



Broadcasting Decision CRTC 2003-175

Ottawa, 6 June 2003

Learning and Skills Television of Alberta Limited Province of Alberta

*Application 2002-0001-0
Broadcasting Public Notice CRTC 2002-67
1 November 2002*

Licence renewal and additional advertising for ACCESS

*In this decision, the Commission **renews** the broadcasting licence for Alberta's provincial educational service ACCESS and its transmitters in Calgary and Edmonton. The Commission also **approves** an amendment to ACCESS' broadcasting licence which will increase the amount of advertising on the service, from 501 minutes per week to 756 minutes per week, with a maximum of 12 minutes of advertising during each of the 63 hours in which advertising is permitted.*

Introduction

1. Learning and Skills Television of Alberta Limited (Learning and Skills) is the licensee of Alberta's privately owned and operated provincial educational television service, the satellite to cable programming undertaking known as ACCESS. Learning and Skills is a private, for-profit corporation controlled by CHUM Limited (CHUM), through its ownership of 60% of Learning and Skills' voting shares. CHUM is controlled in turn by Allan Waters of Toronto. CHUM is one of Canada's largest broadcasters, holding licences for television stations, radio stations and specialty services.
2. Learning and Skills is designated by the Government of Alberta as the provincial educational broadcaster and as the provincial authority for purposes of the *Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)* (the Direction). The licensee's stated programming policy is for ACCESS to provide lifelong learning opportunities for Albertans of all ages, working in partnership with educators, the Ministry of Alberta Learning (Alberta Learning), independent producers and Alberta businesses. Learning and Skills also stated that the programming broadcast by ACCESS assists in promoting and sustaining a learning culture in Alberta, which in turn encourages all Albertans to develop the educational standards and skills required to function effectively in an increasingly knowledge-based economy. According to the licensee, ACCESS strives to provide a program schedule that is relevant to diverse learning needs, that informs, educates and enlightens, and that is distinctly different from other television services.

3. The Commission received an application by Learning and Skills for the renewal of the broadcasting licence for ACCESS. The application included a request to amend the broadcasting licence in order to increase the allowable advertising content on ACCESS.
4. The Commission received 132 interventions in support of the application to renew the licence for ACCESS. Some of these supporting interventions, as well as the interventions in opposition to the request to amend the licence, are discussed below.

Advertising on ACCESS

Current advertising limits

5. During a 126 hour broadcast week, the ACCESS program schedule consists of 49 hours of airtime purchased by Alberta Learning, 14 hours of pre-school programming, and 63 hours of commercially supported formal and informal educational programming. ACCESS is prohibited, by conditions of licence 8 and 9, from broadcasting advertising material during periods devoted to pre-school programming, and in blocks of time purchased by Alberta Learning, except for commercial messages intended to sell or promote goods, services or activities integrally related to education and learning.
6. ACCESS is currently permitted, under condition of licence 10(a), to broadcast up to 12 minutes of advertising in a given hour. During the 63 hours of programming in which advertising is permitted, the current maximum allowable limit for advertising material under condition of licence 10(b) is 501 minutes in each broadcast week. The allowable total operates to restrict ACCESS to broadcasting an average of 8 minutes of advertising in each broadcast hour in which advertising is allowed.

Request to allow additional advertising

7. Learning and Skills proposed to amend condition of licence 10(b) in order to increase the allowable limit of advertising minutes from 501 to 756 in each broadcast week. The licensee stated that such an increase would allow ACCESS to broadcast up to 12 minutes of advertising material per hour only during those time periods when advertising is permitted, which would be consistent with its condition of licence and with the hourly advertising limit for commercial television broadcasters.
8. In proposing to increase its advertising content, Learning and Skills indicated that such an increase would not have an impact on the type of programming carried by ACCESS. The licensee stated that the requested increase would provide a modest increase in annual revenues, support its programming goals and help it to make a greater contribution to independent Canadian production, through improved licence fees and development funding.

Interventions

9. The Alberta Broadcasters Association (ABA), and local commercial television licensees CTV Television Inc. (CTV), Global Communications Limited (Global) and Craig Media Inc., formerly known as Craig Broadcast Alberta Inc. (Craig) submitted interventions in opposition to the request to increase the allowable number of advertising minutes on ACCESS.
10. According to the ABA, research shows that ACCESS has an atypical audience profile compared to other educational broadcasters in Canada, and that its audience is more akin to a mainstream service. In support of this view, the ABA stated that theatrical feature films broadcast in prime time are consistently among ACCESS' most popular programs. The ABA's intervention argued that the programming strategy of Learning and Skills has already had a negative impact upon conventional broadcasters in Alberta, and that granting additional advertising flexibility would exacerbate this impact.
11. The intervention by CTV argued that any increase in ACCESS' ability to solicit commercial advertising would have a direct negative impact on local Alberta conventional television broadcasters.
12. CTV further stated that the licensee had understated the impact on other broadcasters of its proposal to amend condition of licence 10(b). It pointed out that Learning and Skills stated in its application that the increase would result in "perhaps a \$100,000 increase, or about 1% of our gross operating budget in year one, growing to about \$700,000, or 7% of gross revenues, in year seven". According to CTV's calculations, the proposed amendment would instead result in an additional \$981,240 in advertising revenue in year one of the licence term, and projected incremental advertising revenues of \$3.3 million in year seven.
13. CTV also submitted that Learning and Skills had understated the significance of its proposal to increase the weekly advertising limit. CTV stated that, since Decision CRTC 99-179, 16 July 1999 (Decision 99-179) granted approval to broadcast 12 minutes of advertising in a given broadcast hour, ACCESS had decreased its pre-school programming by 2.5 hours per week. This had resulted in an increase in the time period during which ACCESS could sell advertising from 60.5 hours to 63 hours per week. CTV argued that permitting Learning and Skills further flexibility to solicit advertising would result in heightened competition for advertising in Alberta, and in ACCESS siphoning advertising revenue away from conventional broadcasters.
14. Global's intervention endorsed the position of the ABA, and also expressed the view that Learning and Skills had not presented any compelling economic rationale for a further increase in advertising on ACCESS. Global suggested that any further flexibility would allow ACCESS to deviate from its educational mandate and compete more effectively with local conventional television broadcasters, leading to a negative impact on Global's Alberta television operations.

