



Broadcasting Decision CRTC 2024-106 and Broadcasting Order CRTC 2024-107

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Ottawa, 14 May 2024

Aboriginal Peoples Television Network Incorporated
Across Canada

Public record: 2023-0395-7

Aboriginal Peoples Television Network Incorporated – Licence amendment and mandatory distribution order of the service across Canada

Summary

Since its launch in 1999, Aboriginal Peoples Television Network Incorporated (APTN Inc.) has been dedicated to providing programming that primarily reflects, and is produced, by Indigenous peoples. APTN Inc. currently operates a national discretionary service called APTN.

APTN is offered through three regional feeds (APTN West, APTN East and APTN North) and one national feed (APTN HD). APTN must be distributed by television service providers across the country and has a mandated wholesale rate of \$0.35 per subscriber, per month.

The Commission received an application from APTN Inc. to change its conditions of service and combine its four programming feeds into two high-definition feeds, APTN and APTN Languages. The APTN feed would offer a diverse range of programming in English and French, and the APTN Languages feed would provide Indigenous-language programming. APTN Inc. believes that this change would provide increased, consistent access to Indigenous language programming. To support this change, the applicant is seeking to increase the mandatory wholesale rate from \$0.35 to \$0.38.

Indigenous broadcasters are important to the broadcasting system, which is emphasized in the policy objectives of the *Broadcasting Act* (the Act). The public record showed that APTN Inc.'s application received support from a range of interested parties who generally submitted that it would enhance APTN's service and further contribute to the preservation and promotion of Indigenous languages and cultures.

The Commission approves APTN Inc.'s application in full. The changes to APTN's conditions of service would take effect on 1 September 2024. The Commission also amends APTN's distribution order by increasing its mandatory per subscriber monthly wholesale rate from \$0.35 to \$0.38. Pursuant to subsection 9.1(1) of the Act, the Commission makes the orders necessary to implement this request.

The Commission will continue to support the meaningful participation of Indigenous peoples in the Canadian broadcasting system through its ongoing work. This work includes the co-development of the Indigenous Broadcasting Policy and the modernization of the broadcasting framework.

Application

1. The Commission has the authority, pursuant to subsections 9(1) and 9.1(1) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions for the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy in subsection 3(1) of the *Broadcasting Act*.
2. Aboriginal Peoples Television Network Incorporated (APTN Inc.) filed an application to amend the conditions of service for the national English- and French-language discretionary service APTN. The amendment would consolidate its four programming feeds (APTN North, APTN East, APTN West and APTN HD) to two principal feeds in high definition (APTN Languages and APTN). It also applied to increase its mandatory per subscriber monthly wholesale rate from \$0.35 to \$0.38. APTN Inc. proposed that these changes would take effect 1 September 2024.
3. APTN Languages would be an Indigenous-language programming service and would be a distinctive broadcast feed. The APTN feed would continue to provide a wide range of programming content in English and French.
4. APTN Inc. is proposing to broadcast a total of 100 hours of Indigenous-language programming each broadcast week on APTN Languages. It also proposes that APTN Languages and APTN will each air 5 hours and 30 minutes of news and current affairs in either English or French, and a weekly French-language newscast. Finally, it proposes to feature a total of 20 hours of French-language programming each broadcast week on the new APTN feed.
5. Additionally, APTN Inc. proposes to increase its maximum wholesale rate from \$0.35 per subscriber per month to \$0.38 per subscriber per month by 1 September 2024. It notes that the rate increase will support its efforts to launch APTN Languages and to transition to two broadcasting feeds.
6. The Commission received more than 240 interventions regarding this application. The interventions are discussed in the decision.

Background

7. In Broadcasting Decision 2018-340, the Commission renewed APTN's broadcasting licence from 1 September 2018 to 31 August 2023.
8. In that decision, the Commission renewed the order for mandatory distribution of the service on the digital basic service, pursuant to paragraph 9(1)(h)¹ of the *Broadcasting Act*. It also approved a new wholesale rate of \$0.35, which took effect on 1 September 2018.
9. In Broadcasting Decision 2023-245, the Commission administratively renewed broadcasting licences and mandatory distribution orders for a number of discretionary services and television networks, including APTN, until 31 August 2026.

