



Broadcasting Decision CRTC 2004-532

Ottawa, 3 December 2004

TQS inc.

Trois-Rivières, Sherbrooke and Saguenay, Quebec

Applications 2003-1780-2, 2003-1781-9, 2003-1782-7

Public Hearing at Québec, Quebec

16 February 2004

CFKM-TV Trois-Rivières, CFKS-TV Sherbrooke, CFRS-TV Saguenay – Licence renewals

The Commission renews the broadcasting licences of CFKM-TV Trois-Rivières, CFKS-TV Sherbrooke and CFRS-TV Saguenay from 1 September 2005 to 31 August 2008. This term will enable the Commission to consider the next licence renewal applications for these undertakings at the same time as it considers the licence renewal applications for the originating station, CFJP-TV Montréal, and the Télévision Quatre Saisons French-language television network, with which the stations are affiliated.

The applications

1. The Commission received applications by TQS inc. (TQS) to renew the broadcasting licences for its French-language regional television programming undertakings CFKM-TV Trois-Rivières, CFKS-TV Sherbrooke and CFRS-TV Saguenay. These undertakings are affiliated with the Télévision Quatre Saisons French-language television network (the TQS network).
2. The Commission's general approach with respect to its consideration of these 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 seven interventions in connection with these applications, and all have been taken into account in its deliberations. All of these interventions were in support of the licence renewal of the three stations. In some cases, this support was conditional on the licensee accepting the requirements related to various issues, such as local programming and the broadcast of programs produced in the region. Given that these interventions are related to several licence renewal applications heard at the 16 February 2004 Public Hearing, the Commission discusses these interventions in Public Notice 2004-94, which introduces this and other decisions of today's date.

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. TQS stated that its stations' local programming consists primarily of news. The licensee noted that it had respected and even exceeded its commitments to local news programming. In addition, TQS stated that CFKM-TV and CFKS-TV produce a public affairs program broadcast from Monday to Friday, consisting of current events, interviews and a phone-in show. The licensee expects that CFRS-TV will produce the same type of program as of 2005.
7. TQS stated that it aims to have pertinent regional involvement in each of the markets that it serves. It added that it has increased regional collaboration in the TQS network, thus boosting the regional presence on both regional stations and the network.
8. TQS requested a relaxing of its quantitative commitments for local programming pursuant to the television policy. The licensee claimed that, for financial reasons, it had been difficult for it to sustain or increase local programming. It cited a lack of financial resources since direct-to-home (DTH) satellite distribution services and speciality television services entered the marketplace.
9. TQS stated, however, that the requested flexibility with respect to its local programming commitments would not affect the quantity of local news broadcast by its stations. Within this context, the licensee committed to broadcast a minimum of weekly local programming equivalent to its existing commitments, i.e., 1 hour and 20 minutes on CFKM-TV and CFKS-TV and 1 hour and 23 minutes on CFRS-TV.

The Commission's analysis and determination

10. The Commission has considered TQS' 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. The Commission further considers that the flexibility requested by TQS is consistent with the television policy.

11. The Commission notes that the licensee has generally exceeded local programming requirements and expects the licensee to continue in this vein during the new licence term.
12. As noted in Public Notice 2004-94, the Commission notes that it has already taken steps to make it possible for the signals of certain small market, independently owned television stations not owned by larger broadcast groups to be distributed by DTH undertakings and to ensure the equitable distribution of television stations owned by larger private broadcast groups. The Commission intends to monitor these issues very closely and plans to discuss them with the licensees at the time of their next licence renewal.

Apparent non-compliance with respect to Canadian content

13. In Broadcasting Notice of Public Hearing CRTC 2003-11, 18 December 2003, the Commission noted that, during the 1999-2000 to 2002-2003 broadcast years, the licensee appears to have contravened sections 4(6) and 4(7)(b) of the *Television Broadcasting Regulations, 1987* under which a licensee must devote not less than 60% of the broadcast year and not less than 50% of the evening broadcast period to the broadcasting of Canadian programs. 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 its program logs.
14. 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 Canadian content also remain. It seems that the program logs have not been sufficiently corrected in this respect.
15. 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.

Employment equity and on-air presence

16. 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.

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.

Conclusion

18. The Commission has carefully reviewed the applications, taking into account the comments made by the licensee and the interveners. The Commission is generally satisfied that, during the current licence term, the licensee has complied with its conditions of licence and met the Commission's expectations, specifically those regarding local programming.
19. The Commission notes that, as discussed at the hearing, the expiry date for the licences of TQS' regional stations will coincide with the expiry date of the licences for the originating station CFJP-TV Montréal and for the TQS network, with which these stations are affiliated, i.e., 31 August 2008.¹ This is consistent with the Commission's objectives set out in the television policy, which stipulates that the renewal of all the conventional television licences held or controlled by a group generally will be considered by the Commission at the same time.
20. Accordingly, the Commission **renews** the broadcasting licences for CFKM-TV, CFKS-TV and CFRS-TV from 1 September 2005 to 31 August 2008. The licences will be subject to the conditions specified therein and to the **conditions of licence** set out in the appendix 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 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>

¹ See *Renewal of the licences of the Quatre Saisons television network, of CFJP-TV Montréal and its transmitter CJPC-TV Rimouski, as well as of CFAP-TV Québec*, Decision CRTC 2000-418, 27 October 2000.

Appendix to Broadcasting Decision CRTC 2004-532

Conditions of licence

1. 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).
2. 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.
3. 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.
4. 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.