



Broadcasting Decision CRTC 2024-251 and Broadcasting Distribution Order CRTC [2024-252](#)

PDF version

References: 2023-72, 2022-252 and 2022-252-1

Ottawa, 22 October 2024

Nunavut Independent Television Network
Across Canada

Inuit TV Network
Across Canada

Public records: 2021-0527-0 and 2023-0064-8

Public hearing in Gatineau, Quebec

28 June 2023

Uvagut TV – Licensing of a national, Inuit-language discretionary service, and mandatory distribution of the service across Canada

Inuit TV – Licensing of a national, Inuit-language discretionary service

Summary

Uvagut TV, operated by Nunavut Independent Television Network (NITV), and Inuit TV, operated by Inuit TV Network (ITN), are currently exempt discretionary services. The Commission received applications from NITV and ITN for broadcasting licences, as both services have exceeded the 200,000-subscriber threshold for the operation of an exempt discretionary service.

The Commission approves the applications by NITV and ITN for broadcasting licences to operate Uvagut TV and Inuit TV, respectively, as national licensed discretionary services. These services will further support Inuit-language content, learning and retention, and, consequently, the objectives of the *Broadcasting Act* (the Act).

In their respective applications, both applicants also asked for the mandatory distribution of their services, requiring all authorized Canadian distribution services to carry them at a rate set by the Commission.

The Commission grants mandatory distribution on the basis of a service meeting an exceptional need in the broadcasting system. An applicant seeking mandatory distribution must, among other things, show that its service will fulfill an extraordinary need among

the intended audience and provide much needed programming for the target community, such as original first-run programming.

In making its decision on mandatory distribution, the Commission was faced with two strong applications. Since NITV is already airing a full broadcast day, the Commission considers that granting mandatory distribution to Uvagut TV would provide more immediate service to Inuit and ensure earlier benefits to the broadcasting system.

Accordingly, and pursuant to paragraph 9.1(1)(h) of the Act, the Commission approves NITV's request for mandatory distribution of Uvagut TV, starting on **20 January 2025**. Uvagut TV will therefore benefit from mandatory distribution for five years, making the service available to most subscribers of Canadian distribution services. The Commission denies ITN's request for mandatory distribution of Inuit TV.

The Commission also approves NITV's request for a monthly per subscriber wholesale rate of \$0.09 for Uvagut TV, for the period during which the service will benefit from the mandatory distribution granted in this decision.

The Commission has proposed to make the orders set out in Appendix 2 for Uvagut TV and Appendix 5 for Inuit TV, imposing various conditions of service, including contribution requirements, on the licensees. Further, Appendix 3 sets out a proposed mandatory distribution order for Uvagut TV.

Consistent with subsections 9.1(4) and 11.1(7) of the Act, interested persons may comment only on the proposed orders and the proposed mandatory distribution order by no later than **1 November 2024**, and the licensee may submit a reply to any comments received until **6 November 2024**.

Background on the services

1. Uvagut TV is a national, Inuktitut-language discretionary service¹ that is owned and operated by Nunavut Independent Television Network (NITV). It has been on air since January 2021. The service offers Inuit-made children's shows, movies, documentaries, and informational, cultural, public access and current affairs programming.
2. Inuit TV is a national, Inuktitut-language discretionary service that is owned and operated by Inuit TV Network (ITN). It has been on air since May 2022. The service offers a range of content, including children's and youth programming, documentaries and feature films. It is designated by the Government of Nunavut as the educational television programming service for the Territory of Nunavut.

¹ "Discretionary services" are Canadian specialty channels that may be carried optionally by all subscription television providers.

3. Both services currently operate as exempt services, as they each serve fewer than 200,000 subscribers.²

Applications

4. In Broadcasting Notice of Consultation 2022-252, the Commission announced that it would consider an application (2021-0527-0) by NITV for a broadcasting licence to continue to operate Uvagut TV as a licensed service. The applicant also requested that the service be granted mandatory distribution as part of the digital basic service of all licensed and exempt broadcasting distribution undertakings (BDU) across Canada, pursuant to paragraph 9.1(1)(h)³ of the *Broadcasting Act* (the Act). NITV proposed a monthly per subscriber wholesale rate of \$0.09 for a period of five years for Uvagut TV.
5. Following the intervention period, the Commission determined that given the issues raised in the written interventions, it would be more appropriate to consider NITV's application at a future public hearing.⁴ One issue related to an intervention from ITN, in which it stated its intention to submit its own application for mandatory distribution on the digital basic service for its exempt national, Inuktitut-language discretionary service Inuit TV.
6. In Broadcasting Notice of Consultation 2023-72, the Commission announced that it would consider concurrently the application by NITV and an application by ITN (2023-0064-8) for a broadcasting licence to continue to operate Inuit TV as a licensed service and for mandatory distribution. Specifically, ITN requested that Inuit TV be granted mandatory distribution as part of the digital basic service of all licensed BDUs across Canada, pursuant to paragraph 9.1(1)(h)⁵ of the Act, in addition to being distributed by all exempt BDUs in the North and all exempt BDUs serving more than 2,000 subscribers across the rest of Canada. It initially proposed a ramped-up monthly per subscriber wholesale rate for Inuit TV ranging from \$0.07 to \$0.0775, covering the five years of the requested mandatory distribution. However, it later submitted a revised proposal for a monthly per subscriber wholesale rate of \$0.075 for the five-year period.
7. Each applicant stated that its service fills an exceptional need in the broadcasting system by offering programming that is reflective of and relevant to Inuit

² The criteria for eligibility as an exempt service are set out in the appendix to Broadcasting Order 2023-307.

³ NITV requested mandatory distribution of Uvagut TV when the old Act was in force, of which paragraph 9(1)(h) set out the requirement regarding the mandatory distribution of programming undertakings. In the new Act, which came into force on 27 April 2023, this requirement is set out in paragraph 9.1(1)(h).

⁴ See Broadcasting Notice of Consultation 2022-252-1.

⁵ As NITV did for Uvagut TV, ITN requested mandatory distribution of Inuit TV when the old Act was in force. As noted above, the mandatory distribution requirement is set out in paragraph 9.1(1)(h) of the new Act.

communities in Canada. Both applicants indicated that mandatory distribution would be vital for the operation of their respective services. They also argued that national mandatory distribution would provide access to programming mostly made by Inuit and Indigenous peoples.

8. Both applicants further indicated that their services have exceeded the maximum subscriber threshold for exemption and can therefore no longer operate as exempt services.⁶ Accordingly, even if their applications for mandatory distribution are denied, NITV and ITN require broadcasting licences to continue the operation of their respective services.

Interventions and replies

9. The Commission received more than 5,100 interventions for Uvagut TV's application following the original 2022 notice of consultation. Both applications received interventions and comments in response to Broadcasting Notice of Consultation 2023-72.
10. Several parties expressed support for NITV's application. Indigenous leaders offering support included the Honourable Joanna Quassa, former Minister of Culture and Heritage for the Government of Nunavut; Lori Idlout, Member of Parliament for Nunavut; and Johannes Lampe, President of Nunatsiavut (Newfoundland and Labrador). Government and Community Liaison Officers of Nunavut; Mayors from Hamlet of Grise Fiord, Inukjuak, Quebec and Baker Lake, Nunavut; and Inuit Tapiriit Kanatami (ITK)⁷ also supported the application.
11. NITV's application was also supported by the Honourable Michèle Audette, former Commissioner of the National Inquiry into Missing and Murdered Indigenous Women and Girls and now member of the Senate; and Marion R. Buller CM, Chief Commissioner of the National Inquiry into Missing and Murdered Indigenous Women and Girls from 2016 to 2019.
12. Other supporters included Aboriginal Peoples Television Network Incorporated⁸ (APTN Inc.), as well as the Indigenous Screen Office (ISO); the Canada Media Fund (CMF); the Nunavut Film Development Corporation, Nunavut Tunngavik Inc.;⁹ and other Inuit producers.

⁶ Discretionary services serving more than 210,000 subscribers for a period of three consecutive months must obtain a broadcasting licence from the Commission.

⁷ ITK is the national representational organization for 70,000 Inuit in Canada. Since ITK was founded, its priorities have been language and cultural preservation and promotion.

⁸ Licensee of the national discretionary service Aboriginal Peoples Television Network (APTN).

⁹ Nunavut Tunngavik Inc. is the legal representative of the Inuit of Nunavut for the purposes of native treaty rights and treaty negotiation. The mandate of Nunavut Tunngavik Inc. is to represent Inuit in Nunavut and safeguard Inuit rights recognized and affirmed by section 35 of the Canadian Constitution, including the obligations and objectives of the Nunavut Agreement, and those affirmed by the United Nations Declaration on the Rights of Indigenous peoples.

13. The Commission received several interventions expressing support for ITN's application for Inuit TV, including interventions from Pamela Hakongak Gross, Deputy Premier of Nunavut; ITK; Nunavut Tunngavik Inc.; the Office of the Commissioner of Official Languages; the Nunavut Film Development Corporation; APTN Inc.; Blue Ant Media Inc.; various Inuit associations and Inuit producers; and several individuals.
14. BDU licensees who intervened in this proceeding¹⁰ either requested that the Commission ensure that the applications meet the criteria for mandatory distribution set out in Broadcasting Regulatory Policy 2010-629, or opposed the applications on the basis that they do not meet those criteria. They also expressed concern over the impact that the additional costs would have on distribution services considering that the retail price of the digital basic service is capped. Some BDUs proposed alternative options to granting mandatory national distribution to the services, which will be explored later in the decision.
15. Each applicant replied to the interventions received for its application.

Legal framework

16. Subsections 9(1), 9.1(1) and 11.1(2) of the Act grant the Commission the authority to issue and renew licences and to make orders imposing conditions of service on a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act, and to make orders respecting expenditures.
17. When it comes to applications for mandatory distribution, paragraph 9.1(1)(h) is particularly important as it authorizes the Commission to make orders imposing conditions of service on a distribution undertaking requiring it to carry, on the terms and conditions that the Commission considers appropriate, programming services, specified by the Commission, that are provided by a broadcasting undertaking.

Policy objectives

18. The objectives set out in subsection 3(1) of the Act have long indicated that the broadcasting system in Canada should recognize the special place of Indigenous peoples within Canadian society. Recent amendments to the Act strengthened the importance of such recognition and integrated new objectives to support the Government of Canada's commitment to reconciliation and renewing its relationship with Indigenous peoples, based on the recognition of rights, respect, co-operation and partnership.