Interventions and reply

Position of interveners

10. The Commission received more than 240 interventions, with a significant number of interventions in support of the application. Most interventions came from viewers or listeners, councils, organizations, production companies and producers. The Commission also received five interventions from broadcasting distribution undertakings (BDUs) where they generally supported the programming changes proposed in APTN Inc.'s application but opposed the proposed rate increase.
11. Supporting interveners expressed their support for the streamlining of APTN Inc.'s delivery to their audiences, emphasizing the pivotal role of APTN Languages in providing access to Indigenous-language content for Canadians and revitalizing Indigenous languages across Canada. Intervenors also expressed support for the APTN feed, noting that it would provide access to programming that will include the knowledge and entertainment that makes APTN essential, in English and French.
12. Several interveners² believed that the rate increase proposed by the applicant would provide it with the necessary funding to launch the two new feeds and emphasized APTN's unique role in the broadcasting system. Additionally, many intervenors commented on the importance of approving the application given that the increase in Indigenous-language programming aligns with mandates in Bill C-11, Bill C-18 and the Truth and Reconciliation Commission Calls to Action.
13. BDUs generally supported APTN Inc.'s request to consolidate the feeds, including the launch of APTN Languages. However, all opposed the proposed rate increase, with the majority arguing that no change to the wholesale rate should occur until

¹ Now paragraph 9.1(1)(h) of the *Broadcasting Act*.

² Urban Rez Productions INC, Indigenous City Media, Inspirit Foundation, Eagle Vision, Native Communications Society, Landslide Entertainment and Documentary Organization of Canada

after the completion of the implementation of the legislative changes coming from amendments made to the *Broadcasting Act*.

APTN Inc.'s reply

14. APTN Inc. argued that, without the proposed wholesale rate increase, it will not be able to develop or obtain the necessary programming, or make other changes to the proposed languages feed. It stated that without the increase it would be in a position of continuing cutbacks, with further loss of revenues from a decline in subscribers and inflation. APTN Inc. believes that its overall effectiveness to meet the needs and interests of Indigenous peoples would then be seriously challenged.
15. APTN Inc. stated that it has been mindful that the proposed wholesale rate reflects the current circumstances facing the broadcasting system and the economic and competitive environment. It noted that the number of basic service subscribers in the system has declined, and inflation has decreased the value of APTN's wholesale rate. APTN Inc.'s proposed \$0.03 change to the wholesale rate does not seek to address the loss of subscribers, but rather to partially address the impact of inflation since 2018. It noted that the proposed amount is close to the change generally experienced in monthly wholesale rates paid by BDUs for all services on a per subscriber basis between 2018 and 2022, so generally reflects industry trends.

Mandatory distribution

16. As part of its ability to make orders imposing conditions for the carrying on of a broadcasting undertaking, paragraph 9.1(1)(h) of the *Broadcasting Act* allows the Commission to impose conditions on distribution undertakings requiring them to carry programming services and to set the terms and conditions it finds appropriate for doing so.
17. The Commission has used this important regulatory tool to require the distribution of services that contribute to the objectives of the broadcasting system. This mandatory distribution ensures that more diverse programming is produced and made available to audiences. Mandatory distribution of certain programming services as part of the Canadian broadcasting system helps to ensure that smaller and diverse audiences benefit from having access to content that is relevant to, and reflective of, them. This is content that otherwise may not be available.

Issues

18. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
 - programming amendments from four feeds to two;
 - objectives under the *Broadcasting Act*;
 - concerns related to the timing and scope of the application; and
 - proposed increase to the wholesale rate.

Programming amendments

19. APTN Inc. currently offers four different programming feeds. It argues that its current multiple feed strategy is not serving audiences in the best way possible and that it is difficult for it to promote and create awareness of programs and programming segments, and for audiences to find them.
20. The applicant also noted that it is a technological, scheduling and record-keeping challenge to manage four different programming feeds at once, and that the two feeds would streamline its processes and improve its network's overall efficiency.

