



Broadcasting Decision CRTC 2004-533

Ottawa, 3 December 2004

TQS inc.

Trois-Rivières, Sherbrooke, Saguenay and Saint-Fulgence, Quebec

Applications 2003-1783-5, 2003-1784-3, 2003-1785-1

Public Hearing at Québec, Quebec

16 February 2004

CKTM-TV Trois-Rivières, CKSH-TV Sherbrooke, CKTV-TV Saguenay and its transmitter CKTV-TV-1 Saint-Fulgence – Licence renewals

The Commission renews the broadcasting licences of CKTM-TV Trois-Rivières, CKSH-TV Sherbrooke, CKTV-TV Saguenay and its transmitter CKTV-TV-1 Saint-Fulgence from 1 September 2005 to 31 August 2007. 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, CBFT Montréal, and the Canadian Broadcasting Corporation 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 CKTM-TV Trois-Rivières, CKSH-TV Sherbrooke, CKTV-TV Saguenay and its transmitter CKTV-TV-1 Saint-Fulgence. These undertakings are affiliated with the Canadian Broadcasting Corporation (CBC) French-language television 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 CBC-affiliated regional stations are historically distinct from those affiliated with the TQS network and thus offer different programming. The licensee noted that it had respected and even exceeded its commitments to local news programming.
7. The licensee indicated that an agreement between the CBC and TQS obliges all of TQS' CBC-affiliated stations to produce 100 hours annually of local or regional programming other than news programs. This programming is paid for by the CBC and is broadcast on TQS' CBC-affiliated stations. It focuses in particular on cultural activities and tourist attractions in the regions served by these stations.
8. The licensee committed to broadcast a minimum of weekly local programming equivalent to its existing commitments, i.e., 2 hours and 35 minutes on CKTM-TV, 4 hours and 25 minutes on CKSH-TV and 3 hours on CKTV-TV.

The Commission's analysis and determination

9. 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.
10. The Commission notes that CKTM-TV and CKSH-TV have exceeded the local programming requirements and it expects the stations to continue in this vein during the new licence term.

CKTV-TV's apparent non-compliance with local news programming commitments

11. In Broadcasting Notice of Public Hearing CRTC 2003-11, 18 December 2003, the Commission noted that, during the 2000-2001 to 2002-2003 broadcast years, CKTV-TV apparently did not meet its commitments with respect to local news programming. 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 them.
12. 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 local news programming also remain. It seems that the program logs have not been sufficiently corrected in this respect.
13. 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

14. 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.
15. 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

16. 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 adhered to the requirements of the *Television Broadcasting Regulations, 1987*, and has complied with its conditions of licence and met the Commission's expectations, specifically those regarding local programming in the cases of CKTM-TV and of CKSH-TV.

17. 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 CBFT Montréal and for the CBC French-language television network with which these stations are affiliated, i.e., 31 August 2007.¹
18. Accordingly, the Commission **renews** the broadcasting licences for CKTM-TV, CKSH-TV, CKTV-TV and its transmitter CKTV-TV-1 from 1 September 2005 to 31 August 2007. 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 *Licences for CBC French-language television and radio renewed for a seven-year term*, Decision CRTC 2000-2, 6 January 2000.

Appendix to Broadcasting Decision CRTC 2004-533

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.