



Broadcasting Decision CRTC 2018-337

PDF version

Reference: Part 1 licence renewal applications posted on 27 November 2017

Ottawa, 31 August 2018

Télé Inter-Rives Itée

Rivière-du-Loup, Trois-Pistoles, Baie-Saint-Paul, Saint-Urbain, Les Escoumins and Cabano, Quebec; and Edmundston, New Brunswick

Télévision MBS inc.

Rivière-du-Loup, Trois-Pistoles, Cabano, Forestville, Baie-Comeau, Sept-Îles, Les Escoumins, Gaspé, Baie-Saint-Paul, Carleton and Rimouski, Quebec; and Edmundston, New Brunswick

CKRT-TV Itée

Rivière-du-Loup, Baie-Saint-Paul, Dégelis, Cabano, Saint-Urbain and Trois-Pistoles, Quebec

CHAU-TV Communications Itée

Carleton-sur-Mer, Sainte-Marguerite-Marie, Port-Daniel, Chandler, Percé, Gaspé, Rivière-au-Renard, Cloridorme and L'Anse-à-Valleau, Quebec; and Saint-Quentin, Tracadie and Kedgwick, New Brunswick

Public records for these applications: 2017-0794-4, 2017-0809-1, 2017-0812-4 and 2017-0815-8

Various conventional television stations – Licence renewals

*The Commission **renews** the broadcasting licences for the French-language conventional television stations CIMA-DT Rivière-du-Loup, CHAU-DT Carleton-sur-Mer, CFTF-DT Rivière-du-Loup and CKRT-DT Rivière-du-Loup, Quebec and their respective transmitters from 1 September 2018 to 31 August 2023.*

Background

1. On 1 June 2017, the Commission issued Broadcasting Notice of Consultation 2017-183 (the Call), which listed the television services and stations for which the licences needed to be renewed in order to continue their operations. These services and stations were not related to any large ownership groups and consequently their licences were not renewed during the group licence renewals.

Applications

2. In response to the Call, the Commission received applications under Part 1 of the *Canadian Radio-television and Telecommunication Commission Rules of Practice*

and Procedure to renew the broadcasting licences for the television stations set out in the table below, operated by Télé Inter-Rives ltée, CHAU-TV Communications ltée, Télévision MBS inc. and CKRT-TV ltée (collectively, Télé Inter-Rives), which expire 31 August 2018. These stations are all affiliated with one of the following networks: TVA, V or the Canadian Broadcasting Corporation (CBC).

Licensee	Station and location	Application	Affiliation
CHAU-TV Communications ltée	CHAU-DT Carleton-sur-Mer, Quebec and its transmitters	2017-0794-4	TVA
CKRT-TV ltée	CKRT-DT Rivière-du-Loup, Quebec and its transmitters	2017-0815-8	CBC
Télé Inter-Rives ltée	CIMT-DT Rivière-du-Loup, Quebec and its transmitters	2017-0812-4	TVA
Télévision MBS inc.	CFTF-DT Rivière-du-Loup, Quebec and its transmitters	2017-0809-1	V

3. The Commission did not receive any interventions regarding these applications.

Commission's analysis and decisions

4. After reviewing the public record for these applications in light of the applicable regulations and policies, the Commission considers that it must address the following issues:

- local programming;
- level of locally reflective news;
- expenditures on locally reflective news;
- requests for exemptions; and
- non-compliance relating to closed captioning.

Local programming

5. Télé Inter-Rives proposed five hours of local programming per broadcast week for CIMT-DT, CFTF-DT and CHAU-DT. In regard to CKRT-DT, Télé Inter-Rives stated that given the station's precarious financial situation, it would be appropriate to maintain the current amount of local programming imposed by condition of licence, specifically two hours and 45 seconds per broadcast week.