¹⁰ BCE Inc., on behalf of Bell Satellite TV and Bell Fibe TV; Bragg Communications Inc., carrying on business as Eastlink; Canadian Communication Systems Alliance; Cogeco Communications Inc.; Quebecor Media Inc., on behalf of Videotron Ltd.; Rogers Communications Canada Inc.; and Saskatchewan Telecommunications.

19. The Commission recognizes the important role that the broadcasting system plays in reconciliation with Indigenous peoples. In assessing the present applications, the Commission has placed particular emphasis on the objectives of the Act relating to the role of Indigenous peoples in the broadcasting system. These objectives relate to, among other things, the role of Indigenous peoples in creating and distributing programming for Indigenous peoples, programming and employment opportunities, the fulfilment of the needs and reflection of the special place of Indigenous peoples and their languages in the broadcasting system in Canada, and the revitalization of those languages.¹¹
20. Fulfilment of these various objectives is consistent with the *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*,¹² which, as a matter of general application on broad policy matters, directs the Commission to support the meaningful participation of Indigenous peoples in the broadcasting system in Canada, including by supporting their ability to create and produce a wide range of programs, access to those programs, and ownership and control of broadcasting undertakings.

Mandatory distribution

21. The Commission has used mandatory distribution as a regulatory tool to mandate the distribution of services that contribute to the policy objectives of the Act while ensuring that a greater diversity of programming is produced and made available to audiences. Mandatory distribution of certain services ensures smaller audiences benefit from having access to content that is relevant to and reflective of them, but may otherwise not be available to them. The criteria for mandatory distribution are set out in Broadcasting Regulatory Policy 2010-629. In assessing these criteria for the present applications, the Commission has considered the records of this proceeding, including perspectives that offer divergent views.

Issues

22. In light of the above, and after examining the records for these applications in light of applicable regulations and policies, the Commission considers that it must address the following issues:
- the licensing of Uvavut TV and Inuit TV;
 - whether each applicant's governance structure, employment support and community participation fulfill the policy objective set out in paragraph 3(1)(o) of the Act;

¹¹ See, for example, subparagraphs 3(1)(d)(iii), 3(1)(d)(iii.1), 3(1)(i)(ii.1) and 3(1)(i)(ii.2) and paragraph 3(1)(o) of the Act.

¹² [SOR/2023-239](#).

- whether each service meets the criteria for mandatory distribution;
- whether mandatory distribution should be granted to one or both services;
- if mandatory distribution should be granted to one service, which service;
- alternative proposals to mandatory national distribution; and
- other considerations regarding the application by NITV.

Licensing of Uvagut TV and Inuit TV

23. As noted above, both Uvagut TV and Inuit TV currently operate as exempt discretionary services pursuant to Broadcasting Order 2023-307, the exemption order for discretionary services. However, since both services have reached more than 210,000 subscribers for three consecutive months, neither now meets the criteria of that order.
24. Accordingly, the Commission finds it appropriate to approve the applications by NITV and ITN for licences to continue the operation of their respective services as licensed discretionary services.

Governance structure, employment support and community participation

25. Paragraph 3(1)(o) of the Act provides that “programming that reflects the Indigenous cultures of Canada and programming that is in Indigenous languages should be provided — including through broadcasting undertakings that are carried on by Indigenous peoples — within community elements, which are positioned to serve smaller and remote communities, and other elements of the Canadian broadcasting system in order to serve Indigenous peoples where they live.”
26. While this provision of the Act does not specifically require only broadcasting undertakings carried on by Indigenous peoples to provide programming reflecting Indigenous cultures and in Indigenous languages, it does contemplate that such undertakings should form part of the Canadian broadcasting system.
27. In the present case, the Commission has examined various elements of each applicant’s governance structure and employment support in order to determine whether they fulfill the policy objective set out in paragraph 3(1)(o) of the Act.

Membership¹³ requirements

28. For NITV, only lifetime membership is possible, with no limit on the number of lifetime members. Any new member must be from Inuit Nunangat¹⁴ or have Inuit lineage from Inuit Nunangat. Further, any new member must demonstrate having made a contribution to the work of Inuit content production and broadcasting and must demonstrate a commitment to the objectives of NITV. New members are admitted upon a 2/3 vote of the current members.
29. For ITN, at the hearing, Kevin Goldstein, working on behalf of ITN, explained that there is only one type of full membership, with a maximum of seven members. Of that number, three must be from each of the Nunavut Inuit Associations.¹⁵ Apart from full members, ITN permits “members at large who represent such persons who are interested in furthering and contributing to the purposes of [ITN].” Members at large are admitted by resolution of the board of directors, but membership is not limited to Inuit.

Current members

30. For NITV, there are currently eight lifetime members, seven of whom are Inuit. Qajaq Robinson, the only non-Inuit member, joined the organization before the current by-laws came into effect on 4 February 2023, and was granted lifetime membership status. At the hearing, Lucy Tulugarjuk, the Executive Director of NITV, stated that “Qajaq Robinson was appointed because she grew up in our community, she speaks Inuktitut fluently, she knows the culture.”¹⁶ Going forward and per the by-laws, any new member will have to be from Inuit Nunangat or have Inuit lineage from Inuit Nunangat.
31. For ITN, the applicant stated at the hearing that all of its current members are Inuit.

Board of directors composition requirements as per the by-laws

32. For NITV, the board must have from five to nine directors, and to preserve Inuit knowledge within the board, at least one of the directors must be an Elder. The directors must have experience in the areas of Inuit culture, broadcasting, Inuit content production, law, accounting, business management and not-for-profit governance. The directors on the board are elected by the lifetime members. While

¹³ People who become members of a not-for-profit corporation are collectively referred to as the membership of the corporation and have certain rights and responsibilities. Membership in a corporation is issued in accordance with the requirements of the articles and by-laws.

¹⁴ Inuit Nunangat is composed of the Inuvialuit Settlement Region (Northwest Territories), Nunavut, Nunavik (Quebec) and Nunatsiavut (Northern Labrador).

¹⁵ The Inuit associations specified by ITN are organizations that represent the three regions of Nunavut: the Kitikmeot Inuit Association (which represents western Nunavut), the Kivalliq Inuit Association (which represents southern Nunavut), and the Qikiqtani Inuit Association (which represents northeastern Nunavut).

¹⁶ Transcript, [volume 1](#), line 935.

the by-laws do not specify that all directors of the board must be Inuit, NITV stated at the hearing that priority will be given to Inuit.

33. For ITN, the board must have from three to ten directors, who are elected by the members of the organization. Three of the seven seats of its board of directors must come from the three regions of Nunavut, and the remaining seats are open to anyone regardless of their residence or background.

Current composition of the board of directors

34. For NITV, the board has seven directors, six of whom are Inuit. Five directors reside in Igloolik, Nunavut, one resides in Montréal, Quebec, and the sole non-Inuit director, Qajaq Robinson, resides in Gatineau, Quebec. As noted above, NITV explained at the hearing that Qajaq Robinson was appointed because she grew up in their community, speaks Inuktitut fluently and knows the culture. Further, at the hearing, Qajaq Robinson stated that she was brought into the board of directors because of her legal training.
35. For ITN, the board has six directors, all of whom are Inuit and live in Nunavut (two in Iqaluit, two in Arviat, one in Cambridge Bay, and one in Grise Fiord).

Employment

36. At the hearing, NITV noted that it currently has seven full-time equivalent employees, four of whom are Inuit. NITV has also hired 10 contractors, five of whom are Inuit. Furthermore, Lucy Tulugarjuk indicated that the organization partners with those with relevant expertise who are committed to advancing NITV's objectives and interests, including "to successfully carry out its mandate to bring the Inuktitut language to all of Canada."¹⁷ Lucy Tulugarjuk also noted that priority is given to hiring Inuit. Regarding the service's on-air content, Lucy Tulugarjuk stated that it consists solely of Inuit faces, culture, language and reality. At the hearing, Susan Avingaq, an Elder and board member of NITV, stated the following: "I would like, as an elder, [...] to have support from non-Inuit who work with us, who live with us so that we could learn from each other."¹⁸
37. ITN stated at the hearing that its staff and board of directors are all Inuit. Furthermore, it indicated that in the future, it hopes to increase its collaboration with Inuit producers in the North to create programming.

Community participation

38. At the hearing, NITV stated that community involvement should not only come from the board of directors. It added that, to date, it has focused on reflecting various dialects of the Inuit language. In its application and at the hearing, NITV highlighted

¹⁷ Transcript, [volume 2](#), line 1410.

¹⁸ Transcript, [volume 2](#), line 1444.

that it broadcasts from three of the four regions of Nunavut and is in the process of implementing a community advisory committee. It indicated that the community advisory committee would gather feedback, represent community needs, and bring a community lens to strategic decisions that will impact the focus of the service. NITV further indicated that the committee would consist of a maximum of nine members, of which the representation would be as follows: three Inuit from Nunavut, two Inuit from Nunavik, one Inuit member from the Inuvialuit, one Inuit member from Nunatsiavut, and two Inuit living outside of Inuit Nunangat.

39. When asked if it was open to the idea that the implementation of a community advisory committee be imposed as a condition of service, NITV agreed to adhere to such a condition of service.
40. ITN indicated that it uses Facebook as a feedback mechanism, allowing the community to interact and comment. The applicant stated that given the characteristics of the North, it also receives a great deal of informal feedback in public places. When asked about a potential condition of service requiring the creation of a community advisory committee, ITN expressed the view that committee members in the North would be even harder to find than board members.
41. When asked how its governance structure allows community members to participate, ITN explained that its by-laws ensure that three of the seven seats of its board of directors must come from the three regions of Nunavut. It stated that it would adhere to a condition of service that ensures community engagement in the governance structure, which would not be difficult to implement.

Commission's decisions

42. The Commission notes that the by-laws and the proposals of both applicants in respect of membership provide sufficient assurance of representation by Inuit within that membership.
43. Uvagut TV and Inuit TV both provide programming that reflects an Indigenous culture of Canada, in Indigenous languages. Further, these services are carried on by Indigenous peoples as they are owned and controlled by Inuit.
44. The Commission recognizes the emphasis placed by both applicants on utilizing Inuit resources in their operations and their commitments to employing Inuit. In addition, both NITV and ITN have mechanisms in place to ensure the participation of the Inuit community at large and have expressed an intention and commitment to continue to encourage community participation. The Commission respects the ability of each undertaking to make decisions regarding how to best serve Inuit within their communities. It considers that their employment opportunities and commitments to community engagement and participation will enable each service to ensure that Inuit receive the services that best meet their needs.

