



Broadcasting Decision CRTC 2004-530

Ottawa, 3 December 2004

TVA Group Inc.

Québec, Trois-Rivières, Sherbrooke, Rimouski and Saguenay, Quebec

*Applications 2003-1466-7, 2003-1467-5, 2003-1468-3, 2003-1469-1, 2003-1470-9
Public Hearing at Québec, Quebec
16 February 2004*

CFCM-TV Québec, CHEM-TV Trois-Rivières, CHLT-TV Sherbrooke, CFER-TV Rimouski and its transmitter CFER-TV-2 Gaspé-Nord, CJPM-TV Saguenay and its transmitter CJPM-TV-1 Chambord – Licence renewals

*The Commission **renews** the broadcasting licences of the TVA Group Inc. French-language regional television stations 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, CFTM-TV Montréal, and the TVA French-language television network, with which the stations are affiliated.*

The applications

1. The Commission received applications by TVA Group Inc. (TVA) to renew the broadcasting licences for its French-language regional television programming undertakings. These undertakings are affiliated with the TVA 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 several hundred interventions supporting the TVA licence renewals, and none opposing the renewals. The concerns expressed by the interveners submitting comments specifically related to these applications are addressed below.
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.

Priority programming

5. In *Building on success – A policy framework for Canadian television*, Public Notice CRTC 1999-97, 11 June 1999 (the television policy), the Commission defines the largest multi-station ownership groups as those licensed to operate in several provinces with a potential reach of more than 70% of the audience in their language of operation. The groups included in this definition are CTV Television Inc., Global Communications Limited and TVA. The distribution of the TVA service, which has been licensed nationally since 1998, enables it to reach Francophones and Francophiles across Canada.
6. Under the television policy, the largest multi-station groups are required to broadcast, over the broadcast year, on average at least eight hours per week of priority Canadian programs during the 7:00 p.m. and 11:00 p.m. viewing period. The television policy also stipulates that the commitments made by a group will be applied to the individual stations within the group. Accordingly, the Commission renews, for each TVA regional station, the **condition of licence** relating to the broadcast of priority programming. This condition of licence is set out in the appendix to this decision.

Local programming and reflection

7. Under 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.
8. According to TVA, its regional stations are mandated to produce local programming that focuses on news information and that meets the needs and expectations of the audiences in each region. The licensee relies on such news programming to reflect the reality and the vitality of each region served. It also relies on the broadcasting by the regional stations of a daily program, *La Vie à*, which addresses the cultural, social and community activities of each regional station's respective area. TVA is also seeking a degree of flexibility in adapting the scheduling and diversity of program types that make up the local programming of each of its regional stations.
9. For the Trois-Rivières, Sherbrooke, Rimouski and Saguenay stations, TVA undertakes to reflect the communities they serve by broadcasting an average of three hours and ten minutes of original local news programming per week, and four hours and thirty minutes of other programs.
10. For the Québec station, TVA proposed renewing its commitment to broadcast, on average, a minimum of 21 hours per week of original programming produced in Québec. The licensee proposed, however, a different scheduling mix for the currently required nine hours consisting exclusively of programs of local interest. It proposed instead to produce four and one-half hours of local news and four and one-half hours of other programming that would clearly reflect Québec and the surrounding area, but that could provide a window on or showcase the TVA network.

11. In addition to producing several of the network's regular programs, the Québec station also proposed airing a public affairs magazine program, *TVA Québec.com*, Monday to Thursday evenings, and a weekly program, *Québec à la une*, to address in greater depth news topics of specific interest to viewers in the Québec area.

The Commission's analysis and determination

12. The Commission has considered TVA's 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 TVA is consistent with the television policy, particularly with respect to the production of non-news programming intended to provide local and regional reflection.
13. The Commission notes that TVA pointed out that the receipt of close to 500 interventions from various sectors, in all markets, supporting the renewal of its licences is evidence of the community's satisfaction with TVA's reflection of and involvement in the community. The Commission also notes the absence of complaints concerning local programming. The Commission notes that the licensee has exceeded local programming requirements, particularly in Québec, and expects the licensee to continue in this vein during the new licence term.
14. The Commission also notes that the way that local programs broadcast on the TVA network are coded in the program logs should not be seen as a hindrance to local production. The Commission considers that it would be appropriate to record local production as local programming in the program logs, even if the production is broadcast on the network, if that production clearly reflects the region of Québec.

