



Broadcasting Decision CRTC 2004-21

Ottawa, 21 January 2004

**CHUM Limited and 3661458 Canada Inc., partners in Pulse24,
general partnership**
Ontario

*Application 2002-0956-1
Public Hearing in the National Capital Region
26 May 2003*

CablePulse24 – Licence renewal

In this decision, the Commission renews the broadcasting licence for the specialty television service known as CablePulse24, from 1 March 2004 to 31 August 2010. The details regarding the licensee's specific proposals for the new licence term, and the conditions of licence and other obligations determined by the Commission are set out below.

The application

1. The Commission received an application by CHUM Limited and 3661458 Canada Inc., partners in Pulse24, general partnership (Pulse 24) for the renewal of the broadcasting licence for the regional (Ontario), English-language, specialty television service known as CablePulse24 (CP24).
2. The Commission's general analysis with respect to its consideration of this and other applications heard at the 26 May 2003 Public Hearing for the licence renewal of specialty television services is set out in *Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services*, Broadcasting Public Notice CRTC 2004-2, 21 January 2004 (Public Notice 2004-2).
3. The Commission received six interventions specifically in support of CP24's licence renewal.
4. Other interveners raised general concerns related to all of the specialty television licence renewal applications considered as part of this public process. These concerns are discussed in Public Notice 2004-2.

5. On the basis of its review of this licence renewal application and having considered the interveners' comments, the Commission **renews** the broadcasting licence for CablePulse24, from 1 March 2004 to 31 August 2010.¹ The licence will be subject to the conditions specified therein and to the conditions set out in the appendix to this decision.
6. The licensee requested the renewal of the licence for CP24 under the same terms and conditions as the existing licence.

Nature of service

7. As part of this licence renewal process, the Commission suggested the addition of the phrase “devoted to news and information with a focus on Southern Ontario” to the condition of licence which describes the nature of CP24’s service. The Commission is of the view that the proposed change would add precision to the condition.
8. The licensee indicated that it had no objection to the proposed change.
9. The Commission therefore adds the phrase “devoted to news and information, with a focus on Southern Ontario” to the nature of service for CP24. The amended **condition of licence** is set out in the appendix to this decision.

Regional reflection and production

10. Pulse 24 indicated that the program schedule of CP24 reflects not only the many faces and languages spoken in Toronto, but the multi-faceted fabric of the nation.
11. The Commission expects the licensee to ensure that the programming aired by CP24 reflects the regional nature of its service.

Cultural diversity

12. As stated in Public Notice 2004-2, the Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect Canada’s ethno-cultural minorities and Aboriginal peoples. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

¹ In *Administrative renewals*, Broadcasting Decision CRTC 2003-290, 21 July 2003, the Commission granted a six-month administrative renewal for CablePulse24, from 1 September 2003 to 29 February 2004.

13. The Commission notes that CP24 is subject to CHUM Limited's corporate diversity plan, which sets out specific commitments relating to corporate accountability, reflection of diversity in programming, and community involvement as they relate to presence and portrayal of cultural diversity.
14. The Commission expects the licensee to continue to contribute to cultural diversity and to implement the commitments set out in its corporate cultural diversity plan. As discussed in Public Notice 2004-2, the Commission further expects the licensee to incorporate persons with disabilities into its cultural diversity corporate planning and to ensure that this is reflected in its annual reports on cultural diversity, beginning with the report to be filed in December 2004.

Employment equity and on-air presence

15. Pursuant to section 5(4) of the *Broadcasting Act*, the Commission does not regulate or supervise matters concerning employment equity in relation to broadcasting undertakings with more than 100 employees, as they are subject to the *Employment Equity Act*. However, the Commission continues to regulate matters such as on-air presence.
16. The Commission expects the licensees of specialty television services to ensure that the on-air presence of members of the four designated groups (women, Aboriginal persons, persons with disabilities and members of visible minorities) is reflective of Canadian society, and that members of these groups are presented fairly and accurately. In this case, the Commission recognizes that all four groups are represented in on-air positions.

