



Broadcasting Decision CRTC 2019-234

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Reference: Part 1 licence renewal application posted on 1 February 2019

Ottawa, 2 July 2019

Canal Savoir
Montréal, Quebec

Public record for this application: 2018-0917-0

CFTU-DT Montréal – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language educational television station CFTU-DT Montréal, Quebec, from 1 September 2019 to 31 August 2025. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Canal Savoir filed an application to renew the broadcasting licence for the French-language educational television station CFTU-DT Montréal, Quebec. The licence for the station expires 31 August 2019.¹ The Commission did not receive any interventions regarding this application.
2. Canal Savoir is a private, not-for-profit consortium.² CFTU-DT's programming, which consists of educational shows, targets college and university students as well as any person interested in acquiring general and/or scientific knowledge.

Non-compliance

3. Canal Savoir is in apparent non-compliance with the requirement, imposed in Broadcasting Decision 2009-450, to provide closed captioning for 75% of its programming as of the 2011-2012 broadcasting year. The results obtained since that time have fallen well below the minimum threshold.
4. Canal Savoir acknowledged its non-compliance and attributed it to its precarious financial position. It further explained that it had committed to close captioning 75% of its programming under the assumption that it would receive, pursuant to an

¹ The licence for the station was administratively renewed by the Commission until 31 August 2019 as a result of Broadcasting Decisions 2016-7 and 2017-446.

² Canal Savoir is a private, not-for-profit consortium that has been working at disseminating knowledge for nearly 35 years. The consortium brings together universities, colleges and partners in the Canadian French-language audiovisual field.

agreement with the Government of Quebec, \$1 million per year in provincial grants. Instead, Canal Savoir claimed to have received the following amounts for the specified broadcast years:

- \$750,000 in 2012-2013;
 - \$500,000 per year from 2013-2014 to 2016-2017; and
 - no grant in 2017-2018.
5. The licensee explained that given its financial position, it had to make choices. It decided to prioritize maintaining rich and diverse Canadian programming to the detriment of meeting the condition of licence requiring the closed captioning of 75% of its programming. The licensee stated that efforts were nonetheless made to try to meet that requirement.
 6. Canal Savoir has since reached a new agreement with the provincial government. It is a three-year agreement (2018-2019 to 2020-2021) amounting to just over \$2.6 million per broadcast year. The licensee noted that if an agreement had not been reached, the service would have ceased broadcasting.
 7. In its application, received 24 October 2018, Canal Savoir stated that for the fall of 2018, it expected to approach the required percentages of closed captioning, and to reach 100% for the first year of the next licence term (2019-2020).
 8. In regard to closed captioning quality control measures and procedures, the licensee explained that a closed captioning file, the quality of which has been assured beforehand, is integrated into each program. However, if errors are identified after the first broadcast, corrections are made to the file before the next broadcast. In addition, during the day, an individual is assigned to monitor the quality of closed captioning and can make corrections, if necessary.

Commission's analysis

9. As a private, not-for-profit consortium, Canal Savoir relies on government grants as one of its major sources of funding. In fact, the licensee requested an administrative renewal in 2017 so that it could complete funding negotiations with the Government of Quebec. At that time, Canal Savoir informed the Commission that, in the event negotiations failed, it would be forced to cease operations of CFTU-DT.
10. During the 2012-2013 through 2016-2017 broadcast years, the licensee did not receive the expected grants. As such, it preferred to devote its revenues to maintaining Canadian content. During that period, the licensee exceeded its Canadian content obligations, with an average of over 90% for both the daytime and evening broadcast periods (its obligations are 60% during the day and 50% in the evening).

11. In 2018-2019, the government grants finally came through, and the licensee, as of the fall of 2018, effectively rectified the situation, as evidenced by the data submitted for the current broadcast year.
12. In light of the above, the Commission finds Canal Savoir in non-compliance with the closed captioning requirements. It therefore considers it appropriate to impose on Canal Savoir a requirement to the effect that it must file, with its annual returns, a report detailing its compliance with closed captioning requirements over the next licence term. A **condition of licence** to that effect is set out in the appendix to this decision. Once filed by the licensee, the Commission will publish the report on its website for public scrutiny. Further, the Commission considers it appropriate to expect the licensee to consult with groups representing deaf or hard-of-hearing persons to confirm whether its service meets their needs and expectations relating to accessibility to programming.

Length of the licence term

13. The licensee requested a seven-year licence renewal term for CFTU-DT. In the Commission's view, the very low levels of closed captioning during the last licence term would normally be grounds for the Commission to shorten the licence term significantly.
14. However, this is Canal Savoir's first instance of non-compliance with respect to closed captioning. Further, this instance of non-compliance is largely a result of a lack of funding over which the licensee has little, if any, control. While the Commission understands that these requirements are inextricably linked to funding obtained from the Government of Quebec, it nevertheless considers that the licensee could have filed an application with the Commission to reach a solution regarding the station.

Conclusion

15. In light of all of the above, the Commission **renews** the broadcast licence for the French-language educational television programming undertaking CFTU-DT Montréal, Quebec, from 1 September 2019 to 31 August 2025. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The terms and **conditions of licence** are set out in the appendix to this decision.
16. Although CFTU-DT is not designated as a provincial educational station, the Commission recognizes its educational nature. Consequently, it is not imposing any of the local programming requirements that it normally imposes on commercial television stations.

Reminder

17. The Commission reminds Canal Savoir that should a similar situation arise in the future and it once again finds itself unable to meet the regulatory requirements, it can apply to the Commission for a temporary exception, until its funding is restored.

Secretary General

Related documents

- *CFTU-TV Montréal – Administrative Renewal*, Broadcasting Decision CRTC 2017-446, 13 September 2017
- *Administrative renewals*, Broadcasting Decision CRTC 2016-7, 12 January 2016
- *CFTU-DT Montréal – Licence renewal*, Broadcasting Decision CRTC 2009-450, 24 July 2009

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2019-234

Terms, conditions of licence, expectations and encouragements for the French-language educational television programming undertaking CFTU-DT Montréal, Quebec

Terms

The licence will expire 31 August 2025.

Conditions of licence

1. The licensee shall adhere to the conditions 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, with the exception of conditions 5 and 6 relating to local programming, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. Each broadcast year, the licensee shall devote:
 - at least 60% of its programming broadcast during the broadcast day to the broadcast of Canadian programming; and
 - at least 50% of its programming broadcast during the evening broadcast period to the broadcast of Canadian programming.
3. The licensee shall file, along with its annual returns, a report detailing the percentage of programs offered with closed captioning during the broadcast year. This report will be published on the Commission's website.

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 consult with groups representing deaf or hard-of-hearing persons to ensure that its service meets their needs and expectations relating to accessibility to programming.

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.