



Broadcasting Decision CRTC 2004-531

Ottawa, 3 December 2004

Canadian Broadcasting Corporation

Québec, Matane, Mont-Climont, Murdochville, Grande-Vallée, Mont-Louis, Causapschal, Cap-Chat, Saint-René-de-Matane, Marsoui, Gros-Morne, Mont-Louis-en-Haut, Sainte-Anne-des-Monts, Rivière-à-Claude, Carleton, Chandler, Cloridorme, Gaspé, L'Anse-à-Valleau, Lac-Humqui, Percé, Port-Daniel-Gascons, Rivière-au-Renard, Les Méchins, Sept-Îles, Havre-Saint-Pierre, Rivière-au-Tonnerre, Aguanish-Natashquan, Baie-Johan-Beetz, Gethsémani/La Romaine, Harrington Harbour, Tête-à-la-Baleine, La Tabatière, Saint-Augustin (Saguenay), Old Fort Bay, Rivière-Saint-Paul, Blanc-Sablon, Longue-Pointe-de-Mingan, Baie-Comeau, Sainte-Famille, Lac-Mégantic, Lac Etchemin, Saint-Fabien-de-Panet, Beauceville, Tewkesbury, Stoneham, Thetford Mines, Rimouski and Latour, Quebec

Application 2003-1443-5

Public Hearing at Québec, Quebec

16 February 2004

CBVT Québec and its transmitters – Licence renewal

The Commission renews the broadcasting licence of CBVT Québec and its transmitters from 1 January 2005 to 31 August 2007. This term will enable the Commission to consider the next licence renewal application for this undertaking at the same time as it considers the licence renewal applications for the originating station, CBFT Montréal, and the Canadian Broadcasting Corporation French-language television network, to which the station belongs.

The application

1. The Commission received an application by the Canadian Broadcasting Corporation (CBC) to renew the broadcasting licence for its television programming undertaking CBVT Québec and its transmitters, which are listed in Appendix 1 to this decision. CBVT is part of the CBC French-language television network.
2. The Commission's general approach with respect to its consideration of this and other applications for licence renewals for French-language television stations heard at the 16 February 2004 Public Hearing is set out in *Introduction to Broadcasting Decisions CRTC 2004-530 to 2004-540 renewing the licences of 21 French-language television stations*, Broadcasting Public Notice CRTC 2004-94, 3 December 2004 (Public Notice 2004-94).

3. The Commission received 31 interventions supporting the CBVT licence renewal and none opposing it. The concerns expressed by the interveners submitting comments specifically related to this application are addressed below.
4. The general concerns raised by the interveners, and concerns relating specifically to independent production, program logs, the reflection of Canada's cultural diversity, violence in television programming, closed captioning and video description are discussed in Public Notice 2004-94.

Local programming and reflection

5. Under *Building on success - A policy framework for Canadian television*, Public Notice CRTC 1999-97, 11 June 1999 (the television policy), the Commission no longer requires quantitative commitments with respect to local news programs but expects the applicants to demonstrate, in their applications, how they will meet the demands and reflect the particular concerns of their local audiences, whether through local news or other local programming.
6. The CBC noted that, at the time of CBVT's most recent licence renewal, it had committed to broadcast an average of 9 hours per week of local production. It added that, excluding a labour dispute that occurred two years ago, it had achieved and even exceeded this objective by broadcasting, in each broadcast week, averaged over the broadcast year, more than 6 hours and 30 minutes of news programming and 3 hours and 20 minutes of other types of programming.
7. The regional priority for the Québec and eastern Quebec regions served by CBVT remains the production of news and public affairs programs. The CBC stated that it enhanced regional news programming over the current licence term through the creation of new positions in the regions, namely video journalist positions in Abitibi, Drummondville, Rimouski and Carleton, where it reopened an office.
8. For the new licence term, the CBC proposed to extend its commitment to broadcast on CBVT, in each broadcast week, averaged over the broadcast year, a minimum of 9 hours of local production, including 6 hours and 10 minutes of news programming and 2 hours and 50 minutes of other programming.

The Commission's analysis and determination

9. The Commission has considered CBC's local programming commitments in the context of the television policy and accepts the licensee's commitments as satisfactory. In making its determination, the Commission also took into account the interveners' comments concerning the need for improvements to the local and regional content, as discussed in Public Notice 2004-94.

10. The Commission expects the licensee to broadcast, in each broadcast week, averaged over the broadcast year, a minimum of 6 hours and 10 minutes of local news programming over the course of the new licence term. The Commission encourages the CBC to diversify as much as possible the types of local programs that it broadcasts on CBVT.

