



Broadcasting Decision CRTC 2004-379

Ottawa, 27 August 2004

Crossroads Television System

Hamilton, Ottawa and London, Ontario

Application 2003-1349-5

Public Hearing in the National Capital Region

7 June 2004

CITS-TV Hamilton and its transmitters, and CITS-DT Hamilton – Licence renewal

*In this decision, the Commission **renews** the broadcasting licence issued to Crossroads Television System (Crossroads) for the television programming undertaking CITS-TV Hamilton and its transmitters at London and Ottawa. Further, the Commission **renews** the broadcasting licence for the transitional digital television programming undertaking CITS-DT Hamilton, to be operated by Crossroads in association with CITS-TV. Crossroads is devoted to the over-the-air broadcast of religious programming. Its renewed licences shall be in effect from 1 September 2004 to 31 August 2011.*

The application

1. The Commission received an application by Crossroads Television System (Crossroads) to renew the broadcasting licence of the television programming undertaking CITS-TV Hamilton and its transmitters at London and Ottawa. As part of this application, Crossroads also sought renewal of the broadcasting licence for CITS-DT Hamilton, the digital television programming undertaking which is operated by Crossroads in association with CITS-TV. The establishment of the transmitters of CITS-TV at London and Ottawa, and of CITS-DT Hamilton, were approved in December 2003 and January 2004, respectively.¹ These facilities are not yet in operation.

Balance programming

2. In its renewal application, Crossroads made a commitment to broadcast a minimum of 20 hours of balance programming in each week of the new licence term, all of which would be reflective of the community. A minimum of 12 hours per week of balance programming would be broadcast between 6:00 p.m. and 11:00 p.m. In addition, 18 of the 20 weekly hours of balance programming would be original. This commitment is unchanged from the commitment made in the original licence application approved in

¹ *CITS-TV Burlington – New transmitters in Ottawa and London*, Broadcasting Decision CRTC 2003-601, 17 December 2003, and *CITS-TV Hamilton – transitional digital television licence*, Broadcasting Decision CRTC 2004-63, 30 January 2004.

New over-the-air television station devoted to religious programming – Approved; Competing application – Denied, Decision CRTC 98-123, 9 April 1998 (Decision 98-123).

3. The Commission's policy regarding religious programming is contained in *Religious broadcasting policy*, Public Notice CRTC 1993-78, 3 June 1993 (the Religious broadcasting policy). The Religious broadcasting policy is based upon requirements of section 3 of the *Broadcasting Act* (the Act), which states that the programming provided by the Canadian broadcasting system should provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern. It remains a principal tenet of the Canadian broadcasting system that licensees should provide balance on matters of public concern.
4. In the Commission's view, Crossroads has provided its audience with a high degree of diversity in religious programming, and has demonstrated considerable diligence in complying with the guidelines for balance programming as set out in the Religious broadcasting policy.

Reflection of Canada's diversity

5. In its renewal application, Crossroads asserted that "cultural and racial diversity is at the very core of reflecting the world's religious communities." Crossroads indicated that it reflects the "religious composition of the audience we serve" by offering programs on Islam, Judaism, Sikhism, Hinduism, Buddhism, Baha'i Faith, Jainism, Zoroastrianism, First Nations and Christianity. Crossroads added that guests for its program *Forum* "are drawn from these religions that represent the world's religions with emphasis on gender balance, mixed racial representation and coverage of our geographical community." According to the licensee, other programs, such as *On the Line* and *Behind the Story*, feature guests and topics that are chosen with a view to capturing the ethnic and religious diversity of the broadcast region served by Crossroads.
6. The licensee stated that it intends, throughout the new licence term, to continue to provide the above-noted diversity and to ensure that the "scheduling and the selection of guests and stories fairly reflects the diverse Greater Toronto Area community in our locally produced programs." The licensee indicated that it employs "a pre-screening process to ensure program content is accurate and fair." Crossroads added that it has a compliance committee, whose members include representatives of a number of different faiths and religious congregations in the community, and whose role is to monitor programming to ensure the fair and effective reflection of religious beliefs.
7. 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.