Indigenous-Language Programming

21. APTN Inc. is proposing a total of 100 hours of Indigenous-language programming each broadcast week, which represents a significant increase in Indigenous-language programming across Canada. Compared to existing Indigenous-language programming requirements, this amendment would provide significant increases to the availability of Indigenous-language programming. The applicant has clearly committed to the preservation and promotion of Indigenous languages and cultures.
22. APTN Inc. also stated its commitment to continuing its efforts to broadcast Indigenous-language programming and utilize its library of original content and aims to complement it with original first-run programming. This approach highlights APTN Inc.'s dedication to maintaining rich, and predominantly original, Indigenous-language programming.

French-language Programming

23. APTN HD is currently required to air 17 hours of French-language programming per broadcast week, while the new feed, APTN, would be required to feature 20 hours of French-language programming. The proposed changes would represent an overall increase of this programming to the majority of its audience.³

News and current affairs

24. Currently, each of the four APTN channels must broadcast 5 hours and 30 minutes of news and current affairs each broadcast week, however, the content broadcasted across all stations is nearly identical. APTN Inc. proposes that APTN Languages and APTN will each air 5 hours and 30 minutes of news and current affairs in either English or French. This proposal ensures that the reduction in feeds does not have a negative impact, considering the prior repetition of programming across all channels.

³As APTN East is also required to broadcast a minimum of 20 hours of French-language programming in each broadcast week, viewers currently receiving that feed will have access to the same level of French-language programming under the new proposed feeds.

25. In light of the above, the Commission concludes that the proposed amendments to APTN's programming approach would result in a clear benefit for the Canadian broadcasting system and the audiences of APTN. Additionally, APTN Inc. has ensured that its proposed changes would not result in the reduction of other important programming, as required by APTN Inc.'s conditions of service, such as French-language content and news.

Objectives under the *Broadcasting Act*

26. The policy objectives in the *Broadcasting Act* emphasize the role that Indigenous broadcasters play in the Canadian broadcasting system. They identify that the system should provide opportunities to Indigenous persons and programming that reflects Indigenous culture, in Indigenous languages. They also highlight the important role of the broadcasting system in revitalizing Indigenous languages.
27. The applicant's proposed increase in Indigenous-language programming aligns with the objectives in subparagraph 3(1)(i)(ii.2) of the *Broadcasting Act*. This emphasizes the role of supporting Indigenous languages through the production and broadcasting of relevant content. The Commission is of the view that the proposed programming aligns with the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and the response to the Truth and Reconciliation Commission of Canada's Calls to Action, identified in that subparagraph. The exhibition and production of more Indigenous-language programming is also consistent with other objectives in the *Broadcasting Act*, including:
- subparagraph 3(1)(d)(iii), which requires that the broadcasting system reflect the special place of Indigenous peoples and languages within society;
 - subparagraph 3(1)(d)(iii.1), which requires that the system provide opportunities to Indigenous persons to produce programming in Indigenous languages; and
 - paragraph 3(1)(o), which requires that programming that reflects the Indigenous cultures of Canada and programming that is in Indigenous languages be provided through the various elements of the Canadian broadcasting system in order to serve Indigenous peoples where they live.
28. APTN Inc.'s dedication to reflecting the viewpoints of Indigenous peoples is also in line with the objectives in subparagraph 3(1)(i)(ii.1) of the *Broadcasting Act*. This emphasizes the importance of including programs produced by Canadians that cover news and current events at various levels, while specifically highlighting the perspectives of Indigenous peoples. By including these principles in its programming, APTN not only contributes to the objectives in the *Broadcasting Act*, but also contributes to the representation of diverse voices and experiences within Canada.
29. Additionally, APTN Inc. is proposing to increase its French-language programming to 20 hours per broadcast week. This would expand access for people in Canada,

including Indigenous peoples that are seeking French-language content, especially for those not currently receiving APTN East. Subparagraph 3(1)(d)(iii.1) of the *Broadcasting Act* directly relates to APTN Inc.'s programming changes, highlighting the commitment to providing Indigenous persons programming across Indigenous languages and English- and French-languages. The inclusion of French-language programming will not only contribute to the vibrancy of official language minority communities in Canada but will also play an important role in promoting the recognition and widespread use of the French language within Canada. This commitment extends to actively supporting the production and broadcasting of French-language programming.

