



## Broadcasting Decision CRTC 2004-373

Ottawa, 27 August 2004

### **Jim Pattison Industries Ltd.**

Kamloops, Merritt, Clinton, Williams Lake, 100 Mile House, Chase, Quesnel,  
Nicola and Pritchard, British Columbia

*Application 2001-1425-7*

*Public Hearing in the National Capital Region*

*7 June 2004*

### **CFJC-TV Kamloops and its transmitters – Licence renewal**

*In this decision, the Commission **renews** the broadcasting licence for the television programming undertaking CFJC-TV Kamloops and its transmitters, from 1 September 2004 to 31 August 2011.*

#### **The application**

1. The Commission received an application by Jim Pattison Industries Ltd. (Pattison) to renew the broadcasting licence of the television programming undertaking CFJC-TV Kamloops, and its transmitters CFJC-TV-3 Merritt, CFJC-TV-4 Clinton, CFJC-TV-5 Williams Lake, CFJC-TV-6 100 Mile House, CFJC-TV-8 Chase, CFJC-TV-11 Quesnel, CFJC-TV-12 Nicola and CFJC-TV-19 Pritchard, British Columbia. CFJC-TV is an affiliate of the Canadian Broadcasting Corporation (CBC) network.
2. The Commission received one intervention in support of this application.

#### **Local reflection**

3. In its application, Pattison made a commitment to broadcast a weekly average of 13 hours of original programming that would be reflective of the community. The proposed level represents a reduction from the 15 hours of local news that the applicant committed to broadcast weekly during the current term of licence. The licensee indicated that local reflection programming to be offered by CFJC-TV during the new term of licence would consist entirely of news.

#### **Priority programming**

4. The licensee indicated that the priority programming aired by CFJC-TV will originate with the CBC.

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

### **Local reflection**

5. In *Building on success – A policy framework for Canadian Television*, Public Notice CRTC 1999-97, 11 June 1999 (the Television Policy) the Commission stated that, at the time of licence renewal, all licensees would be required to demonstrate 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 Commission notes that the licensee did not meet its commitment to broadcast a weekly average of 15 hours of original news during the broadcast years 2000-2001, 2001-2002 or 2002-2003. The licensee explained the shortfall by stating that the station is a CBC affiliate subject to changes to the CBC network schedule, often involving sports specials. The licensee submitted that repeated schedule changes can have a cumulative impact on the total amount of news broadcast.
7. As noted above, as part of the renewal process, Pattison made a commitment to broadcast on CFJC-TV not less than 13 hours of local original news per week during the new licence term, a level which represents a reduction of two hours per week from the commitment in respect of the current term of licence.
8. The Commission notes that Pattison's local programming will meet the demands and reflect the concerns of CFJC-TV's local audience, as called for in the Television Policy, and although the proposed amount represents a reduction from that proposed for the current licence term, a commitment to 13 hours of local original news is appropriate, given the size of the market served and the station's financial situation. The Commission notes that CFJC-TV's total revenues have decreased by an average of 8% in each of the preceding five years.

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

9. In its renewal application, Pattison stated that it encourages regular dialogue with multicultural and Aboriginal communities in the following ways:
  - Encouragement of cultural and racial minorities to promote issues of importance through news stories and interviews.
  - Sponsorship of community events such as the Kamloops Multicultural Festival.
  - Provision of free on-air time to multicultural and Aboriginal groups for the promotion of events.
  - Carriage of a broad range of CBC programming that reflects the multicultural landscape of the country.

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. The Commission encourages Pattison to develop a corporate diversity plan, in order to allow the licensee to assess its progress towards meeting the objectives flowing from the Act.
12. 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 (CAB) 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**

13. 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 to persons who are blind or whose vision is impaired.
14. Greater programming accessibility can be achieved through the provision of audio description<sup>1</sup> and/or of video description<sup>2</sup>. All broadcasters can, and should, provide audio description. The licensee indicated that it provides audio description for weather reports, sports results, graphic material such as phone numbers and names of guests. In the case of an emergency telecast, CFJC-TV stated that it will provide audio description of all pertinent information. Accordingly, the Commission expects the licensee to continue to provide audio description wherever appropriate.

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<sup>1</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>2</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.

15. In its licence renewal application, Pattison stated that it does not currently have the capability to use the secondary audio program (SAP) channel, which would allow the station to provide programming with video descriptions to viewers who are visually impaired. The Commission notes that, in *Licences for CBC English-language television and radio renewed for a seven-year term*, Decision CRTC 2000-1, 6 January 2000, the CBC was encouraged to provide programming with video descriptions. Over the course of the new licence term for CFJC-TV, the CBC is therefore likely to present some described network programs. Accordingly, the Commission expects the licensee to include in its plans for technical upgrades of CFJC-TV, changes that will allow Pattison to use the SAP channel in order to deliver video description to its audience. Moreover, at the time of CFJC-TV's next licence renewal, the Commission intends to ask the licensee to make specific commitments to the number of hours of described video that it will provide.

**Employment equity and on-air presence**

16. Pattison stated that it practices employment equity in all job postings and interview procedures, and that its offices and studios are fully wheelchair accessible. In addition, the licensee stated that it works closely with federal and provincial agencies involved in job placement and training programs for the designated groups. It further stated that it cooperates with the University College of the Cariboo and the Kamloops Indian Band to provide students with job skill training courses, and job shadowing where possible.
17. The Commission notes the licensee's efforts in this regard, and encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.
18. 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 whose hearing is impaired**

19. In *Licence renewal for CFJC-TV Kamloops and its transmitters*, Decision CRTC 95-111, 24 March 1995, the Commission encouraged the licensee to caption all local news programming and at least 90% of all programming during the broadcast day, by 31 August 2002.
20. During the 2002-2003 broadcast year, the Commission's analysis of CFJC-TV's logs revealed that Pattison had captioned only 26% of all local news programming and only 86% of overall programming broadcast on CFJC-TV.

21. The Commission notes that, in its licence renewal application, the licensee did not make a commitment to caption all local news programming and at least 90% of overall programming broadcast on CFJC-TV during the broadcast day, throughout the new licence term. This is despite the fact that nine years have elapsed since the licensee was first encouraged to reach the targets noted above. The Commission considers that the licensee must improve its performance in this area beginning early in the new licence term.
22. Additionally, the Commission is imposing a **condition of licence** providing that, beginning 1 September 2009, Pattison caption 100% of all local category 1 – News programming, and a minimum of 90% of all programming aired during the broadcast day. This condition of licence is set out in the appendix to this decision.

### **Conclusion**

23. 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. Concerns with respect to closed captioning of local news have been addressed earlier in this decision.
24. On the basis of the Commission's review of this licence renewal application and of the licensee's past performance, the Commission **renews** the broadcasting licence for CFJC-TV Kamloops and its transmitters 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 2004-373**

### **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 local news programs, and not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2009.