



## Broadcasting Decision CRTC 2018-450

PDF version

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

Ottawa, 4 December 2018

### **Société de télédiffusion du Québec**

Montréal, Québec, Trois-Rivières, Rimouski, Grand-Portage, Sherbrooke, Carleton, L'Anse-aux-Gascons, Percé, Gaspé, Gatineau, Chapeau, Val-d'Or, Rouyn-Noranda, Sept-Îles, Baie-Trinité and Saguenay-Lac-Saint-Jean, Quebec

*Public record for this application: 2017-0830-7*

### **CIVM-DT Montréal and its transmitters – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language educational television station CIVM-DT Montréal (known as Télé-Québec) and its transmitters from 1 January 2019 to 31 August 2024.*

#### **Application**

1. Société de télédiffusion du Québec (Télé-Québec) filed an application to renew the broadcasting licence for the French-language educational television station CIVM-DT Montréal, Quebec, and its transmitters CIVQ-DT Québec, CIVC-DT Trois-Rivières, CIVB-DT Rimouski, CIVB-DT-1 Grand-Portage, CIVS-DT Sherbrooke, CIVK-DT Carleton, CIVK-DT-1 L'Anse-aux-Gascons, CIVK-DT-2 Percé, CIVK-DT-3 Gaspé, CIVO-DT Gatineau, CIVP-DT Chapeau, CIVA-DT Abitibi-Témiscamingue (Val-d'Or), CIVA-DT-1 Abitibi-Témiscamingue (Rouyn-Noranda), CIVG-DT Sept-Îles, CIVF-DT Baie-Trinité and CIVV-DT Saguenay-Lac-Saint-Jean. The licence expires 31 December 2018.<sup>1</sup>
2. Télé-Québec is an educational and cultural broadcaster controlled by a board of directors appointed by the Government of Quebec. Nearly all of its programming comes from independent producers, and a large portion is children's and youth programming.
3. The Commission received numerous interventions supporting Télé-Québec's application, as well as comments to which the applicant replied.

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<sup>1</sup> In Broadcasting Decision 2018-317, the Commission administratively renewed Télé-Québec's broadcasting licence until 31 December 2018.

## Issues

4. After examining the public record for this application in light of applicable regulations and policies, the Commission finds that the issues it must address relate to the following:
  - programs of national interest;
  - original French-language programs;
  - children's and youth programs;
  - the reflection of official language minority communities (OLMCs);
  - cultural diversity;
  - independent producers in the city of Québec;
  - support for music; and
  - non-compliance regarding the broadcast of Canadian content.

### Programs of national interest

5. Télé-Québec proposed that the expectation that it broadcast eight hours per week of priority programming be amended so as to reflect the new name, programs of national interest (PNI), applicable to this programming.
6. The Association québécoise de la production médiatique (AQPM), Avanti Ciné Vidéo and La Table de concertation de la Capitale-Nationale (Table de concertation) requested that the Commission set the expectation for the broadcast of PNI at 43 hours per week, but that it not impose a condition of licence to that effect.
7. Télé-Québec indicated that during its current licence term it broadcast 45 hours of PNI per week on average, which was much more than the level set out in the Commission's expectation. It also submitted that the interveners did not demonstrate that there was a problem that would justify such an expectation.
8. In this respect, no other educational television station is subject to a requirement to broadcast PNI. Further, the licensee greatly exceeded the number of hours set out in the expectation in each year of its current licence term, and there is nothing in the public record to indicate that Télé-Québec will decrease its PNI offering over the next licence term.
9. Accordingly, the Commission considers that it is not necessary to set out an expectation specifying a number of hours; however, it expects Télé-Québec to generally maintain the level of PNI it currently broadcasts over the next licence term.

## **Original French-language programs**

10. The AQPM, Avanti Ciné Vidéo and Table de concertation requested that Télé-Québec devote 90% of its Canadian programming to original French-language programs.
11. Télé-Québec argued that it devotes a very large portion of its original Canadian programming to original French-language programs. For example, it indicated that for the 2016-2017 broadcast year, this type of programming accounted for 91% of its original Canadian programming. Moreover, Télé-Québec explained that since this type of program is very expensive, it must sometimes supplement its original Canadian French-language program offering with Canadian English-language programs dubbed in French to meet its high Canadian programming requirements of 60% for the broadcast day and 52% for the evening broadcast period.
12. The Commission considers that the interveners did not demonstrate that a regulatory measure is necessary to ensure that a minimum level of Canadian programming broadcast by Télé-Québec be devoted to original French-language programs.