45. In light of all of the above, the Commission finds that the governance structures of both NITV and ITN along with their employment support and community participation fulfill the policy objective set out in paragraph (3)(1)(o) of the Act.

Does each service meet the criteria for mandatory distribution?

Commitments made in support of mandatory distribution

46. In support of their requests for mandatory distribution, NITV and ITN made various commitments to demonstrate that their respective proposals would meet the criteria set out in Broadcasting Regulatory Policy 2010-629. These commitments are set out below. The applicants indicated that the fulfilment of these commitments would be contingent on their services receiving mandatory distribution.

Expenditures on programming

47. The table below sets out the applicants’ commitments relating to expenditures on programming.

Item	NITV for Uvagut TV	ITN for Inuit TV
Canadian programming expenditures (CPE)	65% of gross revenues of the current broadcast year for Year 1 of the licence term 75% of gross revenues of the previous broadcast year for Years 2 through 5 of the licence term	70% of gross revenues of the current broadcast year for Year 1 of the licence term 70% of gross revenues of the previous broadcast year for Years 2 through 5 of the licence term
Expenditures on programs of national interest (PNI) ¹⁹	20% of gross revenues of the previous broadcast year, for PNI program categories for the French-language market ²⁰	5% of gross revenues of the previous broadcast year, for PNI program categories for the English-language market

¹⁹ Neither applicant initially proposed, as part of their applications, an expenditure requirement relating to PNI, which falls under CPE. NITV made its proposal in a response to a request for information, while ITN made its proposal in response to an undertaking given at the hearing.

²⁰ The Commission notes that NITV did not propose to spend on French-language PNI, but only to use the PNI program categories for the French-language market given that there are no defined PNI program categories for Indigenous-language programming.

Item	NITV for Uvagut TV	ITN for Inuit TV
Expenditures on independent productions and programs produced by Indigenous producers	70% of CPE to independent productions; of that amount, 80% would be allocated to programs produced by Indigenous producers	45% of CPE to independent productions; of that amount, 65% would be allocated to programs produced by Indigenous producers for Years 1 and 2 of the licence term, and 75% would be allocated to programs produced by Indigenous producers for Years 3-5 of the licence term
Expenditures on original first-run Canadian programming	80% of CPE	75% of CPE (not more than 15% of which may be spent on programming made in partnership with another broadcaster)

48. NITV indicated that the majority of its programming is made by Inuit-owned production companies,²¹ and that it has commissioned content from 16 different Inuit-owned production companies. The applicant added that it currently receives funding from the CMF²² and has already built strong partnerships with a variety of Inuit producers.
49. ITN indicated that it has broadcast licensing deals with Inuit production companies across Inuit Nunangat from the western Arctic to northern Labrador and has established relationships with producers in Nunavut and Nunavik, northern Quebec, northern Labrador, and in the Northwest Territories. The applicant added that it is also in discussions with producers for the creation of certain programs, and that it is working with smaller independent producers. ITN confirmed that the vast majority of its current schedule is made up of programming created by Indigenous producers, primarily Inuit producers. It stated at the hearing that while there might be some CMF funding in the later years, it has not yet applied for such funding.
50. While NITV’s proposal is based on the existing definition of “original first-run program”,²³ ITN requested that it be allowed to recognize partnerships with other broadcasters to help meet the requirements of its conditions of service.

²¹NITV specified that these companies have at least 51% Inuit ownership, with Inuit filling the key creative roles of producer, director and writer.

²² The CMF allocated to NITV an amount of \$1,182,943 in fiscal year 2023-2024.

²³ The definition, set out in the *Discretionary Services Regulations*, reads as follow: “original exhibition of a program that has not been broadcast or distributed by another licensed broadcasting undertaking.”

51. The Commission acknowledges that ITN’s proposal could serve to increase the visibility of programming designed for an Inuit audience and support the creation of partnerships between ITN and other broadcasters. However, the implementation of such a definition would also mean that some of the programming designated by ITN as “original first-run” may, in fact, be duplicative of other programming that would be available on the services of the broadcasters with whom ITN would have created partnerships, which would diminish the distinctiveness of the contribution that would be made by ITN.
52. Consequently, the Commission will apply the definition of “original first-run program” set out in the *Discretionary Services Regulations*.²⁴

Broadcast day

53. NITV proposed a 24-hour broadcast day for Uvagut TV, which is the length of the broadcast day currently in place for the exempt service.
54. ITN proposed an 18-hour broadcast day for Inuit TV, an increase from the five-hour broadcast day currently in place for the exempt service. The applicant noted, however, that it has not yet been able to transition to an 18-hour broadcast day because of financial constraints and indicated that it would take approximately 12 months to make that transition.

Languages of broadcast

55. NITV indicated that not less than 80% of the programming to be broadcast on Uvagut TV would be broadcast in Inuktitut, which would include programming in Inuktitut, Inuinnaqtun and Inuvialuktin. The remaining 20% would be devoted to Canadian programs produced in Indigenous languages other than Inuktitut and to international Inuit programs from other Inuit circumpolar countries and Indigenous-language programming from around the world.
56. ITN indicated that not less than 80% of the programming to be broadcast on Inuit TV would be broadcast in Inuktitut, which would include programming in Inuktitut, Inuvialuktin and Inuttitut. The remaining 20% would be devoted to English-language programming.

Exhibition of programming

57. The table below sets out the applicants’ commitments relating to the exhibition of different types of programming on their respective services.

²⁴ [SOR/2017-159](#).

Item	NITV for Uvagut TV	ITN for Inuit TV
Canadian content	90% of the broadcast day 85% of the evening broadcast period ²⁵	90% of the broadcast day 80% of the evening broadcast period
Children's and youth programming	minimum of 5 hours of children's programming each broadcast day (i.e., 35 hours averaged over the broadcast week)	26 hours per broadcast week, averaged over the broadcast year, to children's and youth programming
News and current affairs programming	5 hours of Inuktitut current affairs coverage each broadcast week (i.e., 5 weekly, live, local 60-minute current affairs programs produced by local teams across Inuit Nunangat) (by expectation for Year 1 of the licence term, and by condition of service beginning Year 2 of the licence term)	12 hours of programming drawn from program categories (1) News or (2)(a) Analysis and Interpretation each broadcast week, averaged over the broadcast year, by condition of service (a portion of which would be in Inuktitut)
Original first-run Canadian programming	12 hours each broadcast week, averaged over the broadcast year	16.5 hours each broadcast week, averaged over the broadcast year

58. NITV confirmed at the hearing that it broadcasts between four and five hours of children's programming each broadcast day on Uvagut TV and is licensing children's programming from Inuit production companies. The applicant expressed confidence that it would meet its commitment regarding the broadcast of children's programming in Year 1 of the licence term.

59. ITN stated that it has current licensing agreements with multiple producers for children's programming and is also in discussions with various producers to create additional children's programming.

60. Regarding news and current affairs programming, NITV stated that it broadcasts approximately four to five hours of current affairs programming each broadcast week. It noted that it has local team members producing shows in Iqaluit, Igloolik, Arviat, and Cambridge Bay, and intends to add Tasiujaq, Pond Inlet, and Inuvik. The applicant further stated that it intends to cover additional communities for its local live productions (i.e., the Arctic Winter games, live shows and graduations) with funding it has received from the "Canada Council for the Arts Grow Program."²⁶

²⁵ The period from 6:00 p.m. to midnight.

²⁶ Transcript, [volume 1](#), lines 617 and 721. NITV did not provide further details on this allocation.

Finally, NITV stated that it has developed a partnership with The Weather Network to bring weather segments for all Inuit regions in Inuktitut to inform Inuit of weather and ice conditions, with the segments tailored to Inuit needs and interests.

61. ITN proposed to have three regional journalists in different regions (Nunavik, Iqaluit and western Arctic) and stated its intention to work with other networks in general. The applicant also confirmed that it is not broadcasting news or current affairs at this time. When questioned on when it would be able to broadcast news, ITN stated that if its application for mandatory distribution of Inuit TV is approved, it would like to ramp up with more archival content, so that it can get funds coming in to more fully produce much of the original programming that it intends to create.

Evaluation of the applications in regard to the criteria for mandatory distribution

62. Both NITV and ITN provide significant commitments and strong business plans. Both applicants intend to serve the same audience. As Inuit-led broadcasters with a focus on Inuit within Canada, both applicants would provide a window into Inuit culture for Canadians and would enrich and strengthen the cultural and social fabric of Canada. Both Uvavut TV and Inuit TV would serve a community that is under-represented in the broadcasting system and would fulfill a number of the Act's objectives relating to this reality. In addition, various interveners that supported both applications recognized the critical need for an Inuktitut-language television service and emphasized the impact that such a service would have on preserving the Inuktitut-language, as well as Inuit traditions and culture.
63. The Commission has examined each application in light of the seven criteria for mandatory distribution set out in Broadcasting Regulatory Policy 2010-629 and the policy objectives of the Act.

Exceptional contribution to Indigenous expression and Canadian expression

64. Both Uvavut TV and Inuit TV would contribute not only to overall Canadian expression, but also to Indigenous expression. Both entities are Inuit-operated and have committed to providing programming in Inuktitut, which is scarce in the broadcasting system. Further, the vast majority of each service's respective program schedule is created by Indigenous producers (primarily Inuit producers) within Canada. This contributes to enriching and diversifying programming in Inuktitut as well as developing production capacity, which in turn will result in employment opportunities. Granting mandatory distribution to either service would be beneficial for the broadcasting system.
65. One of the most effective tools to support Indigenous independent production is the direct commissioning of Indigenous programming produced by Indigenous independent producers and the payment of licence fees to those producers to broadcast their productions. Granting a mandatory distribution order for either service would provide opportunities to Indigenous persons to produce programming in

Indigenous languages, English or French, or in any combination of them, and to carry on broadcasting undertakings.²⁷

66. In regard to requirements relating to the broadcast of Canadian content and to CPE and PNI expenditures, the Commission notes that the applicants' proposals are in line with or exceed such requirements for other services that benefit from mandatory distribution, as well as most television services that do not. Both services would provide distinct Inuit-produced content that is relevant to and reflective of Inuit in Canada, and would therefore make exceptional contributions to the Canadian broadcasting system.
67. The Commission considers that both applicants would be able to implement most of their proposed commitments, particularly given the partnerships each applicant has with Inuit producers and their expertise within the Inuit production sector. However, in the Commission's view, some of the proposed requirements could prove to be difficult to implement for the services, especially in Year 1 of the licence term.
68. In regard to the applicants' proposals regarding CPE commitments, the Commission finds that an immediate transition to an elevated CPE requirement may be challenging in the early part of each service's licence term. In the Commission's view, adopting a ramped-up approach (i.e., gradually increasing CPE levels beginning in Year 1) for the service(s) to be granted mandatory distribution would not only allow for a transition to significant increases in CPE, but would also recognize the need for the services to build capacity in the Inuit production community and to expand their own capacities to deliver on their respective programming commitments.
69. PNI are a central vehicle for communicating Canadian stories and values. However, because PNI are generally expensive to produce, the Commission typically imposes PNI expenditure requirements on broadcasters that benefit from a solid financial capacity or synergies as part of a designated group under the Commission's group-based licensing approach, which is set out in Broadcasting Regulatory Policy 2010-167.
70. Fulfilling the proposed PNI expenditure requirements could be difficult for Uvavut TV and Inuit TV, as both services are relatively new to the broadcasting system and, since both services currently operate as exempt services, are subject to very few requirements. Further, the program categories that constitute PNI are different for services that operate in either English- or French-language markets. In the case of these two services, the Commission considers that the imposition of each applicant's respective proposal regarding PNI would not conclusively further the reflection of the particularities of Inuit culture and Inuit broadcasting.²⁸ Accordingly,

²⁷ This policy objective is set out in subparagraph 3(1)(d)(iii.1) of the Act.

