



Broadcasting Decision CRTC 2004-376

Ottawa, 27 August 2004

Norcom Telecommunications Limited
Kenora, Ontario

Application 2001-1411-6
Public Hearing in the National Capital Region
7 June 2004

CJBN-TV Kenora – Licence renewal

*In this decision, the Commission **renews** the broadcasting licence for the television programming undertaking CJBN-TV Kenora, from 1 September 2004 to 31 August 2011.*

The application

1. The Commission received an application by Norcom Telecommunications Limited (Norcom) to renew the broadcasting licence for the television programming undertaking CJBN-TV, Kenora. CJBN-TV is an affiliate of the television network operated by CTV Television Inc. (CTV).
2. The Commission did not receive any interventions in connection with this application.

Local reflection

3. In its application, Norcom made a commitment to continue to broadcast a weekly average of 30 minutes of original local programming that would be reflective of the community. The proposed programming would be repeated three times each week. Although the previous commitment related to a local news program, the commitment for the new licence term will consist entirely of one 30-minute program featuring interviews.

Priority programming

4. The licensee also made a commitment to broadcast a minimum of seven hours of priority programming during each broadcast week, averaged over the broadcast year. This programming will originate with CTV. The Commission expects the licensee to adhere to its commitments.

The Commission's analysis and determination

Logs and records

5. Section 10 of the *Television Broadcasting Regulations, 1987* (the Regulations), requires that a licensee of a television broadcasting undertaking “keep, in a form acceptable to the Commission, a program log or a machine readable record of its programming”.
6. The program logs submitted by the licensee covering the broadcast years 2000-2001, 2001-2002 and 2002-2003 contained numerous errors, which prevented an accurate assessment of CJBN-TV's performance with respect to the requirements of the Regulations, and compliance with expectations and conditions of its licence.
7. The Commission notes that the licensee has submitted revised program logs, the form of which satisfactorily addresses the requirements of the Regulations. The revised logs also confirm the station's compliance with all requirements of the Regulations and with all expectations and conditions of its licence, during the periods noted above.
8. The Commission expects the licensee to take the necessary steps to ensure that CJBN-TV is in compliance with the logging requirements at all times.

Reflection of Canada's diversity

9. In its renewal application, Norcom indicated that it addresses the cultural diversity of its region through interview shows broadcast on CJBN-TV, some of which feature issues of interest to the Aboriginal community.
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 Norcom 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 for persons who are blind or whose vision is impaired.
14. 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 it will not offer a local news program but instead an interview show which does not require audio description. The Commission expects the licensee to provide audio description if its local programming were to change, warranting the use of audio description.
15. In its licence renewal application, Norcom 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 *Licence renewals for the television stations controlled by CTV*, Decision CRTC 2001-457, 2 August 2001, each television station controlled by CTV was required to broadcast at least three hours of Canadian priority programming with described video in years three and four of the licence term, and to increase that amount to four hours per week in the fifth year, and for the remainder of the licence term. Over the course of the new licence term for CJBN-TV, the described network programs will be available to CJBN-TV. Accordingly, the Commission expects the licensee to include in its plans for technical upgrades of CJBN-TV, changes that will allow Norcom to use the SAP channel in order to deliver video description to its audience. Moreover, at the time of CJBN-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.

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.

Employment equity and on-air presence

16. The licensee advised that advertisements for all available positions include a statement that Norcom is an equal opportunity employer. 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.
17. 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

18. In *Norcom Telecommunications Limited*, Decision CRTC 95-522, 10 August 1995, the Commission encouraged the licensee to caption all local news programming and to increase the amount of closed captioning of the other programming broadcast on CJBN-TV.
19. The Commission notes that the licensee made a commitment in its licence renewal application to caption 90% of all programming broadcast on CJBN-TV during the broadcast day, throughout the new licence term.
20. Accordingly, in the appendix to this decision, the Commission has included a **condition of licence** requiring that, beginning 1 September 2009, Norcom caption 90% of all programming broadcast on CJBN-TV during the broadcast day.

Conclusion

21. 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 local reflection.
22. 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 CJBN-TV Kenora 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 2004-376

Conditions of licence

1. The licensee shall operate this broadcasting undertaking as an affiliate of the television network operated by CTV Television Inc.
2. The licensee shall provide closed captioning for not less than 90% of all programs aired during the broadcast day, beginning not later than 1 September 2009.