6. The proposed five hours of local programming per broadcast week for CIMT-DT, CFTF-DT and CHAU-DT is in line with the minimum level specified by the Commission in Broadcasting Regulatory Policy 2016-224, which sets out the regulatory framework for local and community television.
7. The financial situation of CKRT-DT is clearly precarious, with a negative average profit before interest and taxes over the 2012-2013 through 2016-2017 broadcast years. Further, based on the forecast provided by the licensee, the situation will remain difficult for CKRT-DT over the next licence term. In the Commission's view, since this station operates in a regional market with few sources of local information, it plays an important role in providing news and information regarding the region.
8. In regard to CKRT-DT, although the proposal is for less than five hours, the Commission considers that it is justified given the circumstances. In fact, at paragraph 32 of Broadcasting Regulatory Policy 2016-224, the Commission stated that it would determine the merits of each proposal on a case-by-case basis.
9. In light of the above, the Commission **approves** the proposals by Télé Inter-Rives for two hours and 45 seconds of local programming for CKRT-DT and for five hours for the other stations. **Conditions of licence** to that effect are set out in the appendix to this decision.

Level of locally reflective news

10. For CIMT-DT, CFTF-DT and CHAU-DT, Télé Inter-Rives proposed two hours and 30 minutes of locally reflective news programming per broadcast week. For CKRT-DT, the licensee proposed a requirement of two hours and 45 seconds of such programming per broadcast week.
11. In regard to CKRT-DT, the licensee stated that in recent years it had redirected a larger proportion of the amount received from the Small Market Local Programming Fund to that station. It noted that it would not be able to do the same with the new Independent Local News Fund given that financing from this fund must be distributed directly to the stations.
12. In the local and community television policy set out in Broadcasting Regulatory Policy 2016-224, the Commission stated that it would impose requirements relating to the broadcast of locally reflective news based on each station's historical levels and on a case-by-case basis.
13. As such, in regard to CHAU-DT, CFTF-DT and CIMT-DT, the Commission finds that the proposed two hours and 30 minutes of locally reflective news programming per broadcast week is appropriate, based on the stations' historical levels. With respect to CKRT-DT, the Commission is of the view that although the request represents a lesser requirement than that for other stations in the French-language market, it is justified by the station's precarious financial situation. Accordingly, the Commission **approves** the licensee's proposals. **Conditions of licence** to that effect are set out in the appendix to this decision.

Expenditures on locally reflective news

14. In its application, Télé Inter-Rives proposed an expenditure requirement for locally reflective news of 5% of previous year's revenues of all of its stations.
Télé Inter-Rives stated that it based its proposal on levels imposed in the context of the Commission's most recent decisions resulting from the licence renewal proceedings for large, French-language ownership groups, namely Broadcasting Decisions 2017-146 (Groupe V Média) and 2017-147 (Groupe TVA).
15. In Broadcasting Regulatory Policy 2016-224, the Commission determined that expenditure levels must be established based on historical levels. However, according to the data submitted in this proceeding, over the last licence term Télé Inter-Rives' four stations devoted an average well above the proposed requirement of 5% of their previous year's revenues to locally reflective news.
16. The Commission is therefore of the view that imposing a 5% requirement for Télé Inter-Rives' stations would be inconsistent with the historical levels reported in the application. Accordingly, the Commission considers that it would be appropriate to impose on each station an expenditure requirement for locally reflective news of 15% of previous year's gross revenues of each station, which is in line with the stations' historical levels. A **condition of licence** to that effect is set out in the appendix to this decision.

Exemption requests

Exemption relating to filing a report on closed captioning

17. Télé Inter-Rives requested that its stations be exempted from standard condition of licence 12 set out in Appendix 1 to Broadcasting Regulatory Policy 2016-436, which relates to the submission of an annual report on closed captioned programs offered on the online non-linear platforms operated by the licensee. It indicated that its stations are small local television stations with very limited human resources and that the drafting of a report represents a significant administrative burden for a small independent broadcaster. The licensee added that it offers little content on the Internet and that it does not have the technical means to close caption online content.
18. The Commission considers that the licensee has not provided sufficient evidence to justify the requested exemption from the standard condition of licence. The purpose of this condition of licence is not to require Télé Inter-Rives to offer closed captioning of online content. In the Commission's view, requiring Télé Inter-Rives to file a short report indicating whether its programming on non-traditional platforms is closed captioned would not constitute an undue administrative burden.
19. Consequently, the Commission finds that it would not be appropriate to approve the requested exemption. Accordingly, the Commission **denies** this request and maintains the reporting requirement.

