



## Broadcasting Decision CRTC 2003-413

Ottawa, 22 August 2003

**Télé-Mag inc.**  
Québec, Quebec

*Application 2000-1685-9  
Public Hearing in Québec, Quebec  
8 April 2003*

### **New, low-power community television station in Québec**

*The Commission **approves** the application by Télé-Mag inc. to operate a low-power French-language community television station in Québec. The new station will operate on channel 9 with a transmitter power of 38 watts.*

1. The Commission received an application by Télé-Mag inc. (Télé-Mag) for a licence to operate a for-profit, low-power, French-language community television programming undertaking in Québec.
2. Télé-Mag is a private company controlled by Marjolaine Gagné, who holds 59.9% of the voting shares. For close to 20 years, Télé-Mag has produced television programs distributed by cable in the Québec area.
3. The Commission received 18 interventions to this application, all in support of its approval.
4. The Commission notes that the Télé-Mag application is the first for authority to carry on a low-power community television station considered by the Commission in the context of the policies set out in *Policy framework for community-based media*, Broadcasting Public Notice CRTC 2002-61, 10 October 2002 (Public Notice 2002-61). In that Public Notice, the Commission described its objectives for community-based media, namely to ensure the creation and exhibition of more locally-produced, locally-reflective community programming, thereby fostering diversity of voices and alternative choices, while facilitating the entry of new participants at the local level.
5. Accordingly, the Commission examined the Télé-Mag application to determine if it was consistent with the objectives and requirements of its policy concerning low-power community television stations as set out in Public Notice 2002-61.

## Programming

6. The programming schedule proposed by Télé-Mag would include a daily 8-hour block of programming broadcast from 4 p.m. to midnight. The broadcast day would include two additional eight-hour blocks of repeat programming. The programming would consist principally of regional, magazine-type programs that reflect the particular needs and interests of Québec viewers. This programming would differ from and would complement the programming offered by conventional broadcasting outlets and by cable community channels.
7. The Commission confirms the determination it reached in Public Notice 2002-61 that community television programming undertakings are subject to the *Television Broadcasting Regulations, 1987* (the Regulations), including the requirements contained in the Regulations' section 10 pertaining to the retention of logs and records.
8. Télé-Mag stated that its current programming is entirely Canadian, and committed to maintain Canadian content at a level of 95%, as a minimum. Consistent with the minimum requirement specified in Public Notice 2002-61, and as set out in the appendix to this decision, it is a **condition of licence** that the licensee devote not less than 80% of the broadcast year to the broadcast of Canadian programs.
9. Télé-Mag also committed to ensure that not less than 80% of its programming remains local and regional in nature. Consistent with the minimum requirement specified in Public Notice 2002-61, and as set out in the appendix to this decision, it is a **condition of licence** that the licensee devote not less than 60% of the broadcast year to the broadcast of local programming, as defined in Public Notice 2002-61. As for the licensee's commitment to provide a level of local programming that exceeds the 60% minimum requirement (i.e. an additional 20%), the Commission expects this commitment to be fulfilled through the provision of programming of regional interest that reflects the expectations and circumstances of the Québec area that the applicant proposes to serve.
10. Public Notice 2002-61 permits community television stations to broadcast 12 minutes per hour of local advertising. Télé-Mag stated at the public hearing that the portion of the Québec region it proposes to serve includes an area that falls outside of the Grade B official contour of the new station. This proposed service area is one that already receives Télé-Mag programming through the cable distribution undertakings operated by Vidéotron ltée and the Coopérative de Câblodistribution de l'Arrière-Pays. In the circumstances, with respect to the application of the provisions of section 11 of the Regulations concerning advertising material, and for the purpose of assessing adherence to the policy set out in Public Notice 2002-61, the Commission will consider as local, the advertising contained in programming directed to this regional audience resident in the vicinity of Québec.