30. In light of the above, the Commission concludes that approval of APTN Inc.'s proposed programming changes would align with a significant number of the policy objectives in the *Broadcasting Act* and, therefore, be in the public interest.

Concerns related to timing and scope of the application

31. In their interventions, the majority of the BDUs acknowledged the importance of supporting Indigenous content and APTN as a 9.1(1)(h) service. However, they argued that consideration of APTN Inc.'s application should be delayed until after the Commission's current review of its regulatory framework.
32. The Commission notes that delaying the decision would impact the identified need of increasing the availability of Indigenous-language programming within the Canadian broadcasting system. This delay would affect the applicant's ability to start producing, acquiring and broadcasting more Indigenous-language programming.
33. Additionally, in its intervention, Eastlink requested that the Commission apply the criteria it generally uses to assess 9.1(1)(h) applications to determine if APTN Inc.'s application fully satisfies all the criteria for mandatory basic carriage.
34. The Commission notes that this application is not intended to review APTN's 9.1(1)(h) status, which was reassessed when the Commission renewed APTN Inc.'s licence and distribution order in Broadcasting Decision 2018-340. In that renewal, the Commission concluded that "it is vitally important that this unique service continue to be available to all Canadians subscribing to a [BDU] service, consistent with the objectives of the [*Broadcasting Act*]. The Commission also recognizes the important role that APTN plays in supporting reconciliation by developing initiatives that inform and educate the Canadian public and connect Aboriginal and non-Aboriginal Canadians."
35. In light of the above, the Commission finds that the benefits to the broadcasting system and Canadians outweigh delaying APTN Inc.'s application until after the review of the regulatory framework. Further, the support for Indigenous-language programming in subsection 3(1) of the *Broadcasting Act*, and the proposed programming changes, would likely increase the importance of the service and its

ability to meet several objectives outlined in the *Broadcasting Act*. Therefore, a complete review of APTN's 9.1(1)(h) status is not necessary.

Wholesale rate increase

36. To support APTN Inc.'s proposed changes to its broadcast feeds, the applicant requested an increase to the wholesale rate it receives from BDUs. The proposed increase would be \$0.03 per subscriber per month (an 8.5% increase over the existing wholesale rate), which would bring the total rate to \$0.38. It noted that the proposed programming and broadcast feed changes are explicitly tied to the \$0.03 increase to the wholesale rate.
37. The applicant stated that the increased wholesale rate, along with the technical efficiencies it hopes to gain from combining the regional feeds into APTN Languages and APTN, would support the service through this transition. It also noted that the increase is not meant to provide funding to support APTN Inc.'s operations in the long term.
38. APTN Inc. confirms that the rate increase is not intended to make up for the loss in BDU subscribers and acknowledges the decline in the number of television subscribers in Canada, which has impacted its wholesale revenues from BDUs.
39. While APTN Inc. notes the impacts of inflation, stating that it decreased the real value of its existing wholesale rate, it did not provide substantial analysis of this. As such, the Commission does not view inflation as a key argument to justify the rate increase in this instance.
40. The Commission notes that the financial difficulty due to the loss of subscribers is not unique to APTN Inc. and that the losses are felt across all 9.1(1)(h) services, as well as by BDUs. As such, it would be inappropriate to approve a rate increase simply to protect a 9.1(1)(h) service from the impact of declining BDU subscribers. However, while the challenges the applicant faces are not unique, the Commission notes the contribution to the Canadian media landscape and the objectives of the applicant are unique and align with objectives in the *Broadcasting Act*.
41. In light of the above, the Commission concludes that while the economic arguments made by the applicant may not themselves justify the rate increase, the benefits of an increase to the broadcasting system, and in particular the greater availability and production of Indigenous-language programming, are enough to justify the proposed increase.

