



## Broadcasting Decision CRTC 2004-387

Ottawa, 30 August 2004

### **Thunder Bay Electronics Limited**

Thunder Bay, Ontario

*Application 2001-1432-2*

*Public Hearing in the National Capital Region*

*7 June 2004*

### **CKPR-TV Thunder Bay – Licence renewal**

*The Commission renews the broadcasting licence issued to Thunder Bay Electronics Limited for the television programming undertaking CKPR-TV Thunder Bay, from 1 September 2004 to 31 August 2011.*

#### **The application**

1. The Commission received an application by Thunder Bay Electronics Limited (TBEL) to renew the broadcasting licence for the television programming undertaking CKPR-TV Thunder Bay. CKPR-TV is an affiliate of the Canadian Broadcasting Corporation's (CBC's) English-language television network.
2. TBEL is also the licensee of CHFD-TV Thunder Bay, which is an affiliate of the television network operated by CTV Television Inc.<sup>1</sup> TBEL operates CKPR-TV and CHFD-TV on a twin-stick basis. A twin-stick operation is one that involves the over-the-air broadcasting of two distinct and competing services by a single licensee.
3. The Commission received one intervention from the CBC in support of CKPR-TV's licence renewal.

#### **Local reflection**

4. The licensee proposed to maintain the current level of local reflection programming offered on CKPR-TV during the new licence term. The local reflection programming would consist entirely of news.
5. In *Licence renewals for CKPR-TV and CHFD-TV Thunder Bay*, Decision CRTC 95-521, 10 August 1995 (Decision 95-521), which last renewed the licences for these stations, the Commission expected the licensee to adhere to its commitments to broadcast a

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<sup>1</sup> In *CHFD-TV Thunder Bay – Licence renewal*, Broadcasting Decision CRTC 2004-386, also released today, the Commission has renewed CHFD-TV's licence, from 1 September 2004 to 31 August 2011.

minimum weekly average of 7 hours 40 minutes of original, local news on CKPR-TV, and a minimum weekly average of 3 hours 7 minutes of original, local news on CHFD-TV.

6. In its present licence renewal application, the licensee proposed one overall commitment that would apply to both CKPR-TV and CHFD-TV. Specifically, the licensee proposed to broadcast a minimum weekly average of 10 hours 47 minutes of original, local news for the two stations together. The licensee explained that each station receives most of its programming from its affiliated television network and that scheduling changes originating with the network often cause the local news programming on one or other of its Thunder Bay stations to be pre-empted. In such cases, the licensee broadcasts the pre-empted programming on the affected station's sister station.
7. The Commission considers that the licensee's proposal is reasonable. Accordingly, the Commission accepts the licensee's commitment to broadcast a minimum weekly average of 10 hours 47 minutes of original, local news on CKPR-TV and CHFD-TV together. The Commission expects the licensee to abide by its commitment.

#### **Priority programming**

8. The licensee also made a commitment to broadcast, in each broadcast week, averaged over the broadcast year, a minimum of 8 hours of priority programming on CKPR-TV, originating with the CBC's English-language television network.

### **The Commission's analysis and determination**

#### **Reflection of Canada's diversity**

9. In its licence renewal application, the licensee stated that it intends to undertake a number of initiatives during the new licence term to ensure that CKPR-TV reflects Canada's cultural diversity. The licensee's plans include the following:
  - training news staff about the ethno-cultural minorities in the audience to ensure that all scripts and visual depictions avoid stereotyping;
  - offering annual, mandatory cultural sensitization workshops for all news staff; and
  - presenting issues involving individual First Nations communities throughout the region.
10. All broadcasting licensees have a responsibility to contribute to the reflection and portrayal of Canada's cultural diversity in furtherance of the policy objectives contained in section 3(1)(d) of the *Broadcasting Act* (the Act). Specifically, broadcasters share

responsibility for assisting in the development of a broadcasting system that accurately reflects Canada's ethno-cultural minorities and Aboriginal peoples. Broadcasters must therefore ensure that the portrayal of such groups, through their presence and participation on-screen, is accurate, fair and non-stereotypical.

11. As noted 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, the Commission considers that the presence, portrayal and participation of persons with disabilities is also an important objective. The Commission notes that the Canadian Association of Broadcasters is developing a plan to examine issues surrounding the presence, portrayal and participation of persons with disabilities in television programming. The Commission considers that initiatives designed to make programming more reflective and inclusive of Canada's ethno-cultural diversity can, in many cases, be extended or adapted to also ensure fair, balanced and inclusive reflection and representation of persons with disabilities. Accordingly, the Commission expects the licensee to include persons with disabilities in its corporate planning for cultural diversity.