11. The applicant committed to reinvest 36% of its revenues in programming, and that additional revenues would be used to enhance existing programming, specifically through the broadcast of 400 hours per year of additional programming and through the introduction of four new program series.
12. The Commission notes that Télé-Mag has established a programming committee responsible for developing programming that meets the wishes of viewers and for creating opportunities for the public to participate in the production of such locally-originated community programming. The Commission encourages the applicant to publicize this programming committee and its role throughout the community it proposes to serve.
13. Télé-Mag committed to invest in regional independent production beginning in the first year of its licence term. Following discussions on this matter at the public hearing, the applicant undertook to submit a proposed condition of licence related to independent production. In a letter to the Commission dated 8 April 2003, Télé-Mag has proposed two possible alternative conditions of licence: one that would require it to spend a minimum of \$750,000 on independent production over seven years, or one that would require minimum expenditures on independent production representing 4.5% per year of gross revenues derived from Télé-Mag's broadcasting activities.
14. The policy set out in Public Notice 2002-61 encourages licensees of community television stations to facilitate public participation in program production. Given that Télé-Mag is a local producer and has been operating in the Québec region for several years, but with a view to ensuring that programming other than that produced by Télé-Mag is also aired on its facilities, the Commission has decided to require, as a **condition of licence** appended to this decision, that the licensee devote, in each broadcast year, not less than 5% of its gross revenues from broadcasting activities to the acquisition of programming produced by other independent producers of the Québec region. The Commission will review Télé-Mag's contribution to the independent production industry at the time of its licence renewal.
15. The Commission notes Télé-Mag's commitment to allocate funds to close captioning beginning in the third year and increasing in each subsequent year of the licence term. The Commission encourages the applicant to ensure that at least 50% of its programs are close captioned by the end of the licence term, and to explore as well the possibility of providing a program description service.
16. Consistent with the policy set out in Public Notice 2002-61, the licensee is required, by **conditions of licence**, to adhere to the industry codes listed in the appendix to this decision. The Commission notes Télé-Mag's intention to become a member of the Canadian Broadcast Standards Council.

## Conclusion

17. Based on its examination of the Télé-Mag application, the Commission is satisfied that it complies with the objectives and requirements relating to low-power community television undertakings, as set out in Public Notice 2002-61. Accordingly, the Commission **approves** the application by Télé-Mag inc. to operate a low-power, French-language community television station to serve Québec.
18. The station will operate on channel 9 with a transmitter power of 38 watts.<sup>1</sup>
19. The Commission reminds the licensee that, as noted in Public Notice 2002-61, the frequencies occupied by low-power television stations are unprotected. A low-power station that causes interference to a regular class station could be required to change its frequency assignment, or to cease operation if no alternative frequency can be found.
20. As Télé-Mag was advised at the public hearing, the terms governing the carriage of its community television station by broadcasting distribution undertakings are set out in the *Broadcasting Distribution Regulations* and the appendix to Public Notice 2002-61.

## Issuance of the licence

21. The licence will expire 31 August 2009 and will be subject to the conditions specified in the appendix to this decision and in the licence to be issued.
22. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry notifies the Commission that its technical requirements have been met, and that a broadcasting certificate will be issued.
23. Furthermore, the licence for this undertaking will be issued once the licensee has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 22 August 2005. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

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>*

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<sup>1</sup> The Department of Industry has advised that the station's transmitter power will be 38 watts, rather than the 50 watts indicated in Broadcasting Notice of Public Hearing CRTC 2003-2, 31 January 2003.

## Appendix to Broadcasting Decision CRTC 2003-413

### Conditions of licence

1. The licensee shall devote not less than 80% of the broadcast year to the broadcast of Canadian programming.
2. The licensee shall devote not less than 60% of the broadcast year to the broadcast of local programming, as defined in Public Notice 2002-61.
3. In each broadcast year, the licensee shall devote not less than 5% of gross revenues derived from broadcasting activities for the current year to the acquisition of programming produced by other independent producers of the Québec region.
4. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Sex-role portrayal code for television and radio programming*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee remains a member in good standing of the Canadian Broadcast Standards Council (CBSC).
5. The licensee shall adhere to the provisions of the CAB's *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
6. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the CAB's *Voluntary code regarding violence in television programming*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee remains a member in good standing of the CBSC.