Apparent non-compliance with local news programming commitments

11. In Broadcasting Notice of Public Hearing CRTC 2003-11, 18 December 2003 (Notice of Public Hearing 2003-11), the Commission noted that, during the current licence term, the licensee apparently did not meet its commitments with respect to local news programming. Given that this evaluation had been based on the program logs submitted by the licensee and because the program logs contained a number of discrepancies, the Commission had authorized the licensee to correct them.
12. As indicated in Public Notice 2004-94, the Commission notes that the corrected program logs submitted by the licensee still contain errors and raise numerous interpretation difficulties. The apparent instances of non-compliance with regard to local news programming also remain. It seems that the program logs have not been sufficiently corrected in this respect.
13. The Commission reminds the licensee of the importance of keeping current program logs, as required under section 10 of the *Television Broadcasting Regulations, 1987*. The Commission notes in this regard that, in *Program log reporting requirements for conventional television stations – Call for comments*, Broadcasting Public Notice CRTC 2004-12, 9 March 2004, it launched a proceeding to streamline program log reporting and updating requirements. The Commission will re-examine the accuracy of the licensee's program logs and its compliance with its commitments and with the regulatory obligations at its next licence renewal.

Independent production in Québec

Interventions

14. As noted in Public Notice 2004-94, the interventions by the Union des artistes (UDA), the Mouvement des artistes de la scène de la Capitale (MASC), the Forum de l'industrie de la télévision, du cinéma et du multimédia (Forum), Vélocité International, and Productions des Années lumières emphasized the importance of increasing local production in Québec in order for the city to become a second production centre for priority programming. The Association des producteurs de films et de télévision du Québec (APFTQ) also called on the Commission to impose conditions of licence or various measures requiring broadcasters to invest a percentage of their local advertising revenues in regional independent production.

The CBC's response

15. The CBC stated that, of all its network stations, CBVT currently makes the greatest contribution in terms of independent production in the regions. It added that a seven-part dramatic series intended for the network, led by a Québec producer and drawing upon regional resources, was currently in production.
16. The CBC indicated that it believes it is important to continue to develop relationships with the independent producers in the Québec and eastern Quebec regions. It added that it has already formed beneficial partnerships with the independent producers, that it is participating in the Forum permanent de l'industrie de la télévision, du cinéma et du multimédia, and that it has undergone a restructuring that has enabled it to deal more quickly and efficiently with regional and network projects submitted to it.
17. In this context, the CBC added that it intends to work on a corporate plan to increase regional production intended for the regions and the network in all Canadian regions and, specifically, in larger regions that are cultural hotbeds, such as the Québec area, and the larger regions of Ottawa and Acadia. This project would, however, be subject to the ability to secure appropriate funding.

The Commission's analysis and determination

18. Given CBVT's existing contributions to independent production, as set out above and in Public Notice 2004-94, the Commission considers that this station is contributing adequately to independent production and, accordingly, finds that there is currently no need to impose additional requirements for regional independent production.
19. The Commission notes, however, that outside Montréal, the city of Québec and its surrounding area is the only other major urban centre in the French-language market. In addition to being the province's capital, Québec is also the only city outside Montréal with the expertise and infrastructure required to produce major productions. The Commission therefore expects the CBC to take into account Québec's regional production capabilities and the numerous requests by those in the area who possess that expertise. The Commission intends to review this issue at the next renewal of the CBC network licence, which expires 31 August 2007.

Apparent non-compliance relating to closed captioning

20. In Notice of Public Hearing 2003-11, the Commission indicated that the licensee was in apparent non-compliance with its condition of licence relating to closed captioning during the broadcast years 2000-2001, 2001-2002 and 2002-2003. This condition requires that CBVT close caption all its local newscasts, including live inserts.

21. The CBC explained that, due to technical reasons, only since September 2001 has it had the capability to fully caption the two regional newscasts, including live inserts, produced by CBVT for the Québec and eastern Quebec regions. The licensee stated that the problems it had experienced were caused by a lack of stenotypists and the difficulty with respect to their training.

The Commission's analysis and determination

22. The Commission emphasizes the importance of these two regional newscasts to the Québec and eastern Quebec regions and notes the licensee's efforts to make them accessible to as many people as possible. As stated in Public Notice 2004-94, the Commission requires that the CBC report annually to the Commission, no later than 31 December of each year, beginning in 2005, on the progress made toward improving the quality and increasing the quantity of closed captioning. The Commission encourages the CBC to collaborate on the development of a new voice recognition software in cooperation with the TVA and TQS networks and the Centre de recherche informatique de Montréal inc.
23. As stated in the same notice, the Commission notes that this station is presently subject to a condition of licence concerning the closed captioning of local programming. At the public hearing, the CBC proposed as an alternative a commitment to close caption 100% of local news programming and 90% of all local and regional programming. The Commission considers that the CBC has not sufficiently explained its reasons for replacing the current condition of licence with a commitment. Consequently, this commitment on the part of the CBC will be the subject of a **condition of licence**, as mentioned in Appendix 2 of this decision.

Employment equity and on-air presence

24. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.
25. 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.

Conclusion

26. The Commission has carefully reviewed the application, taking into account the comments made by the licensee and the interveners. Subject to the apparent non-compliance mentioned above, 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 met the Commission's expectations.