## **Children's and youth programming**

13. In its current licence, Télé-Québec has a commitment to broadcast 21 hours per week of programming for children between the ages of 2 and 11. The licensee proposed to maintain this commitment, but to amend the target age group to the ages of 2 to 17. It explained that several private television services now offer programming for children and youth aged 2 to 11. By changing the target age group, it will be able to offer programs of interest for all five age groups, namely 2 to 5, 4 to 7, 6 to 8, 9 to 12 and 13 to 17.
14. The AQPM and Avanti Ciné Vidéo submitted that Télé-Québec should increase Canadian programming for children to 30 hours a week and supported the licensee's request to change the age group defining children and youth.
15. Télé-Québec opposed the AQPM and Avanti Ciné Vidéo proposal. It argued that since the budget allocated to this type of program would remain the same, it would have to sacrifice the quality of its programs and possibly increase the number of Canadian English-language programs dubbed in French to comply with higher commitments.
16. The Commission notes that Télé-Québec sets aside a large portion of its schedule for Canadian children's programming and exceeded its commitment in this regard for the 2014-2015 through 2016-2017 broadcast years. The Commission considers it appropriate to maintain the commitment at 21 hours per broadcast week as it is of the view that this number of hours represents a good middle ground between Télé-Québec's focus on educational programming for children and youth and its focus on culture, which targets an older audience. In addition, given that it did not receive any opposing interventions and that the licensee's request is reasonable, the Commission amends the age group for programs targeting children and youth to

include children aged 2 to 17 rather than 2 to 11. A commitment to this effect is set out in the appendix to this decision.

### **Reflection of official language minority communities**

17. In its intervention, the English-Language Arts Network (ELAN) requested that Télé-Québec better reflect the English-language community in Quebec by allocating 10% of its programming and budget to English-language programming. According to ELAN, Anglophones in Quebec are well served by English-language conventional television stations in terms of local news, but there is little local and regional programming in their language reflecting their community. ELAN noted that for Anglophones in Quebec, there is no equivalent to TFO, the French-language educational television station created by the Government of Ontario.
18. ELAN also requested that the Commission require Télé-Québec to create online content that reflects English-language OLMCs, conduct a survey to determine the mother tongue and preferences of its audience and broadcast advertising for the programs that would be of interest to English-language OLMCs in English-language media.
19. In reply, Télé-Québec maintained that it was a French-language television service and that it was not the right vehicle for ensuring a minimum level of English-language television production in Quebec. However, it indicated that many of its programs contain segments that reflect the English-language community of Quebec and that its programs are likely to be of interest to all Quebec residents, regardless of mother tongue, since they deal with cultural or educational issues that affect Quebec. Finally, Télé-Québec submitted that if the Commission considered that additional requirements with respect to English-language production were necessary, it should also impose them on English-language broadcasters based in Quebec or outside Quebec.
20. Currently, Télé-Québec has no specific regulatory obligation towards English-language OLMCs. The creation and operation of TFO in Ontario is a decision of the Government of Ontario. Provinces have the opportunity to put in place educational television stations in both official languages for their citizens if they wish.
21. Finally, the Commission reiterates that it encourages the distribution of provincial or territorial educational services in both official languages.
22. Broadcasting Regulatory Policy 2015-96 sets out provisions allowing all licensed broadcasting distribution undertakings (BDUs) to request a condition of licence authorizing them to distribute as part of the entry-level service offering one out-of-province educational service in each official language in provinces or territories where there is no designated educational service in that language.

23. This measure has a positive impact on OLMCs in both linguistic markets as Canadians have the possibility of receiving more quality programming in the language of their choice, including educational programming intended for children and youth.

### **Cultural diversity**

24. In Broadcasting Decision 2009-444, the Commission set out an expectation that the licensee develop and implement a comprehensive corporate plan outlining how it intends to continue to improve its representation of cultural diversity. Télé-Québec filed this plan with the Commission on 23 May 2011.
25. The Center for Research-Action on Race Relations (CRARR) requested that Télé-Québec be required to file programming reports on social and cultural diversity, as well as employment equity and diversity commitments.
26. For its part, ELAN requested that the Commission require Télé-Québec to develop a policy and an action plan relating to Quebec's diversity. ELAN also requested that the Commission impose on Télé-Québec a requirement to allocate 20% of its budget and programming to the reflection of Quebec's minorities and to establish an advisory committee representative of the diversity of Quebec society.
27. In reply to the interventions by the CRARR and ELAN, Télé-Québec indicated that it was already more regulated in terms of cultural diversity than private broadcasters and that its practices in terms of on-screen portrayal of minorities were exemplary. Télé-Québec submitted that its licence renewal process was not the appropriate process for making changes to the Commission policies relating to cultural diversity.
28. The Commission is of the view that the requests by the CRARR and ELAN are beyond the scope of this licence renewal process. These issues should be the subject of a policy proceeding in which broadcasters as a whole are considered.

### **Independent producers in the city of Québec**

29. Table de concertation requested that Télé-Québec devote 10% of its programming expenditures per broadcast year to original programs produced by independent producers based in the city of Québec. It also proposed that Télé-Québec provide the Commission with a detailed report on the amounts spent on independent productions by administrative region.
30. In reply, Télé-Québec explained that it selects programs based on established criteria that meet its mission and not based on their geographic origin. It argued that it would be very difficult to allocate a specific percentage of programming to each Quebec region. However, Télé-Québec noted that it gives prominence to productions made by independent producers based in the city of Québec and surrounding region, which, with the exception of those from Montréal producers, are the ones it most broadcasts.