Conclusion

42. In light of all of the above, the Commission approves APTN Inc.'s application to amend the conditions of service for the national English- and French-language discretionary service APTN to consolidate its four programming feeds to two, with one of those feeds to be an Indigenous-language programming service. Consequently, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the

Commission makes the orders described below, the specifics of which are in Appendix 1 to this decision. These amendments will take effect on 1 September 2024.

43. Further, the Commission approves APTN Inc's application to increase its mandatory wholesale rate from \$0.35 to \$0.38, from 1 September 2024 to 31 August 2026.
44. In addition, pursuant to paragraph 9.1(1)(h) of the *Broadcasting Act*, the Commission **orders** licensees of BDUs to distribute the programming service of Aboriginal Peoples Television Network Incorporated, known as APTN Languages and APTN, as part of the basic service of licensed BDUs operating across Canada, from 1 September 2024 to 31 August 2026. Exempt BDUs across Canada serving more than 2,000 subscribers will also be required to distribute the service as part of the basic service, as per paragraph 15 of Broadcasting Regulatory Policy 2017-319 and Broadcasting Order 2017-320.
45. The Commission notes that, in addition to fulfilling various objectives of the *Broadcasting Act*, approval of APTN Inc.'s application is also consistent with the *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*.⁴ This framework directs the Commission to support the meaningful participation of Indigenous persons in the broadcasting system in Canada. This includes their ability to create and produce a wide range of programs, access to those programs, and ownership and control of broadcasting undertakings. The approval is also consistent with the broader commitment of the Government of Canada to support the reclamation, revitalization, maintenance and strengthening of Indigenous languages set out in the *Indigenous Languages Act*, as well as UNDRIP, which includes the establishment of Indigenous media.

Conditions of service and Distribution Order

46. In order to reflect the change from four feeds to two and in the language of programming on the two feeds, as well as ensure maximum flexibility, the Commission amends condition of service 2, as set out in the appendix to Broadcasting Decision 2018-340. This amendment removes the reference to the schedule, including programming in English, French and various Indigenous languages and adds a condition of service identifying the feeds approved in this decision. Consequently, pursuant to subsection 9.1(1) of the *Broadcasting Act*, effective 1 September 2024, the Commission **orders** Aboriginal People's Television Network Incorporated, by **condition of service**, to provide two separate feeds and offer programming consistent with the nature of service described in Appendix 1 to this decision.

⁴ SOR/2023-239

47. The Commission also amends conditions of service 12 through 23, as set out in the appendix to Broadcasting Decision 2018-340. It replaces them with the conditions of service reflecting the programming obligations identified throughout the decision for APTN Languages and APTN.
48. For APTN Languages, pursuant to subsection 9.1(1) of the *Broadcasting Act*, effective 1 September 2024, the Commission **orders** Aboriginal People's Television Network Incorporated, by **condition of service** to:
- broadcast a minimum of 100 hours of programming in Indigenous languages each broadcast week;
 - broadcast at least 5 hours and 30 minutes of news and current affairs programming each broadcast week in English or French; and
 - broadcast at least one French-language newscast in each broadcast week.
49. For APTN, pursuant to subsection 9.1(1) of the *Broadcasting Act*, effective 1 September 2024, the Commission **orders** Aboriginal People's Television Network Incorporated, by **condition of service** to:
- broadcast at least 5 hours and 30 minutes of news and current affairs programming each broadcast week in English or French;
 - broadcast predominantly in English or French with a minimum of 20 hours of French-language programming in each broadcast week; and
 - broadcast at least one French-language newscast in each broadcast week.
50. Pursuant to subsections 49(1) and 50(2) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act were deemed to be conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*, or subsection 11.1(2) in the case of expenditure requirements. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee except to the extent that they have been modified by this decision. For ease of reference, all of the conditions of service applicable to APTN are in Appendix 1 to this decision.
51. Under subsection 9.1(4) of the *Broadcasting Act* the Commission is required to publish a copy of each order it proposes to make under subsection 9.1(1). In this case, this includes both the changes to the conditions of service and the changes to the distribution order under paragraph 9.1(1)(h). In this case, the application itself, which was published on the Commission's website, related to amendments to the conditions of service and distribution order. Interested persons would have been sufficiently aware of what was proposed and had an opportunity to make representations with respect to the proposed conditions of service as part of the process. Accordingly, the Commission is satisfied that, in this case, the Part 1