²⁸ In this regard, the Commission notes that APTN is not subject to a PNI requirement.

the Commission finds it inappropriate at this time to impose a PNI expenditure requirement for either service.

Exceptional contribution to the overall objectives of the Act

71. The Act sets out that the Canadian broadcasting system should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,²⁹ and that the programming provided by the Canadian broadcasting system should be varied and comprehensive, providing a balance of information, enlightenment, and entertainment for people of all ages, interest and tastes,³⁰ be drawn from local, regional, national and international sources,³¹ and include educational and community programs.³²
72. In the Commission's view, both applicants have demonstrated that the programming of their services would help safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada by serving the needs and interests of the Inuit population. Both proposals reflect the importance of language revitalization. They would help to ensure that Inuit have access to television programming mostly in Inuktitut, helping to strengthen their language, culture, heritage and values, and contributing to Indigenous expression. Further, the clear intent of both NITV and ITN is to provide relevant public interest programming such as news and current affairs to an Inuit audience, which would enable Inuit to fully participate in the political and cultural life of Canada as well as of their respective communities. Finally, both NITV and ITN outlined their connections to and support for Indigenous producers, and their record of providing Inuktitut-language television content.
73. While the service Aboriginal Peoples Television Network (APTN) broadcasts some children's programming in Inuktitut, there is a clear need for additional children's programming among Inuit communities. In the Commission's view, the children's programming proposed by either NITV or ITN would be a valuable addition to the broadcasting system. As noted by both applicants, Inuit are among the youngest population in Canada, with one-third aged 14 years and younger. In the Commission report entitled [*"What You Said" report: CRTC Early Engagement Sessions – Phase One of the Co-development of a new Indigenous Broadcasting Policy*](#) (the What You Said report), it was noted that television programming is becoming more irrelevant for Indigenous children in Canada, and that even less youth-oriented content is available in Indigenous languages. Moreover, while there are some Indigenous shows for children online, not all communities have access to broadband service. Having an Inuit service that benefits from mandatory distribution would permit children to grow

²⁹ Subparagraph 3(1)(d)(i).

³⁰ Subparagraph 3(1)(i)(i).

³¹ Subparagraph 3(1)(i)(ii).

³² Subparagraph 3(1)(i)(iii).

up with additional Inuit programming in their own language, which could contribute to strengthening the Inuit language.

74. In light of the above, the Commission finds that both NITV and ITN have demonstrated that the programming of their respective services would contribute, in an exceptional manner, to the overall objectives for the digital basic service, and to several objectives of the Act.

Exceptional commitments to original first-run programming

75. The policy objectives set out in subparagraphs 3(1)(d)(iii.1) and 3(1)(i)(ii.2) of the Act underscore the importance of Indigenous languages and the role of Indigenous peoples in creating and distributing programming for Indigenous peoples in Canada.
76. Despite the differences between the proposals, each applicant's proposed expenditure and exhibition levels regarding original first-run programming would fill a gap in the Canadian broadcasting system. Apart from some Inuit programming from APTN, the Canadian Broadcasting Corporation and Uvagut TV, very little original Inuit programming is currently offered in the broadcasting system. The proposals of both applicants are significant and would provide opportunities to Inuit to produce programming that is relevant to and reflective of Inuit in Canada, and that is broadcast in their languages, in English or French, or in any combination of those languages.
77. Further, when each applicant's proposal regarding expenditures on original first-run programming is viewed in conjunction with its proposed overall CPE requirements, 60% of gross revenues of the previous broadcast year for Uvagut TV and 52.5% of gross revenues of the previous broadcast year for Inuit TV would be directed to original first-run programming. Finally, the Commission considers that the percentage of CPE that each applicant proposed to devote to original first-run programming each broadcast year would contribute to enriching and diversifying existing programming in Inuktitut.
78. In light of the above, the Commission finds that both NITV and ITN have demonstrated that their respective services would make an exceptional contribution to original first-run programming, all of which would be recognized as Canadian programming. This programming would largely be produced by Indigenous producers in Canada, and would further contribute to achieving a variety of objectives of the Act, including providing an outlet for Indigenous expression.

Extraordinary need among the intended audience for the proposed service

79. In its application, NITV referenced several documents³³ to demonstrate the need for its service among Inuit, the service’s primary intended audience. Article 16 of the United Nations Declaration on the Rights of Indigenous Peoples affirms the right of Indigenous peoples to establish their own media in their own languages and to have access to all forms of Canadian media without discrimination.
80. ITN, as part of its application, submitted the Nunavut Television Audience Survey,³⁴ which was commissioned by TV Nunavut Educational Broadcasting Society to demonstrate support by Nunavut residents to establish an educational television broadcasting service to strengthen the Inuktitut language, Inuit culture, regional identity and audience interests.
81. Both applicants also submitted Statistics Canada reports demonstrating the pressing need for a service with mandatory distribution for Inuit in Canada.
82. In the What You Said Report, participants identified Nunavut as a special case with unique needs and noted that there is still much work to be done to create programming in the Inuktitut language and have it aired on major television networks.
83. In the Commission’s view, the documents filed by the applicants demonstrate the need for a service that is designed to meet the needs of Inuit. Further, implementation of a service with mandatory distribution that would support the needs of Inuit would fulfill various objectives of the Act, in particular those relating to the participation of Indigenous peoples within the broadcasting system. Such a service would also be consistent with the needs identified in the Truth and Reconciliation Commission’s final report and the What You Said report.
84. In light of the above, the Commission finds that both NITV and ITN have demonstrated that their proposed services would address the extraordinary need for a service for Inuit in Canada, the services’ intended audience.

Business plan and implementation of specific commitments as dependent on receipt of broad national distribution on the digital basic service

85. NITV stated in its application that “while the public interest value of [Uvavut TV] is truly exceptional, there is no commercial business model to ensure this channel’s sustainability. Distribution as a discretionary service [...] would deny accessibility to much of our core audience — an already underserved minority community.” It estimated that the cost of attracting advertising revenue for Uvavut TV would be

³³ Including the [United Nations Declaration on the Rights of Indigenous Peoples](#), the [Inuit Statistical Profile](#) published by Inuit Tapiriit Kanatami, the [Indigenous Languages Act](#) (S.C. 2019, c.23), the report entitled [Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada](#), and the [What You Said report](#).

³⁴ This survey was prepared by Roos-Remillard Consulting Services. In the [application for ITN](#), see “Appendix 1B – Roos-Remillard Audience Survey”.

more than the advertising revenues it would generate given the target audience and the languages of broadcast. In the applicant's view, pursuing commercial advertising would not be a viable option in regard to funding Uvagut TV.

86. The view regarding commercial advertising was echoed by ITN in regard to Inuit TV.³⁵ It estimated that without mandatory carriage, a \$35 wholesale rate would be necessary to fund a full-time Inuktitut-language service with a significant amount of original first-run programming solely from the Inuit community. The applicant added that while public assistance from the Territorial or Federal governments, or funds such as the CMF, may become available, such funding is "unlikely to be material."
87. While both services reported significant subscriber numbers for the 2021-2022 broadcast year, neither service reported subscription revenue in that broadcast year, as both had entered into agreements with BDUs to carry their services for free.
88. Further, both applicants indicated that the demand for advertising in Inuktitut would be limited. In this regard, the Commission notes that according to Statistics Canada Census figures, 42,800 individuals in Canada have a knowledge of Inuktitut (Inuit) languages.³⁶ Further, target populations for the services are small and spread over a wide geographic area. Given the limitations on any revenues that would come from advertising, the Commission considers that without national distribution and a prescribed wholesale rate, neither service would be able to meet its proposed commitments.
89. In light of the above, the Commission finds that both applicants have demonstrated that their business plans and the implementation of their specific commitments are dependent upon receipt of broad national distribution on the digital basic service, and that the services would not be able to fulfill their programming commitments without mandatory distribution on the digital basic service.

Impact of the proposed wholesale rate and its acceptability

90. NITV and ITN proposed wholesale rates of \$0.09 and \$0.075 per subscriber per month, respectively. The Commission has considered the proposed rates and the perspectives offered by various parties, including BDUs, that raised concerns over the financial and other impacts of granting mandatory distribution. The wholesale rates proposed by the applicants for their respective services are low compared to the rates in place for other services that benefit from mandatory distribution. Further, adding either of the services to the digital basic service would benefit the public interest and generally benefit audiences across Canada as it would fill a gap in the broadcasting

³⁵ ITN stated in its application that "while the need for an Inuktitut-language television service is real and pressing for this community, such a small base of potential subscribers [i.e., Canada's Inuit population of just over 70,000] means the [service] would not be commercially viable on its own."

³⁶ "[Knowledge of Indigenous languages by single and multiple knowledge of languages responses and Indigenous identity: Canada, provinces and territories, census metropolitan areas and census agglomerations with parts](#)", Statistics Canada, 2023.

system. The Commission therefore finds that the proposed monthly per subscriber wholesale rates are justified.

91. Further, granting mandatory distribution to services that contribute in an exceptional manner to the overall objectives for the digital basic service and to several objectives of the Act ensures that those services have access to a reasonably reliable revenue stream and allows them to have access to revenues without which they could not meet their proposed obligations. As well, the rate for the digital basic service is regulated so the addition of new services would not impact the rate paid by those who subscribe to that service.
92. In light of the above, the Commission finds that the rates requested by NITV and ITN are justified in light of their exceptional importance to Canadians.