31. Currently, Télé-Québec has no specific regulatory obligation with respect to independent producers. The Commission nonetheless considers it appropriate to set out an expectation that Télé-Québec make use of independent producers from all of Quebec's regions in such a way that producers from the regions outside the Montréal Census Metropolitan Area (CMA), as well as producers from the Montréal CMA, are proportionally contributing to the production of programs broadcast on CIVM-DT. This expectation is written in a flexible manner so as not to impose an undue administrative burden on Télé-Québec in the selection of the origin of the programs it broadcasts.

### **Support for music**

32. The Association québécoise de l'industrie du disque, du spectacle et de la vidéo argued that the Commission should set out an expectation with respect to Télé-Québec's weekly support for music.
33. Télé-Québec argued that an expectation with respect to music was not needed because music and song are an integral part of its mission, even if not on a weekly basis, given that some of its specialized music programs are not broadcast during certain periods of the year.
34. The Commission considers that it is not necessary to set out a specific expectation with respect to music, given that during its current licence term Télé-Québec broadcast several programs devoted to music. In addition, Télé-Québec will broadcast a significant number of PNI every week, including music and variety programs, in its next licence term.

### **Non-compliance**

35. Télé-Québec is required by condition of licence to devote at least 60% of its programming to Canadian programming over the broadcast day and at least 52% of its programming to Canadian programming over the evening broadcast period.
36. The reports submitted by Télé-Québec show that for the 2015-2016 broadcast year, the level of Canadian programming broadcast over the broadcast day was slightly below the requirement.
37. Télé-Québec acknowledged the non-compliance and explained that it was caused by staff changes. It submitted that measures were implemented to prevent the issue from recurring, including training and changes to procedures.
38. In light of the above, the Commission finds Télé-Québec in non-compliance with the requirement to broadcast Canadian content during the broadcast day for the 2015-2016 broadcast year. Accordingly, the Commission considers it appropriate to renew the licence for Télé-Québec for a shortened term.

## Conclusion

39. In light of all the above, the Commission **renews** the broadcasting licence for the French-language educational television station CIVM-DT Montréal and its transmitters from 1 January 2019 to 31 August 2024. The terms and **conditions of licence** are set out in the appendix to this decision.

## Reminders

40. Section 10(3) of the *Television Broadcasting Regulations, 1987*, requires that except 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 program log or record of its programming for the month.

41. The Commission reminds the licensee that program logs must be complete and accurate and must be kept in a form acceptable to the Commission.

Secretary General

## Related documents

- *Various television stations and services – Administrative renewals*, Broadcasting Decision CRTC 2018-317, 24 August 2018
- *A World of Choice – A roadmap to maximize choice for TV viewers and to foster a healthy, dynamic TV market*, Broadcasting Regulatory Policy CRTC 2015-96, 19 March 2015
- *CIVM-DT Montréal and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2009-444, 24 July 2009

*This decision is to be appended to the licence.*

## **Appendix to Broadcasting Decision CRTC 2018-450**

**Terms, conditions of licence, commitment, expectations and encouragements for the television station CIVM-DT Montréal and its transmitters CIVQ-DT Québec, CIVC-DT Trois-Rivières, CIVB-DT Rimouski, CIVB-DT-1 Grand-Portage, CIVS-DT Sherbrooke, CIVK-DT Carleton, CIVK-DT-1 L'Anse-aux-Gascons, CIVK-DT-2 Percé, CIVK-DT-3 Gaspé, CIVO-DT Gatineau, CIVE-DT Chapeau, CIVA-DT Abitibi-Témiscamingue (Val-d'Or), CIVA-DT-1 Abitibi-Témiscamingue (Rouyn-Noranda), CIVG-DT Sept-Îles, CIVF-DT Baie-Trinité and CIVV-DT Saguenay-Lac-Saint-Jean, Quebec**

### **Terms**

The licence will expire 31 August 2024.

### **Conditions of licence**

1. The licensee shall adhere to the conditions set out in Appendix 1 to the *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. The licensee shall devote in each broadcast year:
  - at least 60% of its programming over the broadcast day to Canadian programming; and
  - at least 52% of its programming over the evening broadcast period to Canadian programming.

### **Commitment**

The licensee commits to broadcast an average of 21 hours a week of Canadian programming targeted to children between the ages of 2 and 17.

### **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.

The Commission expects the licensee to abide by its advertising code.

The Commission expects the licensee to maintain its exhibition level of programs of national interest.

The Commission expects the licensee to make use of independent producers from all of Quebec's regions in such a way that producers from the regions outside the Montréal Census Metropolitan Area, as well as producers from the Montréal CMA, are proportionally contributing to the production of programs broadcast on CIVM-DT Montréal.

### **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**

For the purposes of these conditions of licence, commitments, expectations and encouragements:

“Programs of national interest” means Canadian programs drawn from categories 2(b) Long form documentary, 7 Drama and comedy and all related subcategories, 8(a) Music and dance other than music video programs and video clips 8(b) Music video clips, 8(c) Music video programs and 9 Variety.

“Broadcast day” and “broadcast year” shall have the meanings set out in the *Television Broadcasting Regulations, 1987*, as amended from time to time.