Exemption relating to the amount of described video to be provided

20. The licensee requested that its stations be exempted from standard condition of licence 14 set out in Appendix 1 to Broadcasting Regulatory Policy 2016-436 relating to the quantity of programming offered with described video. Télé Inter-Rives indicated that each of its stations is affiliated with one of the networks operated by the large French-language television groups or with the CBC. As such, Télé Inter-Rives expressed the view that a condition of licence that requires the broadcast of described video for all of its primetime programming was not relevant.
21. The licensee expressed concern that it would be found in non-compliance with standard condition of licence 14 should a network with which its stations are affiliated not provide sufficient content with described video.
22. The standard requirements relating to the provision of described video that are applicable to television stations are set out in Appendix 1 to Broadcasting Regulatory Policy 2016-436 and read as follows:
 - a) if the licensee broadcasts four hours or more per broadcast week of English- or French-language programming drawn from any of the program categories listed below, it shall, by the beginning of the fourth year of the first licence term during which this condition of licence applies, provide a minimum of four hours of described video per broadcast week for that programming;
 - b) if the licensee broadcasts less than four hours per broadcast week of English- or French-language programming drawn from any of the program categories listed below, it shall, by the beginning of the fourth year of the first licence term during which this condition of licence applies, provide described video for all of that programming.

These requirements apply to programming drawn from the following program categories set out in Item 6 of Schedule 1 to the *Television Broadcasting Regulations, 1987*, as amended from time to time: 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or to programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

23. Each broadcaster is responsible for the programming it broadcasts. However, as the licensee's stations are affiliated with Groupe TVA and Groupe V and given that these groups operate under network licences, the Commission recognizes that the licensee would not be responsible for the number of hours of described video broadcast during periods when the stations broadcast programming originating from the networks. Further, given the wording of the standard condition of licence, if the licensee does not broadcast programming originating from its stations that is drawn from the program categories targeted by the condition of licence, it will not be required to provide additional described video. However, if the licensee broadcasts such

programming, the Commission is of the view that it would be in the public interest for it to be offered with described video.

24. In light of the above, the Commission finds that it would not be appropriate to approve Télé Inter-Rives' request for an exemption. Accordingly, the Commission **denies** that request. The licensee will remain subject to the standard requirements relating to the provision of described video set out in Appendix 1 to Broadcasting Regulatory Policy 2016-436.

Current exemption relating to the filing of program logs

25. Télé Inter-Rives is currently exempt from the requirement relating to the provision of program logs set out in section 10(3) of the *Television Broadcasting Regulations, 1987* (the Regulations). This exemption applies when the programming of a given station is the same as that broadcast by the network with which it is affiliated. The licensee requested that the exemption be maintained for each of the stations.
26. Given that Télé Inter-Rives' stations are all affiliate stations, the Commission finds that the request is in line with its practices relating to the provision of program logs for affiliated stations. Accordingly, the Commission **approves** this request and maintains the current exemption. A **condition of licence** to that effect is set out in the appendix to this decision.

Non-compliance relating to closed captioning

27. According to data filed with the Commission, CHAU-TV Communications ltée is in apparent non-compliance with the requirement to close caption 90% of the programming broadcast on CHAU-DT for the 2015-2016 broadcast year.
28. The licensee explained that there was a computer problem with its system, which resulted in the deletion of a large portion of the closed captioning codes on the files containing CHAU-DT's logs for September, October, November and December 2015. The licensee stated that it had put measures in place to ensure that this situation does not recur.
29. Given that none of Télé Inter-Rives' other stations were found to be in non-compliance regarding the closed captioning requirement during the current licence term, the Commission considers that the licensee's explanation is credible and that the apparent non-compliance in question was in fact due to a computer problem. As such, the Commission is of the view that CHAU-TV Communications ltée is in compliance with its condition of licence relating to closed captioning.
30. Nevertheless, the Commission reminds the licensee of the importance of filing accurate and timely program logs so as to allow the Commission to carry out its monitoring properly and ensure that the requirements relating to the accessibility to programming are fully respected. These requirements allow Canadians with disabilities to access the broadcasting system and fully participate in Canadian society.

Conclusion

31. In light of all the above, the Commission **renews** the broadcasting licences for the French-language conventional television programming undertakings CIMT-DT Rivière-du-Loup, CHAU-DT Carleton-sur-Mer, CFTF-DT Rivière-du-Loup and CKRT-DT Rivière-du-Loup and their respective transmitters from 1 September 2018 to 31 August 2023. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

32. Section 10(3) of the Regulations requires that except as otherwise provided under a condition of its licence, the licensee shall provide to the Commission, within 30 days after the end of each month, the log or record of its programming for the month. The Commission reminds Télé Inter-Rives that the logs must be complete and accurate and must be kept in a format acceptable to the Commission.