8. The Commission encourages Crossroads to develop a corporate diversity plan, in order to allow the licensee to assess its progress towards meeting the objectives flowing from the Act.
9. 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 (CAB) has developed 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

10. Crossroads confirmed that it has the capability to use the secondary audio program (SAP) channel, which would allow the station to provide described video² to viewers who are visually impaired. The licensee also stated that "CITS will consider adding description of portions of its programming during the forthcoming licence period as operating conditions improve." The licensee, however, did not commit to the provision of a specific number of weekly hours of described Canadian programming, because "the major portion of the CITS schedule consists of dialogue based programming and not 'story' programs."
11. 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.
12. Greater programming accessibility can be achieved through the provision of audio description³ and video description. All broadcasters can, and should, provide audio description. Crossroads stated that, "it will consider adding audio description of portions of its programming during the forthcoming licence period." The Commission therefore

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.

³ 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.

expects the licensee to provide audio description wherever appropriate. Moreover, at the time of CITS-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

13. In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, 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.
14. 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

15. In Decision 1998-123, the Commission expected the licensee to caption all local news programming and at least 90% of all programming during the broadcast day, by 31 August 2004. The Commission's analysis of CITS-TV's logs has revealed that, during the 2002-2003 broadcast year, Crossroads captioned only 34% of the overall programming broadcast on CITS-TV. In its licence renewal application, Crossroads made a commitment to caption 90% of all programming between 6:00 p.m. and 11:00 p.m., but only 70% of the programming broadcast on CITS-TV, overall, during the new licence term. This is despite the fact that six years have elapsed since the Commission first stated its expectation that the licensee achieve the targets noted in Decision 98-123.
16. The Commission has determined that the licensee, early in the new licence term, must begin to exceed its commitments with respect to closed captioning. Accordingly, in the appendix to this decision, the Commission has included a **condition of licence** requiring the licensee to provide closed captioning for all news programs and not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2005.

Conclusion

17. 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 the Religious broadcasting policy.
18. 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 CITS-TV Hamilton and its London and Ottawa transmitters, as well as the licence for CITS-DT Hamilton, from 1 September 2004 to 31 August 2011. The licences will be

subject to the conditions specified therein and to the **conditions of licence** set out in the appendix to this decision.

Other matters

19. The Commission received one intervention from Mr. John Griffith. The Commission notes that the intervention did not specifically relate to the licence renewal of either CITS-TV or CITS-DT. Rather, Mr. Griffith objected to the proposed use of channel 35 for CITS-DT Hamilton. As part of the decision licensing that undertaking, the Commission required Crossroads to submit an application to change the proposed channel of the transmitter to channel 35. Crossroads has requested certification of its use of that channel, and its request will be considered by the Department of Industry, as per its DTV Transition Allotment Plan. The licensee has also filed with the Commission the required application for the use of channel 35. This application will be considered by the Commission at a later date, at which time Mr. Griffith and other interested parties will be afforded an opportunity to intervene.

Secretary General

This decision is to be appended to each 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 2004-379

Conditions of licence for CITS-TV Hamilton and its transmitters at London and Ottawa

1. All programming broadcast by the undertaking shall be religious programming as defined by the Commission in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993.
2. The licensee shall adhere to the guidelines on ethics set out in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993.
3. The licensee shall broadcast a minimum weekly level of 20 hours of balance programming, 18 hours of which must be original balance programming. Additionally, of the 20 hours of balance programming, 12 hours must be broadcast between 6:00 p.m. and 11:00 p.m.
4. The licensee shall broadcast no more than 12 minutes of advertising material per hour, including solicitation. This condition applies to all regular programming as well as all brokered or “paid-to-air” programming.
5. The licensee shall provide closed captioning for all news programs and not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2005.

Conditions of licence for CITS-DT Hamilton

1. In addition to the conditions set out below, the licence is subject to the terms and conditions applicable to the analog television station CITS-TV Hamilton, including those specified in the licence for that undertaking, as well as those set out above.
2. The licensee shall ensure that all programming broadcast on the undertaking is a simulcast of the programming broadcast on CITS-TV Hamilton, with the exception of up to 14 hours per week of unduplicated, supplementary programming.
3. The licensee shall ensure that at least 50% of the unduplicated, supplementary programming broadcast on the undertaking is Canadian.
4. The licensee shall ensure that all unduplicated, supplementary programming broadcast on the undertaking is broadcast in a wide screen (16:9 aspect ratio), high definition format.
5. The licensee shall ensure that all programs that are simulcast on the undertaking, and that are available to the licensee in a wide screen (16:9 aspect ratio) format, are also broadcast in that format.

6. The licensee shall ensure that all programs that are simulcast on the undertaking during the evening broadcast period, and that are available to the licensee in high definition, are also broadcast in high definition.
7. The licensee shall ensure that the transmission of data does not affect the quality or quantity of high definition programming.