Service to persons who are deaf or hard of hearing

17. The Commission is committed to improving service to viewers who are deaf or hard of hearing, and has consistently encouraged broadcasters to increase the amount of closed captioned programming they broadcast. The Commission generally requires all broadcasters to offer a minimum percentage of closed captioned programs consistent with the nature of their services. Most English-language services must close caption at least 90% of their programming.
18. In the present case, the licensee made a commitment to close caption 90% of all programming broadcast on CP24 during each broadcast day of the new licence term, beginning 1 September 2004.
19. Consistent with this commitment and with the Commission's general approach for English-language services, the Commission is imposing a condition of licence requiring the licensee to close caption 90% of all programming aired during the broadcast day, beginning not later than 1 September 2004. The **condition of licence** is set out in the appendix to this decision.

20. The 90% obligation is based on the recognition that requiring 100% captioning at all times by condition of licence may not be reasonable. Thus, the obligation is designed to provide some flexibility to cover unforeseen circumstances (such as late delivery of captions, technical malfunctions, or the lack of availability of captions for programs acquired outside North America), or programming where captioning may not be feasible, such as third-language programming.
21. The Commission expects that, during the new licence term, the licensee will focus on improving the quality, reliability and accuracy of its closed captioning, and work with representatives of the deaf and hard of hearing community to ensure that captioning continues to meet their needs.

Service to persons who are blind or whose vision is impaired

22. The Commission is committed to improving the accessibility of television programming for persons with visual impairments through the provision of audio description² and video description (also known as described video).³
23. With respect to video description, the licensee indicated that it is not technically capable of broadcasting described video on CP24. It is, however, taking steps toward that goal. With respect to audio description, the licensee stated that it is aware of the importance of verbal descriptions of visual elements during newscasts and intends to continue to provide such description.
24. The Commission expects that, during the new licence term, the licensee will:
 - provide audio description wherever appropriate;
 - acquire and broadcast the described versions of a program wherever possible; and
 - take the necessary steps to ensure that its customer service responds to the needs of viewers who have visual impairments.

Programming delivered across time zones

25. As discussed in Public Notice 2004-2, the Commission expects the licensee to demonstrate responsibility in the scheduling of programming intended for adult audiences, taking into account time zone differences between where the program originates and where it is received.

² Audio description involves the provision of basic voice-overs of textual or graphic information displayed on the screen. A broadcaster providing audio description will, for example, not simply display sports scores on the screen, but also read them aloud so that people who are visually impaired can receive the information.

³ Video description, or described video, consists of narrative descriptions of a program's key visual elements so that people who are visually impaired are able to form a mental picture of what is occurring on the screen.

Compliance with industry codes

26. In accordance with its usual practice for specialty television services, the Commission is imposing **conditions of licence** requiring the licensee to adhere to industry codes related to sex-role portrayal, advertising to children, and the depiction of violence in television programming.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Decision CRTC 2004-21

Conditions of licence

1. (a) The licensee shall provide a regional (Ontario) English-language specialty television service which is devoted to news and information, with a focus on Southern Ontario.
- (b) The programming must be drawn exclusively from the following categories, as set out in section 6 of Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 1 News
 - 2 (a) Analysis and interpretation
 - (b) Long-form documentary
 - 3 Reporting and actualities
 - 5 (b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
 - (b) Amateur sports
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
- (c) The licensee shall not broadcast live coverage of sporting events.
2. In each broadcast year, the licensee shall devote to the exhibition of Canadian programs not less than 90% of the broadcast day, and not less than 90% of the evening broadcast period.
3. (a) The licensee shall not distribute more than twelve (12) minutes of advertising material during each clock hour.
- (b) The licensee shall not distribute any paid advertising material other than paid national or paid regional advertising.
- (c) In addition to the twelve minutes of advertising referred to in subsection (a), the licensee may broadcast partisan political advertising during an election period.
4. The licensee shall charge each exhibitor of this service a maximum monthly wholesale rate of \$0.30 per subscriber, where the service is carried as part of the basic service.
5. The licensee shall provide closed captioning for not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2004.

6. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Sex-role portrayal code for television and radio programming*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee remains a member in good standing of the Canadian Broadcast Standards Council (CBSC).
7. The licensee shall adhere to the provisions of the CAB's *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
8. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the CAB's *Voluntary code regarding violence in television programming*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee remains a member in good standing of the CBSC.

For the purpose of these conditions, the terms "broadcast day", "broadcast month", "broadcast year", "clock hour" and "evening broadcast period" shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*. The term "paid national advertising" shall mean advertising material as defined in the *Specialty Services Regulations, 1990* and that is purchased at a national rate and receives national distribution on the service. The term "paid regional advertising" shall mean advertising material that represents retail chains with locations in various central market areas.