process for this application was sufficient to achieve the purposes of the publication and consultation requirement in subsection 9.1(4) and no further process is required.

Secretary General

Related documents

- *Various television programming services and networks, and broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2023-245, 8 August 2023
- *APTN – Licence renewal and renewal of mandatory distribution order*, Broadcasting Decision CRTC 2018-340, 31 August 2018
- *Revised exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Regulatory Policy CRTC 2017-319 and Broadcasting Order CRTC 2017-320, 31 August 2017

This decision is to be appended to the licence.

Appendix 1 to Broadcasting Decision CRTC 2024-106

Terms and conditions of service for the national discretionary service APTN

Terms

The licence will expire 31 August 2026.

Conditions of service for APTN Languages and APTN

1. The licensee shall adhere to the conditions of service for discretionary services set out in Appendix 2 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 the general programming requirement set out in condition of licence 6, and condition of licence 19 relating to high-definition programming.
2. The licensee shall adhere to all applicable requirements set out in the *Discretionary Services Regulations*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.⁵
3. The licensee shall provide a high-quality, general-interest television service offering a broad range of programming that reflects the diverse perspectives of Indigenous peoples, their lives and their cultures. The service will provide a positive window on Indigenous life for all Canadians, whether living in northern or southern Canada.
4. The licensee shall provide two separate feeds:
 - a. the APTN Languages feed, with programming predominantly in Indigenous languages; and
 - b. the APTN feed, with programming predominantly in English and French.
5. The licensee shall devote at least 75% of the broadcast year and at least 75% of the evening broadcast period to the broadcast of Canadian programs.
6. The licensee shall broadcast at a minimum, an average of eight hours of Canadian programs between 7 p.m. and 11 p.m. in each broadcast week that are drawn from the following program categories set out in Item 6 of Schedule I to the *Discretionary Services Regulations*: 2(b) Long-form documentary, 7 Drama and comedy, 8(a)

⁵ Pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*

Music and dance, 9 Variety and 11(a) General entertainment and human interest, or that are Canadian regional productions.

For the purpose of this condition of service, “regional production” shall have the same meaning set out in *Group-based licence renewals for English-language television groups – Introductory decision*, Broadcasting Decision CRTC 2011-441, 27 July 2011.

7. At least 80% of the programming broadcast on the service, other than news (program category 1), current affairs (program category 2 (a) and 3) and sports (program category 6) (see Item 6 of Schedule I to the *Discretionary Services Regulations*), shall be produced by independent production companies not related to the licensee. An “independent production company” is defined as a Canadian company that is carrying on business in Canada with a Canadian business address, that is owned and controlled by Canadians, whose business is in the production of film, videotape or live programs for distribution, and in which the licensee and any company related to the licensee owns or controls, directly or indirectly in the aggregate, less than 30% of the equity.
8. Subject to condition 9, the licensee shall, for each broadcast year, make sufficient expenditures such that the undertaking devotes at least 55% of the previous year’s gross revenues to the acquisition of or investment in Canadian programming.
9. In each broadcast year of the licence term, excluding the final year,
 - a. the licensee may expend an amount on Canadian programming that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition 8; in such case, the licensee shall ensure that the undertaking expends in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year’s under-expenditure.
 - b. where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure calculated in accordance with condition 8, the licensee may deduct that amount from the total minimum required expenditure in one or more of the remaining years of the licence term.
10. Notwithstanding conditions 9 a) and 9 b), during the licence term, the licensee shall ensure that the undertaking expends on Canadian programming, at a minimum, the total of the minimum required expenditures calculated in accordance with condition 8.
11. On or before November 30 of each year, the licensee shall file with the Commission a report on its expenditures for and exhibition of Canadian programming in a manner and form prescribed by the Commission.
12. The licensee shall have an adequate number of members on its Board of Directors to represent northern and southern Canada, and at least one member who is selected by