Proposed timeframe during which the service should have exceptional status under an order pursuant to paragraph 9.1(1)(h) of the Act

93. Both NITV and ITN proposed a five-year term for mandatory distribution of their respective services Uvagut TV and Inuit TV.
94. The Commission has typically granted a five-year licence term to television stations and discretionary services, and a corresponding term for mandatory distribution. Although the amended Act³⁷ allows for any length of licence term (including indeterminate), the Commission has not yet revised its approach to licensing.
95. Accordingly, the Commission finds that the five-year term for mandatory distribution proposed by NITV for Uvagut TV and by ITN for Inuit TV is consistent with the Commission's current approach.

Commission's decision

96. In light of the above, the Commission finds that the applications by NITV and ITN for their respective services Uvagut TV and Inuit TV meet the criteria for mandatory distribution set out in Broadcasting Regulatory Policy 2010-629.

Should mandatory distribution be granted to one or both services?

97. At the hearing, the Commission questioned both NITV and ITN on the possibility of granting mandatory distribution to both Uvagut TV and Inuit TV. Each applicant submitted that if the Commission approved both applications, it would be challenging for each service to be unique and distinct and respect its conditions of service given that resources are limited.

³⁷ In 2023, the *Online Streaming Act* made various amendments to the *Broadcasting Act*.

98. In NITV's view, only one service should be granted mandatory distribution. ITN acknowledged that there is not enough original first-run programming for two Inuit-language services at this time.
99. The Commission acknowledges the applicants' concerns and considers that approving mandatory distribution for both services could prove detrimental to both services given that there would not be enough programming content available for broadcast (specifically, as noted above, original first-run programming). This lack of programming could jeopardize the ability of each applicant to fulfill its regulatory commitments and obligations, as well as the overall viability of both services if they are unable to obtain sufficient programming to meet the needs of their audiences.
100. Further, the Commission considers that granting mandatory distribution to two services that provide very similar content would make it difficult to differentiate between the services. While the regulatory framework does not preclude granting mandatory distribution to two services in the same language, the content of services benefiting from mandatory distribution should be sufficiently distinct to demonstrate their exceptionality.
101. Accordingly, the Commission finds that it would be appropriate to grant mandatory distribution to only one of the services. The other service would be granted a licence permitting it to operate as a licensed discretionary service, but without mandatory distribution. The Commission must therefore determine, based on the merits of each of the applications, whether it would be more appropriate to grant mandatory distribution to Uvagut TV or to Inuit TV.

Which service should be granted mandatory distribution?

102. As noted above, through their proposals, both NITV and ITN committed to making significant contributions to the needs and interests of the Inuit population in Canada and to the Canadian broadcasting system. Approving either application for mandatory distribution would address the needs of the Inuit population and would be in line with the objectives set out in the Act relating to the needs and interests of Indigenous peoples. The Commission also considers, however, that ensuring that Inuit have broad access to the service as quickly as possible is crucial to fulfilling those objectives.
103. Consequently, the Commission has examined the factors in each application that could weigh on each applicant's capacity to meet its proposed commitments starting in Year 1 of the licence term and to provide a full service to Inuit within a timely manner.
104. The proposed commitments by both applicants are ambitious, which can be underscored by the fact that both Uvagut TV and Inuit TV are relatively new services with modest means. In addition, the Commission knows that it can take time for new services to build up capacity. Accordingly, the Commission considers it important to compare each applicant's readiness to fulfill its proposed commitments. More specifically, the Commission has considered any ramp up time to implement the proposed commitments made by each applicant.

105. The length of the broadcast day for a discretionary service can be 18 or 24 hours, and is defined by each service/licensee. As noted above, NITV proposed a 24-hour broadcast day for Uvagut TV as a licensed service, which corresponds to the broadcast day for the currently exempt service. ITN, on the other hand, proposed an 18-hour broadcast day for Inuit TV, which is longer than the five hours that, as stated by ITN at the hearing, the service currently broadcasts each day as an exempt service. ITN estimated that it would take approximately one year from licensing for it to ramp up to the 18-hour broadcast day it proposed for Inuit TV.
106. Both NITV and ITN proposed to broadcast significant levels of current affairs/news programming, which would require them to obtain additional content. Locally reflective news is expensive to produce and requires significant resources, including the presence of journalists on the ground and the purchase of equipment. To this point, the Commission notes that, as stated at the hearing, NITV currently broadcasts four to five hours of current affairs programming each broadcast week and has local team members producing shows in different locations, while ITN does not broadcast this type of programming at this time.
107. Both parties also proposed significant CPE on original first-run Canadian programming, including children's programming, as well as on programs produced by Indigenous producers and on independent productions. Although NITV proposed a CPE level and related expenditures for Uvagut TV that are slightly higher than what ITN proposed for Inuit TV, along with a higher level of children's programming, the Commission considers that NITV would be better positioned than ITN to transition to these elevated levels.
108. Specifically, the Commission notes that in addition to the differences regarding existing partnerships, NITV currently receives funding from the CMF, and Uvagut TV currently produces original first-run programming and current affairs programming. While the Commission considers that ITN would make an exceptional contribution to the broadcasting system, it also considers that, in light of the factors discussed above, this applicant would not be in a position to fully adhere to its above-noted commitments for Inuit TV before at least Year 2 of the licence term for the service.
109. As such, based on the records of the proceeding, the most significant difference between the applications is that, starting in Year 1 of the licence term, NITV's programming commitments are likely to be more immediately achievable than those of ITN, and would therefore ensure benefits to the broadcasting system earlier. Since NITV is already adhering to most of the commitments it proposed, the Commission finds that NITV is in the best position to deliver on its significant commitments and provide more immediate service to Inuit, thereby fulfilling the objectives of the Act in a timelier manner and ensuring earlier benefits to the broadcasting system. Inuit will, within Year 1 of the licence term for Uvagut TV, have access to additional programming, including original first-run programming in Inuktitut that aims to be reflective of and relevant to Inuit in Canada.

110. Accordingly, the Commission finds it appropriate to approve the application by NITV for national mandatory distribution of Uvagut TV pursuant to paragraph 9.1(1)(h) of the Act.

Alternative proposals to mandatory national distribution of both services

111. Certain parties submitted various proposals as alternatives to the granting of mandatory national distribution to Uvagut TV and Inuit TV. These include a single Inuit discretionary service (proposed by the Inuit Broadcasting Corporation), alternative funding approaches (proposed by Rogers Communications Canada Inc.) and limiting mandatory distribution to the North (proposed by BCE Inc.³⁸).

112. For the reasons set out above, both services meet the criteria established in Broadcasting Regulatory Policy 2010-629, and one of them, namely Uvagut TV, will receive mandatory distribution on a national basis. Accordingly, the Commission will not examine these alternative proposals in any further detail.

Other considerations regarding the application by NITV

Community advisory committee and community participation

113. As noted above, NITV indicated that it is in the process of implementing a community advisory committee and that it would adhere to a condition of service in this regard. The Commission notes that at the time of the public hearing, NITV was in the phase of recruiting candidates and had not yet implemented such a committee. Further, the Commission is mindful of the difficulties of recruiting community members in the North given the vastness of the Inuit Nunangat,³⁹ and of imposing measures that could significantly alter the governance of NITV and hinder its ability to provide its service efficiently.

114. Nevertheless, the Commission considers that such a committee would provide a valuable avenue for community engagement and participation. Accordingly, the Commission has set out in Appendix 1 to this decision expectations that NITV implement a community advisory committee, and continue to promote and endeavour to provide avenues for community participation in its undertaking.

Distribution of Uvagut TV by exempt BDUs serving 2,000 or fewer subscribers

115. At the hearing, NITV clarified that it is seeking national mandatory distribution of Uvagut TV by all licensed and exempt BDUs across Canada, including exempt BDUs that serve either more than 2,000 subscribers or 2,000 or fewer subscribers. It submitted that its request is justified not only for financial reasons but also to meet the

³⁸ On behalf of Bell Satellite TV and Bell Fibe TV.

³⁹ According to [Statistics Canada](#), of Inuit living in Canada in 2021, 48,695 (69.1%) lived in Inuit Nunangat and 21,825 (28.45%) lived in other parts of Canada.

needs of Inuit audiences. NITV added that, from a broader policy perspective, all Canadians should contribute to making a space for Inuit voices.

116. Pursuant to Broadcasting Order 2017-320 (the BDU exemption order), exempt BDUs serving 2,000 or fewer subscribers are not required to distribute programming services granted mandatory distribution under paragraph 9.1(1)(h) of the Act. These very small BDUs serve either small rural communities or limited subscribers in larger markets that are also served by larger licensed providers. Due to their size and resources, they are subject to fewer regulatory requirements and constraints compared to larger BDUs.
117. The Commission notes that requiring mandatory distribution of Uvagut TV by exempt BDUs serving 2,000 or fewer subscribers would represent a deviation from its general approach and would require an amendment to the BDU exemption order. Given the size of these BDUs and consistent with the rationale for not requiring them to distribute services benefiting from mandatory distribution generally, the Commission is not convinced that requiring these BDUs to distribute Uvagut TV would have a significant impact on its revenue. Deviating from the Commission's general approach in this case would impose an additional regulatory burden on those BDUs.
118. In light of the above, the Commission finds that it would not be appropriate to require exempt BDUs serving 2,000 or fewer subscribers to distribute Uvagut TV. The Commission notes, however, that nothing would prevent NITV from negotiating agreements with these BDUs for carriage of Uvagut TV.
119. In light of the above, the Commission finds that it would be appropriate to approve the proposed wholesale rate of \$0.09.

Conclusion

120. In light of all of the above, the Commission approves NITV's request for a broadcasting licence to operate the exempt discretionary service Uvagut TV as a licensed discretionary service, from 22 October 2024 to 31 August 2029.
121. The Commission also approves ITN's request for a broadcasting licence to operate the exempt discretionary service Inuit TV as a licensed discretionary service, from 22 October 2024 to 31 August 2029.
122. Further, the Commission approves, by majority decision, the application by NITV for mandatory distribution of the licensed national, Inuktitut-language discretionary service Uvagut TV. The Commission also approves NITV's request for a monthly per subscriber wholesale rate of \$0.09 for Uvagut TV for the duration of its licence term.
123. In order to give effect to the approval of NITV's request for mandatory distribution, pursuant to paragraph 9.1(1)(h) of the Act, the Commission proposes to make the order set out in Appendix 3 to this decision. In particular, the Commission proposes that licensed BDUs operating across Canada must distribute Uvagut TV as part of the

digital basic service from 20 January 2025 to 31 August 2029. Pursuant to the BDU exemption order, exempt BDUs across Canada serving more than 2,000 subscribers will also be required to distribute this service.