Independent production in Québec

Interventions

15. As noted in Public Notice 2004-94, the interventions by the Union des artistes (UDA), Mouvement des artistes de la scène de la Capitale (MASC), Forum de l'industrie de la télévision, du cinéma et du multimédia (Forum), Vélocité International, and Productions des Années lumières emphasized the importance of increasing local production in Québec so that the city becomes a second production centre for priority programming. The Association des producteurs de films et de télévision du Québec (APFTQ) also called on the Commission to impose conditions of licence or various measures requiring broadcasters to invest a percentage of local advertising revenues in regional independent production.

TVA's response

16. TVA refused to make a formal commitment regarding regional independent production. TVA was of the view that geographic considerations should not be used when assessing programming production proposals, whether they originate in Montréal, Québec, Trois-Rivières or Sherbrooke. According to TVA, if a programming proposal originating in Québec satisfies its evaluation criteria, it will be considered on a par with other proposals and be subject to the undertaking's internal decision-making process.
17. Further, TVA was of the view that the cost of producing fiction and drama limits network broadcasts of such programming. According to TVA, drama and fiction programming are never produced solely for local broadcast, whatever the station, given the high cost and the complexity involved in funding such programming.
18. TVA reiterated its existing contributions to independent production, as set out in Public Notice 2004-94, and committed to meeting once a year with the city of Québec's independent production community.

The Commission's analysis and determination

19. The Commission considers that TVA is contributing adequately to independent production and, accordingly, finds that there is currently no need to impose additional requirements for regional independent production.
20. The Commission notes, however, that outside Montréal, the city of Québec and its surrounding area is the only other major urban centre in the French-language market. In addition to being the province's capital, Québec is also the only city outside Montréal with the expertise and infrastructure required to produce major productions. The Commission therefore expects TVA to take into account Québec's regional production capabilities and the numerous requests by those in the area who possess that expertise. The Commission intends to review this issue at the next renewal of the TVA network licence, which expires 31 August 2008.

Employment equity and on-air presence

21. 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.
22. 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

23. 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.
24. The Commission notes that, as discussed at the hearing, the expiry date for the licences of TVA's regional stations will coincide with the expiry date of the licences for the originating station CFTM-TV Montréal and for the TVA network with which these stations are affiliated, i.e., 31 August 2008.¹ This request 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 will generally be considered by the Commission at the same time.
25. Accordingly, the Commission **renews** the broadcasting licence for CFCM-TV, from 1 January 2005² to 31 August 2008, and the broadcasting licences for CHEM-TV, CHLT-TV, CFER-TV and its transmitter CFER-TV-2, CJPM-TV and its transmitter CJPM-TV-1, 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 *Licence renewals for the French-language national television network TVA and for the French-language television programming undertaking CFTM-TV Montréal*, Decision CRTC 2001-385, 5 July 2001.

² In *Administrative renewals*, Broadcasting Decision CRTC 2004-189, 25 May 2004, the Commission renewed until 31 December 2004 the licences of the television programming undertakings whose renewal applications were heard at the 16 February 2004 Public Hearing at Québec, and whose licences expired on 31 August 2004.

Appendix to Broadcasting Decision CRTC 2004-530

Conditions of licence

1. a) The licensee shall broadcast, in each broadcast year, an average of at least eight hours per week of priority Canadian programs between 7:00 p.m. and 11:00 p.m.

b) For the purpose of fulfilling the above-noted condition, the licensee may claim the dramatic programming credit announced in *Definitions for new types of priority programs; revisions to the definitions of television content categories; definitions of Canadian dramatic programs that will qualify for time credits towards priority programming requirements*, Public Notice CRTC 1999-205, 23 December 1999, as it may be amended from time to time.

For the purpose of this condition of licence, the priority program categories shall be as specified in that public notice, namely: Canadian drama programs; Canadian music and dance and variety programs; Canadian long-form documentaries; Canadian regionally-produced programs in all categories other than News and information and Sports; Canadian entertainment magazine programs.

2. 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).
3. 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.
4. 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.
5. 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.