27. The Commission notes that, at the hearing, the CBC proposed that the CBVT licence expiry date coincide with the expiry date of the licences for the originating station CBFT Montréal and for the CBC French-language television network to which the station belongs, i.e., 31 August 2007.¹ In light of the commitments made with respect to the network and other regional stations, the CBC is of the opinion that it would then be in a better position to discuss its overall plan.
28. In order to be able to consider the next licence renewal for this station at the same time as it considers the renewals of the other CBC French-language television stations, the Commission **renews** the broadcasting licence for CBVT and its transmitters, from 1 January 2005² to 31 August 2007. The licence will be subject to the conditions specified therein and to the **conditions of licence** set out in Appendix 2 to this decision, as well as to the other applicable terms set out in Public Notice 2004-94.

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>

¹ See *Licences for CBC French-language television and radio renewed for a seven-year term*, Decision CRTC 2000-2, 6 January 2000.

² In *Administrative renewals*, Broadcasting Decision CRTC 2004-189, 25 May 2004, the Commission renewed until 31 December 2004 the licences of the television programming undertakings whose renewal applications were heard at the 16 February 2004 Public Hearing at Québec, and whose licences expired on 31 August 2004.

Appendix 1 to Broadcasting Decision CRTC 2004-531

List of transmitters for CBVT Québec

CBGAT Matane	CBST Sept-Îles
CBGAT-1 Mont-Climont	CBST-1 Havre-Saint-Pierre
CBGAT-2 Murdochville	CBST-6 Rivière-au-Tonnerre
CBGAT-3 Grande-Vallée	CBST-7 Aguanish-Natashquan
CBGAT-4 Mont-Louis	CBST-8 Baie-Johan-Beetz
CBGAT-5 Causapschal	CBST-9 Gethsémani/La Romaine
CBGAT-6 Cap-Chat	CBST-11 Harrington Harbour
CBGAT-7 Saint-René-de-Matane	CBST-12 Tête-à-la-Baleine
CBGAT-8 Marsoui	CBST-13 La Tabatière
CBGAT-9 Gros-Morne	CBST-14 Saint-Augustin (Saguenay)
CBGAT-10 Mont-Louis-en-Haut	CBST-15 Old Fort Bay
CBGAT-11 Sainte-Anne-des-Monts	CBST-16 Rivière-Saint-Paul
CBGAT-13 Rivière-à-Claude	CBST-17 Blanc-Sablon
CBGAT-14 Carleton	CBST-18 Longue-Pointe-de-Mingan
CBGAT-15 Chandler	CBST-19 Baie-Comeau
CBGAT-16 Cloridorme	CBVT-2 Sainte-Famille
CBGAT-17 Gaspé	CBVT-3 Lac-Mégantic
CBGAT-18 L'Anse-à-Valleau	CBVT-4 Lac Etchemin
CBGAT-19 Lac-Humqui	CBVT-5 Saint-Fabien-de-Panet
CBGAT-20 Percé	CBVT-6 Beauceville
CBGAT-21 Port-Daniel-Gascons	CBVT-7 Tewkesbury
CBGAT-22 Rivière-au-Renard	CBVT-8 Stoneham
CBGAT-23 Les Méchins	CBVT-9 Thetford Mines
	CJBR-TV Rimouski
	CJBR-TV-1 Latour

Appendix 2 to Broadcasting Decision CRTC 2004-531

Conditions of licence

1. The licensee shall adhere to its current self-regulatory guidelines on violence in television programming and, as a minimum, to the Canadian Association of Broadcasters' (CAB) *Voluntary code regarding violence in television programming*, as amended from time to time and approved by the Commission.
2. The licensee shall adhere to its *Revised CBC Guidelines on Sex-Role Portrayal* dated 12 August 1991, as amended from time to time and approved by the Commission and, as a minimum, to the CAB's *Sex-role portrayal code for television and radio programming*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to the standards for children's advertising set out in its Advertising Standards Policy C-5 dated 9 May 1990 and entitled *Advertising Directed to Children Under 12 Years of Age*, as amended from time to time and approved by the Commission, provided that the policy meets, as a minimum, the standards set out in the CAB's *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
4. The licensee shall not broadcast any commercial message during any child-directed programming nor any child-directed commercial message between programs directed to children of pre-school age. For the purpose of this condition, programs directed to children and scheduled before 12:00 noon during school-day morning hours will be deemed to be programs directed to children of pre-school age.
5. In addition to the 12 minutes of advertising material permitted by subsection 11(1) of the *Television Broadcasting Regulations, 1987*, the licensee may broadcast infomercials as defined in *Amendment to the Television Broadcasting Regulations, 1987 to permit, by condition of licence, the airing of "infomercials" during the broadcast day*, Public Notice CRTC 1994-139, 7 November 1994, and in accordance with the criteria contained in that notice, as amended.
6. The licensee shall close caption, beginning in the first year of the licence term, 100% of local news programming and at least 90% of all regional programs.