124. The Commission denies, by majority decision, the application by ITN for mandatory distribution of the licensed national, Inuktitut-language discretionary service Inuit TV pursuant to paragraph 9.1(1)(h) of the Act.
125. The dissenting opinion of Commissioner Claire Anderson is attached.
126. The terms of licence, expectations and encouragements applicable to NITV for Uvagut TV are set out in Appendix 1 to this decision. In addition to the standard expectations and encouragements for discretionary services set out in Broadcasting Regulatory Policy 2023-306, the Commission has set out for NITV expectations relating to the broadcast of current affairs/news programming and community participation, as well as an encouragement relating to collaborating with other broadcasters, including Inuit TV, when possible, to offer the best programming to Inuit in Canada.
127. The terms of licence, expectations and encouragements applicable to ITN for Inuit TV are set out in Appendix 4 to this decision.
128. The Commission notes that the formal broadcasting licence document issued to each licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. Each licensee shall, therefore, also adhere to any such requirements set out in the broadcasting licence for its undertaking.
129. The Commission also proposes to make certain orders pursuant to subsections 9.1(1) and 11.1(2) of the Act for each licensee, that impose conditions of service giving effect to the determinations in this decision. The specifics of the conditions of service contained in these orders are described below and are set out in Appendix 2 for NITV and Appendix 5 for ITN.
130. Consistent with subsections 9.1(4) and 11.1(7) of the Act, interested persons may comment only on the proposed orders and the proposed mandatory distribution order by no later than **1 November 2024**, and the licensee may submit a reply to any comments received until **6 November 2024**. The Commission will issue final orders following the close of the comment period and its review of the submissions of the parties, if any.
131. Interested persons who wish to comment on the proposed orders may do so on the Commission's [public proceedings webpage](#).

The proposed orders for Uvagut TV

Nature of service

132. Services that benefit from mandatory distribution are approved for such distribution on the basis that they fulfill objectives in the Act and meet some need in the broadcasting system that would otherwise not be met. For this reason, these services are not permitted to alter their nature of service without prior Commission approval. Therefore, the Commission considers it appropriate to bind NITV to the nature of service as proposed in its application.
133. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **proposes to order** Nunavut Independent Television Network, by **condition of service**, to provide a high quality, single feed, general interest, Inuit-language television service operating in the Eastern Time Zone offering programming that reflects the diverse lives and perspectives of Inuit and fulfills unique public access needs and provides a window on Inuit life and culture in Canada.
134. Further, consistent with its general policy and, pursuant to subsection 9.1(1) of the Act, the Commission **proposes to impose an order** on Nunavut Independent Television Network, by **condition of service**, allowing it to draw programming from all program categories set out in Item 6 of Schedule 1 to the *Discretionary Services Regulations*, as amended from time to time.

Other conditions of service

135. Pursuant to subsections 9.1(1) and 11.1(2) of the Act, the Commission **proposes to order** Nunavut Independent Television Network, by **condition of service**, to adhere to a number of other requirements relating to standard conditions of service for discretionary services⁴⁰ and reporting requirements for services with mandatory distribution.
136. The Commission also **proposes to order** Nunavut Independent Television Network, by **condition of service**, to adhere to requirements reflecting commitments to programming and expenditures made by NITV, which form the basis of the Commission's approval for mandatory distribution.
137. Notably, considering the ramp-up approach as determined above, the Commission **proposes to order** Nunavut Independent Television Network, by **condition of service**, to adhere to the following CPE levels for Uvagut TV's licence term, based

⁴⁰ The standard conditions of service for discretionary services are set out in Appendix 1 to Broadcasting Regulatory Policy 2023-306. As well, pursuant to subsection 49(2) of the *Online Streaming Act*, any regulation made under paragraph 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*.

on the service's gross revenues: Year 1: 60%, Year 2: 65%, Year 3: 70%, Year 4 and subsequent years: 75%.⁴¹

138. The specifics of the proposed conditions of service for Uvagu TV are set out in Appendix 2.

The proposed orders for Inuit TV

139. Pursuant to subsection 9.1(1) of the Act, the Commission **proposes to order** Inuit TV Network, by **condition of service**, to adhere to requirements relating to standard conditions of service for discretionary services.⁴²

140. Pursuant to subsection 11.1(2) of the Act, the Commission **proposes to order** Inuit TV Network, by **condition of service**, to devote not less than 10% of the previous year's gross revenues of the undertaking to the acquisition of or investment in Canadian programming. This is the level of spending generally imposed on independent discretionary services.

141. Further, pursuant to subsection 11.1(2) of the Act, the Commission **proposes to impose an order** on Inuit TV Network, by **condition of service**, granting it flexibility in regard to underspending and overspending on CPE for the undertaking, the specifics of which are set out in Appendix 5.

142. Pursuant to subsection 9.1(1) of the Act, the Commission **proposes to order** Inuit TV Network, by **condition of service**, to report on and respond to any Commission inquiries relating to the expenditures on Canadian programming made by the licensee for the licence term.

143. The specifics of the proposed conditions of service for Inuit TV are set out in Appendix 5.

Secretary General

Related documents

- *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2023-72, 15 March 2023

⁴¹ The CPE for its Year 1 operations will be based on the gross revenues of the current broadcast year, whereas for Years 2 through 5, its CPE will be based on the gross revenues of the previous broadcast year.

⁴² See footnote 43.

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2022-252, 21 September 2022, as amended by *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2022-252-1, 15 December 2022
- *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
- *Exemption order respecting discretionary television programming undertakings serving fewer than 200,000 subscribers*, Broadcasting Order CRTC 2015-88, 12 March 2015
- *Criteria for assessing applications for mandatory distribution on the digital basic service*, Broadcasting Regulatory Policy CRTC 2010-629, 27 August 2010
- *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010

This decision and the appropriate appendices are to be appended to each licence.

Appendix 1 to Broadcasting Decision CRTC 2024-251

Terms, expectations and encouragements for the national, Inuit-language discretionary service Uvagut TV

Terms

The licence will expire 31 August 2029.

Expectations

Standard expectations

The standard expectations for discretionary services are set out in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023.

Current affairs/news programming

For the first year of the licence term, the Commission expects the licensee to broadcast five hours of live community affairs/news programming per week in Inuktitut produced by local teams across Inuit Nunangat.

Community advisory committee

The Commission expects the licensee to implement a community advisory committee.

Community participation

The Commission expects the licensee to continue to promote and provide avenues for community participation in the undertaking, while providing flexibility to meet the needs of Inuit.

Encouragements

Standard encouragements

The standard encouragements for discretionary services are set out in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023.

Collaboration between the licensee and other broadcasters

The Commission encourages the licensee to collaborate with other broadcasters, including Inuit TV, when possible, to offer the best programming to Inuit.

Appendix 2 to Broadcasting Decision CRTC 2024-251

Proposed conditions of service for the national, Inuit-language discretionary service Uvagut TV

The Commission proposes to make orders imposing the following conditions of service, including expenditure requirements, on Nunavut Independent Television Network in respect of the national, Inuit-language discretionary service Uvagut TV, pursuant to subsections 9.1(1) and 11.1(2) of the *Broadcasting Act*.

Conditions of service

1. The licensee shall provide a high quality, single feed, general interest, Inuit-language television service operating in the Eastern Time Zone offering programming that reflects the diverse lives and perspectives of Inuit. The service will provide a window on Inuit life and culture in Canada.
2. The licensee shall adhere to the standard conditions of service for discretionary services set out in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023.
3. 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*.
4. The licensee may draw programming from all program categories set out in Item 6 of Schedule 1 to the *Discretionary Services Regulations*, as amended from time to time.
5. The licensee shall ensure that not less than 80% of the program schedule for the service is devoted to programming in Inuktitut.
6. The licensee shall devote not less than 90% of the broadcast day and not less than 85% of the evening broadcast period to the broadcast of Canadian programs.
7. The licensee shall, for the following years of operation for the undertaking, devote the following percentages of the undertaking's gross revenues to the acquisition of or investment in Canadian programming:
 - Year 1: 60% of the undertaking's gross revenues of the current broadcast year;
 - Year 2: 65% of the undertaking's gross revenues of the previous broadcast year;
 - Year 3: 70% of the undertaking's gross revenues of the previous broadcast year; and
 - Year 4 and subsequent years: 75% of the undertaking's gross revenues of the previous broadcast year.

8. In regard to expenditures on Canadian programming:
 - (a) In each broadcast year of the licence term, excluding the final year, 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 of service 7; in such case the licensee shall expend 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) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure, the licensee may deduct that amount from the minimum required expenditure in one or more of the remaining years of the licence term.
 - (c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming, at a minimum, the total of the minimum required expenditures calculated in accordance with condition of service 7.
 - (d) In the event the licence for the undertaking is administratively renewed, the flexibility granted pursuant to paragraphs (a) and (b) above will carry forward until a substantive renewal has been issued.
9. In the two years following the end of the previous licence term, the licensee shall report on and respond to any Commission inquiries relating to the expenditures on Canadian programming made by the licensee for that term.
10. The licensee shall devote not less than 70% of the undertaking's Canadian programming expenditures set out in condition of service 7 to programming produced by independent producers.
11. The licensee shall devote not less than 80% of the undertaking's Canadian programming expenditures set out in condition of service 7 to programming produced by Indigenous producers.
12. The licensee shall devote not less than 80% of the undertaking's Canadian programming expenditures set out in condition of service 7 to original first-run Canadian programming.
13. The licensee shall broadcast not less than 12 hours of original first-run programming each broadcast week, averaged over the broadcast year.
14. The licensee shall devote not less than five hours of the programming broadcast on the service each broadcast day to children's programming.
15. The licensee shall, beginning in Year 2 of operation for the undertaking, broadcast five hours of live community affairs/news programming per week in Inuktitut produced by local teams across Inuit Nunangat.

16. On or before 30 November of each year, the licensee shall file with the Commission an annual production report regarding the undertaking's Canadian programming expenditures and regarding the broadcast of Canadian programming on the undertaking.

Definitions

For the purposes of these conditions of service, the terms “broadcast day,” “broadcast year” and “evening broadcast period” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.

Original first-run program means the original exhibition of a program that has not been broadcast or distributed by another licensed broadcasting undertaking.