#### **Employment equity and on-air presence**

12. The licensee stated that it has already implemented measures to ensure employment equity in its workplace. For example, it offers parents flexible working hours. It also provides assistive devices, such as a telecommunication device for the deaf (TDD) system for persons who are deaf or hard of hearing and ramps for persons with a mobility impairment.
13. During the new licence term, the licensee plans to expand its efforts to recruit replacements for Aboriginal representatives to CKPR-TV's Television Advisory Council. It also plans to increase its talent pool through outreach recruiting to achieve full representation among persons with disabilities and Aboriginal persons.
14. The Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.
15. With respect to on-air presence, the Commission expects the licensee to ensure that its programming is reflective of Canadian society and that members of the four designated groups (women, Aboriginal persons, persons with disabilities and members of visible minorities) are presented fairly and accurately.

#### **Service to persons who are deaf or hard of hearing**

16. In Decision 95-521, the Commission encouraged the licensee to caption all local news programs and at least 90% of all programming aired during the broadcast day on CKPR-TV, by 31 August 2002. The Commission's analysis of CKPR-TV's logs revealed that, during the 2002 to 2003 broadcast year, 99% of all local news programs, and 93% of the overall programming broadcast by the station were captioned.

17. In its present licence renewal application, the licensee made a commitment to caption all of the local news programs broadcast on CKPR-TV. However, the licensee did not make specific commitments with respect to captioning of the overall programming broadcast on the station during the new licence term.
18. The Commission considers that it is appropriate to impose a **condition of licence** on CKPR-TV requiring that, beginning not later than 1 September 2005, the licensee shall provide closed captioning for all news programs and for not less than 90% of all programs aired during the broadcast day. A condition of licence to that effect is set out in the appendix to this decision.

#### **Service to persons who are blind or whose vision is impaired**

19. Section 3(1)(p) of the Act states that, as part of the broadcasting policy for Canada, “programming accessible by disabled persons should be provided within the Canadian broadcasting system as resources become available for the purpose.” Accordingly, the Commission expects all broadcasters to work toward improving the accessibility of their programming for persons who are blind or whose vision is impaired.
20. Greater programming accessibility can be achieved through the provision of audio description<sup>2</sup> and/or of video description.<sup>3</sup> All broadcasters can, and should, provide audio description.
21. The licensee stated that it currently offers video description of graphic and textual information broadcast during each of CKPR-TV’s local news programs, and indicated that it is committed to continuing this practice during the new licence term. The Commission expects the licensee to provide audio description, wherever appropriate.
22. In its latest licence renewal of the CBC’s English-language television network,<sup>4</sup> the Commission encouraged the CBC to provide programming with video descriptions. Accordingly, over the course of the new licence term, CKPR-TV will likely receive described programs from the CBC network. The licensee, however, stated that it does not currently have the capability to use the secondary audio program (SAP) channel, which would allow CKPR-TV to provide these described programs to viewers who are visually impaired.

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<sup>2</sup> Audio description consists of basic voice-over recitations or descriptions of the text or graphic information that is displayed on the screen. Although a measure of sensitivity and creativity on the part of a broadcaster is necessary to ensure the quality and effectiveness of audio description, no special equipment is required.

<sup>3</sup> Video description, or described video, takes the form of a narrative description of a program’s key visual elements which permits the audience to create a mental image of what is on the screen. It is generally provided using the secondary audio program (SAP) channel.

<sup>4</sup> The Commission last renewed this licence in *Licences for CBC English-language television and radio renewed for a seven-year term*, Decision CRTC 2000-1, 6 January 2000.

23. The Commission expects the licensee to include the capability to use the SAP channel as part of CKPR-TV's normal technical upgrades, in order to deliver the video description associated with these described programs to the station's audience. At CKPR-TV's next licence renewal, the Commission will ask the licensee to make specific hourly commitments for described video.

### **Conclusion**

24. The Commission is generally satisfied that, during the current licence term, the licensee has adhered to the requirements of the *Television Broadcasting Regulations, 1987*, and has complied with its conditions of licence and the Commission's expectations, specifically those regarding Canadian programming and local news.
25. On the basis of its review of this licence renewal application, the Commission **renews** the broadcasting licence for CKPR-TV Thunder Bay, from 1 September 2004 to 31 August 2011. The licence will be subject to the conditions specified therein, and to the **conditions of licence** set out in the appendix to this decision.

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 2004-387**

### **Conditions of licence**

1. The licensee shall operate this broadcasting undertaking as an affiliate of the English-language television network operated by the Canadian Broadcasting Corporation.
2. The licensee shall provide closed captioning for all news programs and for not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2005.