



Broadcasting Decision CRTC 2004-372

Ottawa, 27 August 2004

The Miracle Channel Association

Lethbridge, Bow Island and Burmis, Alberta

Application 2003-1375-0

Public Hearing in the National Capital Region

7 June 2004

CJIL-TV Lethbridge and its transmitters - Licence renewal

*In this decision, the Commission **renews** the broadcasting licence for the television programming undertaking CJIL-TV Lethbridge and its transmitters CJIL-TV-1 Bow Island and CJIL-TV-2 Burmis, from 1 September 2004 to 31 August 2011.*

The application

1. The Commission received an application by The Miracle Channel Association (MCA) to renew the broadcasting licence of the television programming undertaking CJIL-TV Lethbridge and its transmitters CJIL-TV-1 Bow Island and CJIL-TV-2 Burmis. CJIL-TV is dedicated to the broadcast of religious programming.
2. The Commission received four interventions in support of this application.
3. As part of its licence renewal application, MCA proposed to delete the following condition of CJIL-TV's licence, which requires that Canadian programming on the station be measured over each six-month period:

The licensee shall devote to the broadcast of Canadian programs not less than 60% of the total time devoted to broadcasting during the aggregate of the six broadcast months that make up each broadcast semester of the licence term.

4. MCA indicated that, if this deletion were to be approved, no change to the overall percentage of Canadian programs to be broadcast by the licensee would result. In the absence of this condition, the provisions of the *Television Broadcasting Regulations, 1987* (the Regulations), require that not less than 60% of the broadcast day, and not less than 50% of the evening broadcast period be devoted to Canadian programs, both measured over the broadcast year.

The Commission's analysis and determination

5. In *Short-term licence renewal for CJIL-TV*, Broadcasting Decision CRTC 2002-60, 23 February 2002 (Decision 2002-60), the broadcasting licence for CJIL-TV was renewed for a period of thirty months, due to the Commission's concerns related to Canadian programming, balance programs, the establishment of a regulatory review committee, and closed captioning during that licence term.

Canadian programs

6. As noted above, the Regulations require that not less than 60% of the broadcast day and not less than 50% of the evening broadcast period be devoted to Canadian programming, both measured over the broadcast year.
7. In Decision 2002-60, the Commission identified serious shortfalls in the broadcast of Canadian programs during the licence term which ended 31 August 2001, and, in response to the non-compliance with the Regulations, the Commission imposed a condition of licence, requiring measurement of Canadian programming over the broadcast day, during each six-month semester.
8. During the current licence term, the Commission's monitoring of CJIL-TV's performance revealed compliance with the requirements of the condition of licence related to Canadian programming. The Commission therefore **approves** the licensee's request to delete the condition of licence relating to the measurement of Canadian programs during each broadcast semester. The station remains subject to the Canadian programming requirements set out in the Regulations.

Balance programming

9. The *Broadcasting Act* (the Act) stipulates that programming offered by the Canadian broadcasting system should provide a reasonable opportunity for the public to be exposed to differing views on matters of public concern. In order to satisfy this balance requirement, licensees of over-the-air undertakings devoted to religious programming should, in particular, expose the audience to different points of view on religion. The Commission is generally of the view that the balance requirement would be met where a reasonably consistent viewer is exposed to a spectrum of views on issues of public concern within a reasonable period of time.
10. During the term of licence which ended 31 August 2001, MCA was subject to a condition of licence that required the licensee to provide at least 14 hours per week of programming that presents differing views on religion and matters of general public concern, including four hours weekly of such programming between 6:00 p.m. and midnight. MCA had made a commitment to ensure that, in each broadcast week, the balance programming would include 3 hours 30 minutes of interviews with invited guests representing various denominations and faith groups, as well as documentaries

about various denominations and faiths and programs dealing with topics of public concern. As part of this commitment, an additional 3 hours 30 minutes per broadcast week was to consist of phone-in programming designed to present differing views on matters of general public concern and, in particular, religion.