Indigenous producer means an individual who self-identifies as Indigenous, which includes First Nations, Métis and Inuit, and is a Canadian citizen or resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and are Canadian citizens or reside in Canada.

Appendix 3 to Broadcasting Decision CRTC 2024-251

Broadcasting Distribution Order CRTC 2024-252

Proposed distribution of the national discretionary service Uvagut TV by persons licensed to carry on broadcasting distribution undertakings across Canada

The Commission proposes to make the following distribution order, requiring broadcasting distribution undertakings to distribute the national, Inuit-language discretionary service known as Uvagut TV to all subscribers across Canada as part of the digital basic service, pursuant to paragraph 9.1(1)(h) of the *Broadcasting Act*.

Distribution order

Pursuant to paragraph 9.1(1)(h) of the *Broadcasting Act*, the Commission orders licensees of broadcasting distribution undertakings to distribute the national, Inuit-language discretionary service known as Uvagut TV to all subscribers across Canada as part of the digital basic service, on the following terms and conditions:

- a. This order applies to all licensed distribution undertakings, including terrestrial and direct-to-home (DTH) distribution undertakings. These licensees are collectively referred to in this order as distribution undertakings.
- b. Notwithstanding the foregoing, distribution licensees shall not be required to distribute the programming service Uvagut TV pursuant to this Order unless Nunavut Independent Television Network (the licensee) or a third party:
 - i. ensures the transmission of the service by any technological means available to the broadcasting distribution undertaking's head end or satellite uplink centre or to another location agreed upon by the broadcasting distribution undertaking and the licensee; and
 - ii. bears the costs of the transmission to the connection point.
- c. Each distribution licensee distributing the discretionary service shall remit to the licensee a wholesale rate of \$0.09 per subscriber per month.
- d. This order shall take effect **20 January 2025** and will stay in effect until **31 August 2029**.

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

Appendix 4 to Broadcasting Decision CRTC 2024-251

Terms, expectations and encouragements for the national, Inuit-language discretionary service Inuit TV

Terms

The licence will expire 31 August 2029.

Expectations

Standard expectations

The standard expectations for discretionary services are set out in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023.

Encouragements

Standard encouragements

The standard encouragements for discretionary services are set out in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023.

Appendix 5 to Broadcasting Decision CRTC 2024-251

Proposed conditions of service for the national, Inuit-language discretionary service Inuit TV

The Commission proposes to make orders imposing the following conditions of service, including expenditure requirements, on Inuit TV Network in respect of the national, Inuit-language discretionary service Inuit TV, pursuant to subsections 9.1(1) and 11.1(2) of the *Broadcasting Act*.

Conditions of service

1. The licensee shall adhere to the standard conditions of service for discretionary services set out in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023.
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*.
3. The licensee shall, in each broadcast year, devote not less than 10% of the previous year's gross revenues of the undertaking to the acquisition of or investment in Canadian programming.
4. In regard to expenditures on Canadian programming:
 - (a) In each broadcast year of the licence term, excluding the final year, 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 of service 3; in such case the licensee shall expend 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) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure, the licensee may deduct that amount from the minimum required expenditure in one or more of the remaining years of the licence term.
 - (c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming, at a minimum, the total of the minimum required expenditures calculated in accordance with condition of service 3.
 - (d) In the event the licence for the undertaking is administratively renewed, the flexibility granted pursuant to paragraphs (a) and (b) above will carry forward until a substantive renewal decision has been issued.

5. In the two years following the end of the previous licence term, the licensee shall report on and respond to any Commission inquiries relating to the expenditures on Canadian programming made by the licensee for that term.

Dissenting opinion of Commissioner Claire Anderson

1. I agree with the majority decision (Decision) that the applications by Nunavut Independent Television Network (NITV) and Inuit TV Network (ITN) for their respective services Uvagut TV and Inuit TV meet the criteria for a mandatory distribution order, as set out in Broadcasting Regulatory Policy 2010-629, as both services would contribute in an exceptional manner to the overall objectives of the *Broadcasting Act* (the Act). These include recently added objectives of supporting the production and broadcasting of Indigenous-languages programming, in accordance with the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP), and ensuring that programming in Indigenous languages should be provided – including through broadcasting undertakings that are carried on by Indigenous persons.¹
2. However, I cannot support the Decision to approve the application for mandatory distribution of Uvagut TV, since all the evidence on the record of the proceeding shows that Inuit TV would cease operations without a mandatory distribution order. I would have approved the mandatory distribution order application for Inuit TV instead, in hope that both services would continue to make valuable contributions to Canadian culture, which is more in line with the spirit of cooperation that we heard throughout the hearing, as well as the objectives imposed by the Act.²
3. Inuit TV is an **all-Inuit operated service**,³ the first all-Indigenous-operated service in Canada, to my very best knowledge.⁴ While both services received the written support of the Nunavut Inuit rightsholder, Nunavut Tunngavik Inc. (NTI), Inuit TV started its operations with a significant multimillion dollar contribution from NTI, and as outlined by NTI, Inuit TV was established under the careful guidance of regional Inuit organizations and all levels of government.⁵ A decision that would likely result in the closure of a service supported culturally and financially by NTI would affect their rights under UNDRIP and Section 35 of the *Constitution Act, 1982* (Section 35).
4. In accordance with UNDRIP and Section 35, NTI and any other relevant Inuit rightsholder must have a meaningful opportunity to participate in the Commission’s decision-making process. It is not enough that NTI had the opportunity to participate in the proceeding leading to the Decision once the Commission posted Broadcasting Notice of Consultation 2023-72 on its webpage. NTI, like other Indigenous rightsholders, is entitled to meaningful participation, which extends beyond mere notification to the public on the Commission website.

¹ Subparagraphs 3(1)(i)(ii.2) and 3(1)(d)(iii.1), and paragraph 3(1)(o) of the Act.

² See subparagraphs 3(1)(d)(iii.1) and 3(1)(i)(ii.2) of the Act.

³ Majority decision at para. 37. See also transcript, [volume 1](#), line 160.

⁴ I will refer to Inuit TV as “the first all-Inuit or all Indigenous-owned service” throughout the remainder of my dissent. However, this fact is based on my best knowledge, and I apologize for any omissions or oversight in this regard.

⁵ NTI’s [intervention](#), dated 14 April 2023. See also transcript, [volume 1](#), lines 242 to 252, 256 to 263, 484 to 485, 488 to 490.

5. While the Commission does not have an established framework in place for consultation or engagement with Indigenous rightsholders, the Commission has actively implemented consultation processes with official language minority communities⁶ (OLMC) and is actively contemplating a consultation process that allows OLMCs to comment on policies or decisions that may adversely affect their rights.⁷ I would have provided NTI with an opportunity to provide their opinion on the proposed decision prior to finalizing a decision that stands to negatively affect their rights.

Inuit TV is an all-Inuit operated broadcasting undertaking in Canada

6. I agree with the Decision (para. 45) that both NITV's and ITN's governance structures, along with employment opportunities and commitments to community engagement and participation, fulfill the policy objective set out in paragraph 3(1)(o) of the Act. However, the likely closure of one service would be to the overall detriment of our broadcasting system, particularly when the service most at risk is all-Inuit operated and particularly when Inuit TV's governance structure has been built by the entire Inuit community at large.⁸
7. My colleagues have decided to point out the contributions by Inuit and non-Inuit representatives appearing on behalf of Uvaguq TV, but they neglected to mention the brilliant work of Althea Arnaquq-Baril, Lucy Qavavauq and Tom McLeod, whose masterful knowledge of the regulatory landscape was on clear display throughout the hearing. These three Inuit and Inuvialuit representatives provided the bulk of Inuit TV's oral submissions, down to the regulatory and technical details, showing exactly how Inuit tell their own stories, on their own terms, while acting in accordance with our unilaterally imposed rules. Clearly, Inuit TV is offering a special service—perhaps the first of its kind: an all-Indigenous operated undertaking.⁹
8. Like my colleagues, I would also like to acknowledge the participation of some of Uvaguq TV's Inuit leadership, including CEO Lucy Tulugarjuk, Zacharias Kunuk and Susan Avingaq, who provided introductory remarks one each day of the hearing. Their contributions are certainly examples of Indigenous leadership and ownership, considerations that are highlighted by the amended Act.¹⁰
9. Inuit TV said they would not require a community advisory committee,¹¹ and indeed filling one would be hard, because their structure provides for proper representation. As Althea Arnaquq-Baril stated on behalf of Inuit TV:

⁶ [CRTC-OLMC Discussion Group](#).

⁷ Broadcasting Notice of Consultation 2024-202, *Call for comments – Guidelines regarding consultation and engagement practices in proceedings relating to official language minority communities and official languages*.

⁸ See footnote 5 above.

⁹ See footnotes 3 and 4 above.

¹⁰ See subparagraph 3(d)(i)(o) of the Act and paragraph 3 of the [Order Issuing Directions to the CRTC \(Sustainable and Equitable Broadcasting Regulatory Framework\)](#).

¹¹ Decision at para. 40; see also transcript, [volume 1](#), lines 483 to 498.

We are very interested in two things: one, ensuring that Inuit become familiar with a standardized language [...] and writing system that the Inuit associations have agreed to; but two, celebrating the diversity in our dialects. It's extremely important to us. It's why we put so much time and energy into recruiting board members from across the territory right from the very beginning of our initiative. It's why we had a stakeholders conference a number of years ago with community members from all over the North that speak different dialects.

Not only do we have different dialects, we have varying levels of fluency community by community, and the impacts are different, depending which community was formed first and whether residential schools were in the area and so on. And we have so drastically varying levels of fluency [...]

[...] our desire is to strengthen Inuktitut in each community to meet them where they're at. And so if we're programming content from highly fluent communities, we have higher standards of Inuktitut required for that content. And if there's content coming from a lower fluency level, then you know, the language instruction programs may have a varying level of teaching and English to help teach words and so on.¹²

10. In fact, Inuit TV reiterated several times that the establishment of a community advisory committee was not needed, because the current governance structure was inclusive to all regions within Nunavut. When asked about Inuit Broadcasting Corporation's concerns about regional representation, Inuit TV replied (emphasis added):

MR GOLDSTEIN: [...] I'm thinking that that concern was more directed at NITV's representation than ours because I think we have taken great care to ensure representation amongst our membership and on our Board from all the regions of the Territory.

