît region, CSUR requested that the Commission create an additional service zone to serve Vaudreuil-Soulanges, as a complement to the seven service zones already established in Broadcasting Decision 2003-523, arguing that the absence of Vaudreuil-Soulanges was an oversight. CSUR argued that the creation of an additional service zone in Vaudreuil-Soulanges, and more specifically the implementation of an insertion hub, would allow it to broadcast live when necessary.
56. CSUR noted that currently in order for its programs to be broadcast in Zone 7 (Châteauguay, Mercier, Saint-Constant, Delson and Sainte-Catherine), it must send them to the other TVC operating in zone 7, Télévision du Sud-Ouest, at least one week before their scheduled broadcast. It submitted that this is problematic for some types of programming (for example, local newscasts or municipal council meetings) that would benefit from live coverage or a shorter delay between production and broadcast.
57. For its part, Videotron submitted that the creation of a new zone would have a significant impact on the existing technological infrastructure. Videotron also noted that CSUR already has access to airtime on MATv in zone 7.

Commission's analysis and decision

58. In Broadcasting Decision 2003-523, the Commission authorized Videotron to divide its Montréal community channel into seven service zones. Each service zone broadcasts the programming provided by one or at times two TVCs on the MATv Montréal community channel. The seven service zones are:
- Zone 1: Montréal Island;
 - Zone 2: Laval Island;
 - Zone 3: Saint-Jérôme, Prévost and Sainte-Thérèse;
 - Zone 4: Terrebonne, Repentigny, L'Assomption and Joliette;
 - Zone 5: Longueuil, Boucherville, Belœil, Varennes, Saint-Bruno and La Prairie;
 - Zone 6: Saint-Jean and Chambly; and
 - Zone 7: Châteauguay, Mercier, Saint-Constant, Delson and Sainte-Catherine.
59. The seven existing zones were authorized following a public consultation where various parties commented on the appropriateness of the zones proposed by Videotron.

60. In fact, while Videotron originally proposed to divide its Montréal community channel into six distinct zones, interventions led the Commission to require Videotron to create a seventh zone (Laval) in recognition of the demographic significance and particular characteristics of Laval Island.
61. Further, CSUR's programs are already made available to subscribers in Zone 7. As acknowledged by CSUR during the oral phase of the public hearing, the other TVC operating in Zone 7, Télévision du Sud-Ouest, also covers events that occur in the Vaudreuil-Soulanges area. As such, the creation of an additional zone to serve Vaudreuil-Soulanges would not necessarily mean that the residents of this area would have access to more local programming.
62. The Commission acknowledges that in some cases the significant delay between the production and broadcast of a CSUR program resulting from current practices can make programs less relevant to the community or limit their value. However, the creation of a new zone in Vaudreuil-Soulanges would likely require a significant investment for the installation of insertion equipment without necessarily resulting in additional programming for the local community. On the contrary, requiring a significant investment shortly after community channels have seen their budgets reduced by 25% (from 2% to 1.5% of revenues) could lead to a reduction in expenditures on access programming.
63. In light of the above, the Commission **denies** CSUR's request. However, the Commission encourages all the parties involved (CSUR, Videotron and Télévision du Sud-Ouest) to implement measures that would shorten the delay between production and broadcast in order to maximize the relevance and value of the programming produced by CSUR for viewers in Zone 7.

Closed captioning

64. Licensed BDUs will be required, by condition of licence, to close caption all original licensee-produced programming by 31 August 2025. Further, licensed BDUs will be expected to ensure that all original access programming is close captioned by that same date.
65. Videotron requested an exemption to the requirement relating to the closed captioning of original licensee-produced programming. As part of this exemption:
- live content (approximately 20%) would not be required to be closed captioned;
 - expenditures relating to the captioning of BDU-produced programming would be capped at 1.25% of the overall budget for the BDUs' community channels.
66. In this regard, the Commission notes that Videotron originally indicated that 20% of its programming consisted of live content, but then revised that level to 30.35%. The licensee noted that hockey matches, bingo and masses, which are all broadcast live

were among the most popular programs, and recognized that they may be of particular interest to viewers who require closed captioning.