Secretary General

Related documents

- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2017-183, 1 June 2017
- *Quebecor Media Inc. – Group-based licence renewals for French-language television stations and services*, Broadcasting Decision CRTC 2017-147, 15 May 2017
- *Groupe V Média inc. – Licence renewals for French-language network, television stations and services*, Broadcasting Decision CRTC 2017-146, 15 May 2017
- *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016

This decision must be appended to each licence.

Appendix to the Broadcasting Decision CRTC 2018-337

Terms, conditions of licence, expectations and encouragements applicable to the French-language conventional television programming undertakings CFTF-DT Rivière-du-Loup, CHAU-DT Carleton-sur-Mer, CIMT-DT Rivière-du-Loup and CKRT-DT Rivière-du-Loup, Quebec and their respective transmitters

Terms

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

Conditions of licence

1. The licensee shall adhere to the standard conditions of licence for television stations set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. In accordance with paragraph 90 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the television station is hereby declared a “designated local television station.” The station shall maintain this designation for the licence term so long as it remains in operation.
3. The licensee is exempt from the requirement relating to program logs set out in subsection 10(3) of the *Television Broadcasting Regulations, 1987* where the programming of its station is the same as that broadcast by the network of which it is an affiliate.

Locally reflective news

4. In accordance with *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the licensee shall, in each broadcasting year, devote to the acquisition of or investment in locally reflective news 15% of the previous year’s gross revenues of each station.
5. In each broadcast year of the licence term, excluding the final year,
 - a) the licensee may expend an amount on locally reflective news that is up to 5 % less than the minimum required expenditure for that year;
 - b) where the licensee expends an amount for that year on locally reflective news that is greater than the minimum required expenditure for the year, the licensee may deduct that amount from the minimum required in one or more of the remaining years of the licence term.

- c) during the licence term, the licensee shall ensure that each station devote to locally reflective news the total of the minimum required expenditures calculated in accordance with condition 4.

Condition of licence specific to CFTF-DT Rivière-du-Loup, CHAU-DT Carleton-sur-Mer and CIMT-DT Rivière-du-Loup

6. In accordance with the definition of “locally reflective news” set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016:
 - a) the licensee shall broadcast at least five hours of local programming in each broadcast week; and
 - b) the licensee shall broadcast at least two hours and 30 minutes of locally reflective news in each broadcast week.

Condition of licence specific to CKRT-DT Rivière-du-Loup

7. In accordance with the definition of “locally reflective news” set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016:
 - a) the licensee shall broadcast at least two hours and 45 seconds of local programming in each broadcast week; and
 - b) the licensee shall broadcast at least two hours and 45 seconds of locally reflective news in each broadcast week.

Repurposing of the 600 MHz frequency band

8. In regard to the repurposing of the 600 MHz frequency band in Canada:
 - a) The licensee is authorized to operate the television station and transmitters according to contours and technical parameters that differ from those approved in its most recent application and/or listed on its licence, to the extent that these new contours and technical parameters have been approved by the Department of Industry (the Department) as a result of the Department’s repurposing initiative of the 600 MHz frequency band as described in *Decision on Repurposing the 600 MHz Band*, SLPB-004-15, 14 August 2015, and its April 2017 *Digital Television (DTV) Allotment Plan, Digital Television (DTV) Transition Schedule* and the *Broadcasting Procedures and Rules* entitled *BPR-11 – Broadcasting Television Application Procedures During the 600 MHz Transition*.
 - b) For the purpose of the *Broadcasting Distribution Regulations*, the licensee is deemed to be operating the television station and transmitters under the

contours and technical parameters approved by the Commission and in effect on 15 May 2017.

- c) The above authorizations are valid only if the Commission receives confirmation from the Department that the revised contours and technical parameters resulting from the Department's repurposing initiative of the 600 MHz frequency band satisfy the requirements of the *Radiocommunication Act* and the regulations made thereunder and that a broadcasting certificate has been or will be issued to the licensee in respect of the revised parameters.

Expectations

The standard expectations applicable to this licensee are set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

Definitions

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

"Local programming" shall have the same the meaning as that set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.