the Indigenous broadcasting societies that make up the Northern Native Broadcast Access Program.

13. The licensee shall file, by no later than 30 November in each year, a report signed by a senior officer of the corporation attesting that APTN has met the requirements set out in the conditions of service regarding the broadcast of programming in Indigenous-languages and in the French-language, as well as the requirement relating to the closed captioning of the English- and French-language programs during the previous broadcast year. This report shall include the following information:

- weekly amount (time) of programming broadcast in Indigenous languages on each feed, listed separately;
- weekly and annual amount of French-language programming broadcast on each feed, listed separately;
- annual amount of English-language programming broadcast on each feed, listed separately; and
- annual amount of closed captioning of the French-language and the English-language programming broadcast on each feed, listed separately.

14. The licensee shall file, by no later than 30 November in each year, a report relating to its independent production activity that shall include:

- the name of the production for which APTN has entered into a new production commitment;
- the name of the production company;
- whether it is “related”;
- the region of production;
- the length of production (episodes and program running time); and
- the budget of production (to be filed in confidence with the Commission).

For the purposes of these conditions of service:

All time periods shall be calculated according to Eastern Standard Time. Further, the terms “broadcast year” and “evening broadcast period” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.

The term “broadcast week” shall have the same meaning as set out in the *Radio Regulations, 1986*.

Additional conditions of service for APTN Languages

15. The licensee shall broadcast a minimum of 100 hours of programming in Indigenous languages in each broadcast week.

16. The licensee shall broadcast at least 5 hours and 30 minutes of news or current affairs programming in each broadcast week in English or French
17. The licensee shall broadcast at least one French-language newscast in each broadcast week.

Additional conditions of service for APTN

18. The licensee shall broadcast at least 5 hours and 30 minutes of news or current affairs programming in each broadcast week in English or French.
19. The licensee shall broadcast programming predominantly in English or French. The licensee shall broadcast a minimum of 20 hours of French-language programming in each broadcast week.
20. The licensee shall broadcast at least one French-language newscast in each broadcast week.

Appendix 2 to Broadcasting Decision CRTC 2024-106

Broadcasting Order CRTC 2024-107

Distribution of APTN by licensed broadcasting distribution undertakings

1. Pursuant to subsection 9.1(1)(h) of the *Broadcasting Act*, the Commission orders licensees of broadcasting distribution undertakings (BDUs) to distribute the programming service of Aboriginal Peoples Television Network Incorporated known as APTN Languages/APTN as part of the basic service, on the following terms and conditions:
 - a. This order applies to licensed distribution undertakings, including terrestrial and DTH distribution undertakings. The licensees of these undertakings are collectively referred to in this order as distribution licensees.
 - b. Notwithstanding the foregoing, distribution licensees shall not be required to distribute the programming service pursuant to this order unless the licensee or a third party:
 - i. ensures the transmission of the service to each BDU by any technological means available to the BDU's head end or to a satellite uplink centre or to another location agreed upon by the BDU and the service; and
 - ii. bears the costs of the transmission to the connection point.
 - c. Each distribution licensee distributing the programming service shall remit to the licensee a wholesale rate of \$0.38 per subscriber per month.
 - d. This order shall take effect on 1 September 2024 and expire on 31 August 2026.

For the purposes of this order, “basic service,” “DTH distribution undertaking,” “licensed,” “programming service” and “terrestrial distribution undertaking” shall have the same meanings as set out in the *Broadcasting Distribution Regulations*, as amended from time to time.