67. Videotron stated that it is trying to find a reasonable balance in its budget for the amount allocated to closed captioning. It added that without the requested exemption to the closed captioning requirement, the quantity of programming being produced might be reduced due to budgetary constraints.
68. The FTCAQ, the Conseil provincial du secteur des communications and Télévision communautaire Frontenac supported Videotron's concerns. Rogers and Eastlink supported Videotron's request, but did not request the same exemption.
69. In light of Videotron's statement that the closed captioning of live content may be of particular importance to Canadians who are deaf or hard of hearing and given that between 20% and 35% of the licensee's programming (i.e., live content) would not be closed captioned, the Commission finds that Videotron has not proposed a reasonable solution. Consequently, the Commission **denies** Videotron's request to exempt live content from closed captioning requirements.
70. The Commission notes that the requirement and expectation, as set out in the Community Television Policy, would for Videotron only come into effect after the end of the new licence term. The Commission further notes that there may be improvements in closed captioning technology during this period. Should these improvements not occur, Videotron will have an opportunity to raise its concerns as part of the next licence renewal process for its BDUs, prior to the condition of licence coming into effect. Consequently, the Commission **denies** Videotron's request that expenditures relating to the closed captioning of BDU-produced programming be capped at 1.25% of the overall budget for their community channels.
71. However, 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 Videotron will be subject to a shorter licence term, the Commission intends to impose the condition of licence and expectation on Videotron at the time of its next licence renewal so that they take effect at the same time as for other licensees.

Conclusion

72. The Commission is generally satisfied with the answers provided by Videotron in response to the issues raised by the numerous interveners in the context of its licence renewal applications. Nevertheless, given the serious nature of Videotron's non-compliance addressed by the Commission in Broadcasting Decision 2015-31, the Commission considers it appropriate to renew the licences for Videotron's terrestrial

BDUs for a period of six years. These short-term renewals will allow the Commission to review at an earlier date the licensee's compliance with regulatory requirements.

73. In light of the above, the Commission **renews** the licences for the terrestrial BDUs listed in paragraph 1 of this decision from 1 September 2018 to 31 August 2024. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

Related documents

- *Renewal of licences for various terrestrial broadcasting distribution undertakings that will expire in August 2018 – Introductory decision*, Broadcasting Decision 2018-263, 2 August 2018
- *Various terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision 2018-182, 24 May 2018
- *Videotron G.P. – Acquisition of assets (corporate reorganization)*, Broadcasting Decision 2017-453, 18 December 2017
- *Various terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision 2017-159, 18 May 2017
- *Various terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision 2017-20, 24 January 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 2016-458, 21 November 2016
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *Complaint by Independent Community TV against Videotron G.P. and its community channel MATv*, Broadcasting Decision 2015-31, 4 February 2015
- *Licence renewal of cable distribution undertakings serving part of Montréal and Terrebonne*, Broadcasting Decision 2003-523, 24 October 2003

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2018-269

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 2024.

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, September 24, 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, January 7, 2016.
3. The licensee shall participate 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 raw data or reports, within 30 days,
 - at no cost; and
 - up to a maximum of 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 report 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 that form part of its community channel (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on screen).
9. The licensee shall provide the necessary training to host 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 in the *Accessibility of Telecommunications and Broadcasting Services Policy*, 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 centers 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 undertakings serving Montréal, Montréal West and Terrebonne, Quebec

17. For the purposes of the community channel, the licensed service area shall consist of:
- a) a single service area currently encompassing those served under three existing licences (Montréal, Montréal West and Terrebonne);
 - b) seven service zones, including six local service zones within which local community programming is coordinated by community television corporations (TVCs), as defined in the *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, in accordance with the terms and conditions agreed upon by the licensee and the TVCs, on condition that they adhere to the community television policy and comply with applicable regulations. The seven service zones are:
 - Zone 1: Montreal Island;
 - Zone 2: Island of Laval;
 - Zone 3: Saint-Jérôme, Prévost and Sainte-Thérèse;
 - Zone 4: Terrebonne, Repentigny, L'Assomption and Joliette;
 - Zone 5: Longueuil, Boucherville, Beloeil, Varennes, Saint-Bruno and La Prairie;
 - Zone 6: Saint-Jean and Chambly; and
 - Zone 7: Châteauguay, Mercier, Saint-Constant, Delson and Sainte-Catherine.

18. Through its programming, the licensee shall reflect the greater Montréal community in its entirety, and shall be responsible for all community channel programming, including that broadcast by community television corporations for distribution in the local service zones during breakaway segments.
19. The licensee is authorized to distribute, at its option, WCFE-DT (PBS) Plattsburgh, New York. The licensee receives this signal off-air.
20. The licensee is relieved from the requirement to distribute the programming service ICI (International Channel/Canal International) in analog format.

Additional conditions of licence for the terrestrial broadcasting distribution undertakings serving Gatineau, Granby, Québec, Saguenay and Sherbrooke, Quebec

21. Sections 31 and 32 of the *Broadcasting Distribution Regulations* will henceforth apply to community channels serving community programming sectors approved by the Commission in *Various terrestrial broadcasting distribution undertakings in the province of Quebec – Licence amendments*, Broadcasting Decision CRTC 2012-615, 5 November 2012.

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 advertising, sponsorship messages and promos inserted into local availabilities are closed captioned.