MS ARNAQUQ-BARIL: Yeah, I agree. I don't think that comment was pointed at us because **from the very start, right from our stakeholders' conference, there was attendance from across the Territory. And currently, our Board has members from each of the three regions of Nunavut and our staff.** Tom [McLeod] is the Northwest Territories in Inuvik and Lucy [Tulugarjuk]'s on the east side with me. And Linda [O'Shaughnessy] [...] one of the most experienced Indigenous broadcast people in the country – is originally from Baker Lake, which is from the central Arctic.

So it's baked into who we are. It's something we care deeply about and in our staffing plan is well reflected.¹³

¹² Transcript, [volume 1](#), lines 111 to 114.

¹³ Transcript, [volume 1](#), lines 483 to 485.

11. Furthermore, three of the seats on the board that operates Inuit TV are elected by members nominated by the three regional Inuit associations (the Kitikmeot Inuit Association, the Kivalliq Inuit Association and the Qikiqtani Inuit Association), a fact that was highlighted in NTI's written letter of support for Inuit TV.¹⁴
12. I accept that Inuit TV has carefully ensured broad regional representation such that an additional advisory committee would not be necessary and am confident that Inuit TV would continue to have proper Inuit representation reflected in its services. NTI's letter of support referencing regional Inuit organizations roles and widespread community consultation carries a great deal of weight, as NTI is in a better position than the Commission to consider regional Inuit representation within Nunavut.

NTI's support for both applications

13. My colleagues have identified NTI as the legal representative of Nunavut Inuit for the purposes of treaty rights and negotiation.¹⁵ NTI provided a letter of support for both NITV's and ITN's applications for mandatory distribution.
14. In NTI's letter of support for Uvagut TV,¹⁶ NTI stated that NTI's Board of Directors approved Niriuttaarijat, which includes making significant progress in strengthening Inuktitut in all aspects of life. NTI noted the limited sources of funding to broadcast organizations available from licence fees, individual contributions, and government funding and advertising, and that further investment is needed. NTI noted that Uvagut TV plays a variety of significant roles, including defending Inuit legal, constitutional and human rights to be informed and consulted in decisions that affect Inuit lands, territories and natural resources.
15. In the letter of support for Inuit TV, NTI stated that (emphasis added):

Inuktitut is an essential and central part of rebuilding Inuit identity. Inuit culture, history, traditions and values are embodied in and conveyed through our language. It is well documented that Inuktitut use has been in a state of decline. Urgent and serious efforts are needed to reverse this.

In March 2020, the NTI Board approved three years of funding to Inuit TV to support [its] start-up. At the time, very little information was available to Inuit on the COVID-19 pandemic in Inuktitut, the majority language of the territory, and all schools shut down for the remainder of the school year. **We used our own mineral resource revenues to provide a \$2,469,578 contribution to Inuit TV.**

Inuit cannot and should not be the only source of funding for Inuktitut television. **It took nearly 20 years to generate enough mineral resource revenue to make this one-time contribution.** We made this commitment to demonstrate the importance of Inuktitut

¹⁴ Transcript, [volume 1](#), line 57; see also Appendix 3C to ITN's [application](#) (Corporate Documents and Governance) – Inuit TV Governance Policy 1. Board Operations.

¹⁵ See footnote 10 of the Decision.

¹⁶[Intervention Batch 2](#).

language television and to give Inuit TV and funders viewership data. There is no doubt now that Inuktitut television is needed.

Inuit TV is currently a Designated Educational Television Broadcaster of Nunavut and broadcasts 5 hours of television content per day. Receiving a broadcasting license from the CRTC would be a natural evolution to the success Inuit TV has been able to achieve with their **all Inuit board and staff**.¹⁷

16. Clearly, NTI has recognized and prioritized the necessity of Inuktitut television. The rightsholder has an interest in the outcome of both applications, and a particularly strong interest in the outcome of Inuit TV's application for a mandatory distribution order, as they saved mineral resource revenue **for nearly twenty years** to provide a \$2,469,578 contribution to Inuit TV.

The majority decision puts an all-Inuit operated service with the financial support from NTI at risk of closure

17. NITV stated in its supplementary brief that there is no sustainable business model other than the revenues associated with a mandatory distribution order that would allow Uvagut TV to continue its operations.¹⁸ However, at the hearing, NITV made representations that Uvagut TV may be able to continue to operate without the revenues associated with a mandatory distribution order (emphasis added):

[...] we have been operating for a number of years at a certain service, you know, **and we could continue at that level**, but it does not at all reach the goals of the proposal that you have in front of you in terms of the national coverage [...].¹⁹

18. Uvagut TV's updated financial projections both with and without a mandatory distribution order indicate that the service could continue to operate without a mandatory distribution order.²⁰ There is no logical reason to assume that Uvagut TV's written and oral submissions are false or misleading, particularly in light of the expert counsel and advice they received from their panel of special advisors.²¹

19. I also believe we must not underestimate the astonishing strength and resilience of Inuit storytellers and entrepreneurs, who are continuously expanding the extent of their story telling. As noted by Lucy Qavavauq on behalf of Inuit TV:

¹⁷ NTI's [intervention](#), dated 14 April 2023.

¹⁸ Appendix 1, [Supplementary brief](#).

¹⁹ Transcript, [volume 1](#), line 995.

²⁰ See NITV's [application](#): Response – 20 February 2023 – Financial Forecasts – Denial – UPDATED March 1 2023.

²¹ Transcript, [volume 1](#), line 581.

Inuit producers have always punched above their weight class [...] We will help to support and grow the Inuit production community by acquiring new and existing documentaries that showcase the Inuit tradition of oral and visual storytelling.²²

20. ITN, on the other hand, consistently submitted that they wouldn't continue to exist without the revenues associated with a mandatory distribution order, and their submissions did not vary from this perspective.²³
21. The closure of an Inuit-owned and operated service with the financial and cultural backing of the Nunavut Inuit's rightsholder, NTI, would affect NTI's rights to self-determination and language and cultural expression under UNDRIP.²⁴
22. Our job should not be to pick the successful storytellers and producers, but to provide an environment where Indigenous talents may flourish. Since the evidence was more conclusive that Inuit TV would cease operating without a mandatory distribution order, I would have granted the mandatory distribution order to Inuit TV. In addition, I would have facilitated a process where Inuit rightsholders could provide input prior to the Decision.

Inuit rightsholders were not properly included in our decision-making process, in contravention of our UNDRIP obligations and our constitutional obligations

23. While I recognize that NTI has participated in the proceeding by providing a letter of support for each entity, I note that our engagement efforts end there. While we have nothing set out in our policies outlining an adequate Indigenous consultation process, I reiterate here what I've remarked previously: consultation supersedes policies and must be baked into the processes that stand to affect Indigenous peoples.²⁵
24. As I stated in Telecom Decision 2024-149, the Commission holds both international²⁶ and constitutional²⁷ obligations whenever we contemplate conduct that affects Indigenous rights. Under UNDRIP, Indigenous peoples have the right to the dignity of their cultures and aspirations, which shall be appropriately reflected in education and public information,²⁸ and the right to establish their own media in their own languages.²⁹

²² Transcript, [volume 1](#), line 76.

²³ Transcript, [volume 1](#), Arnaquq-Baril, lines 58 and 96; McLeod, line 61. See also ITN's [application](#): Response – 17 February 2023 – App – Doc 14 – Appendix 7 – Financial Projections No Mandatory Order.

²⁴ See Articles 13, 14, 16, 18, 19, 20 and 23, for instance.

²⁵ For a detailed overview on the applicability of UNDRIP and Section 35 to our decisions, please see my dissenting opinion attached to Telecom Decision 2024-149.

²⁶ Dissenting opinion attached to Telecom Decision 2024-149, at paras. 51 to 68.

²⁷ Dissenting opinion attached to Telecom Decision 2024-149, at paras. 20 to 50.

²⁸ UNDRIP Article 15.

²⁹ UNDRIP Article 16.

25. Significant to the issue at hand, UNDRIP outlines that “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves [...]”.³⁰ And the Commission “**shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent **before adopting and implementing [...] administrative measures that may affect them****” (emphasis added).³¹
26. The Commission must also follow its constitutional obligations, to consult with an Indigenous rightsholder (NTI, for both this Decision and in Telecom Decision 2024-149), whenever (i) the Commission has actual or constructive knowledge of an asserted or established Aboriginal right; (ii) the Commission contemplates conduct, and; (iii) the contemplated Commission conduct may adversely affect an established or asserted right.³²
27. Given that I’ve already determined that our UNDRIP and Section 35 obligations are triggered whenever we contemplate conduct that affects NTI, I can move on to the question on whether the Decision stands to affect (adversely or otherwise) NTI’s rights. As Inuit TV has consistently maintained throughout all its submissions, Inuit TV would cease to exist without the revenues associated with a mandatory distribution order.³³
28. The Decision, therefore, likely results in the closure of an all-Inuit owned and operated undertaking; and the entity that received nearly \$2.5 million in funding from the Nunavut Inuit rightsholder’s accumulation of 20 years’ revenue from mining operations will likely cease to exist. This affects NTI, both financially and culturally, as they have indicated strong support for the continuation of this service.
29. We have not contemplated any such policy on engagement or consultation with Indigenous peoples, including Inuit. However, our legislated framework on OLMCs, as set out in section 5.2 of the Act, could provide guidance on making decisions that are in accordance with our international and constitutional obligations. I note that the legislated test for OLMCs requires consultation when the Commission is contemplating a decision that may adversely affect OLMCs, language copied nearly verbatim from the test established by the Supreme Court of Canada in determining when the Crown owes a duty to consult, and where appropriate, accommodate, Indigenous nations.³⁴
30. However, Section 35 tells a part of a story that is, in many ways, overshadowed by a growing international legal commitment to recognize the rights of Indigenous peoples. Section 35 is the prelude to the constantly evolving and expanding story of Indigenous rights recognition that has been in some ways expressed in UNDRIP. Under UNDRIP, states must consult with

³⁰ UNDRIP Article 18.

³¹ UNDRIP Article 19.

³² Dissenting opinion attached to Telecom Decision 2024-149, at paras. 27 to 50.

³³ See footnote 22 above.

³⁴ See *Haida Nation v. British Columbia (Minister of Forests)* [2004 SCC 73](#) at para 35 and *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)* [2004 SCC 74](#).

Indigenous peoples any time they make an administrative decision that may affect those Indigenous peoples.³⁵ At a minimum, providing NTI with the same opportunity to comment on a proposed decision, in a similar way that the Commission must provide such opportunity to OLMCs when making decisions that could adversely affect them, would better reflect obligations under UNDRIP.

³⁵ UNDRIP Articles 18 and 19.