11. In Decision 2002-60, the Commission concluded that MCA's efforts to seek out differing views on religious matters had not been consistent or constant over the licence term, and re-imposed the condition of licence.
12. With respect to the provision of balance programs during the current licence term, as part of the licence renewal process, the licensee was asked to provide extensive information documenting its compliance with its condition of licence and its commitments related to balance programming. The Commission has carefully reviewed this information and is satisfied that MCA has complied with all requirements and fulfilled its commitments, through stronger efforts to represent different points of view, reflected in programs such as *Insight*, *It's a New Day*, and *Lifeline*.
13. As part of its licence renewal application, MCA reiterated its commitments regarding the presentation of balance programming on CJIL-TV. Accordingly, in the appendix to this decision the Commission has included a **condition of licence** requiring that, during each broadcast week, the licensee broadcast at least 14 hours of balance programming, four hours of which are to be broadcast in the evening broadcast period.
14. The Commission notes that, due to the lack of religious diversity within its coverage area, CJIL-TV achieved compliance mainly through the reflection of the views of groups and individuals from a variety of faiths within the Judeo-Christian tradition. The Commission encourages MCA to increase the number of occasions where views are aired by those whose beliefs lie outside this tradition.

Regulatory review committee

15. In Decision 2002-60, the Commission also determined that, contrary to the Commission's expectation in the station's original licensing decision, MCA had not established a regulatory review committee to monitor the station's performance regarding balance and adherence to the guidelines on ethics. The Commission required the licensee to confirm that it had established such a committee, within 30 days of the date of the decision. MCA confirmed the establishment of a six-member regulatory review committee as required. The committee meets several times each year, to review how balance has been provided in the station's programming, how complaints have been handled, and how funds are solicited.

Service to persons who are deaf or whose hearing is impaired

16. The Commission also concluded, in Decision 2002-60, that the licensee had made inadequate efforts to provide closed captioned programming on CJIL-TV, and expected MCA to begin to increase, without delay, the overall amount of closed captioned programming provided, including both local productions and acquired programs.
17. The licensee indicated that real-time captioning of several local programs began in September 2003. Post-production captioning of other local programs began in December 2003, and the applicant stated that all local programs would be captioned beginning in February 2004. Program suppliers have agreed that all programs provided to CJIL-TV would be captioned by 1 September 2004.
18. The Commission notes that, in its licence renewal application, MCA agreed to adhere to a condition of licence requiring closed captioning of 100% of all local programming and 90% of all programming aired during the broadcast day on CJIL-TV during the new licence term. Accordingly, the Commission has imposed a **condition of licence** providing that, beginning 1 September 2009, MCA caption all local programs and 90% of all programming aired during the broadcast day. This condition of licence is set out in the appendix to this decision.

Reflection of Canada's diversity

19. 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 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.
20. The Commission notes that CJIL-TV regularly invites religious leaders of Aboriginal and ethno-cultural minorities to share aspects of their faith on-air, and offers two programs produced by Aboriginal groups. Members of a number of ethno-cultural minorities are included on the station's regulatory review committee.
21. However, the Commission also encourages MCA to develop a corporate diversity plan, in order to allow the licensee to assess its progress towards meeting the foregoing objectives.
22. 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 improved reflection and portrayal 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.

Service to persons who are blind or whose vision is impaired

23. 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.
24. Greater programming accessibility can be achieved through the provision of audio description¹ and/or of video description². All broadcasters can, and should, provide audio description. The licensee indicated that the nature of the station's programming does not lend itself to the use of descriptive video, and it therefore has no plans to add the capability to use the secondary audio program (SAP) channel for described video. However, CJIL-TV's programming does entail voice descriptions of text and still images. Accordingly, the Commission expects the licensee to continue to provide audio description wherever appropriate.

Employment equity and on-air presence

25. MCA indicated in its licence renewal application that, through a senior executive of the company, it identifies and eliminates practices that could result in employment or promotional barriers to women, Aboriginal persons, persons with disabilities, and visible minorities. The Commission encourages the licensee to continue to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.
26. 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.

¹ 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.

² 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.

Conclusion

27. On the basis of its review of this licence renewal application, the Commission **renews** the broadcasting licence for CJIL-TV Lethbridge and its transmitters, from 1 September 2004 to 31 August 2011. The licence will be subject to the conditions 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 2004-372

Conditions of licence

1. During each broadcast week, the licensee shall broadcast, at a minimum, 14 hours of programming that presents differing views on religion and matters of general concern, including four hours of such programming between 6:00 p.m. and midnight.
2. The licensee shall not broadcast advertising material.
3. The licensee shall provide closed captioning for all local programs, and not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2009.