The licensee's replies

15. In response to the concerns expressed by the ABA, Global and Craig, Learning and Skills stated that ACCESS' limit of 501 minutes of advertising per week represented only 33% of the 1,512 minutes per week allowed all other commercial broadcasters in Alberta. Learning and Skills noted that, even if it were authorized to broadcast 756 minutes of advertising each week, that would represent only 50% of the total advertising time permitted commercial broadcasters.
16. Learning and Skills further noted that ACCESS' share of television advertising in the Alberta market represented less than 1%, and that, even if the proposed increase were to be approved, its share would only increase to 1%. The licensee also stated that advertising revenues and profitability for Alberta's private broadcasters had continued to grow, and expressed the view that ACCESS' modest annual commercial revenues had not had any negative impact on other Alberta broadcasters over the past seven years.
17. In response to CTV's intervention, Learning and Skills stated that it had already used up much of its prime time inventory advertising. Therefore, the majority of the proposed additional advertising would be allocated to non-prime time programming and *Help!tv*, its daily in-house program. Accordingly, Learning and Skills submitted that its estimate of the impact that approval of the advertising amendment would have on other broadcasters was not unreasonable.

The Commission's analysis and determination

18. The Commission has traditionally been concerned that permitting the solicitation of advertising by educational broadcasters could influence their programming decisions towards commercially popular programming at the expense of educational programs. A secondary concern has been that overly commercialized programming by educational broadcasters could have a negative competitive impact upon commercial television stations.
19. In *Acquisition of assets and licensing of a new educational programming service for Alberta; and the inclusion of limited advertising material in the proposed service - Approved, subject to conditions of licence governing the nature of the service and the quantity and type of permissible advertising material*, Decision CRTC 95-472, 20 July 1995 (Decision 95-472), the Commission approved Learning and Skills' application to operate an educational programming service. The decision noted that, while the licensing model for Learning and Skills was to be based on the approach taken by the Commission with respect to existing educational services in Canada, such as TVOntario, la Société de télédiffusion du Québec (Télé-Québec), and the British Columbia educational broadcaster, Knowledge Network, the service would be unique, in that the licensee would be privately owned and operated on a for-profit basis. The Commission accordingly recognized that Learning and Skills "must be permitted to derive revenues from a limited amount of commercial activity in order to ensure its viability over the long term."

20. Subsequently, in Decision 99-179, the Commission approved an application by Learning and Skills, to increase the allowable hourly maximum of advertising material, from 6 minutes to 12 minutes, but with no increase to the weekly maximum of 501 minutes. The Commission noted in that decision that the approval would enable Learning and Skills to more effectively distribute the 501 minutes of advertising allowed each broadcast week.
21. Of the five Canadian educational broadcasters, only Learning and Skills and Télé-Québec carry advertising on their services. In *Licence renewals for the television network Télé-Québec and for CIVM-TV Montréal and its transmitters*, Decision CRTC 2001-256, 7 May 2001, the Commission approved a request by Télé-Québec to increase the time devoted to the broadcast of commercial messages, from 6 to 8 minutes per hour, to a maximum of 800 minutes in each broadcast week.
22. The Commission notes that, in 2002, Learning and Skills' profit before interest and taxes (PBIT) margin was well below the aggregate PBIT margin achieved by the Alberta television industry as a whole. The Commission further notes that Learning and Skills' current application to increase its maximum number of advertising minutes in each broadcast week is consistent with, if slightly less than, the approved cap of 800 minutes per week on Télé-Québec.
23. The Commission considers that approval of Learning and Skills' request for an increase in advertising would not have a significant negative impact on any existing Alberta television broadcaster. The Commission is of the view that any resulting increase in revenue would support the licensee's Canadian programming goals for ACCESS and enable the service to make a greater contribution to independent production.
24. The Commission accordingly **approves** the application by Learning and Skills to amend the current condition of licence 10(b), to allow a maximum of 756 minutes of advertising content to be broadcast during each broadcast week. The amended **condition of licence** is set out in the appendix to this decision as condition of licence 8(b).

ACCESS' programming mandate

Current programming commitments

25. The current ACCESS broadcasting licence is subject to programming conditions of licence 3, 4 and 5, which read as follows:
 3. All programming broadcast by the licensee shall be of the types described in the *Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)*.
 4. Not less than 60% of the broadcast year shall be devoted to the broadcasting of
 - a) educational programming with clear learning objectives and forming part of a formal learning system that leads to formal assessment and accreditation by an educational institution; or

b) educational programming directed to pre-school children.

5. The licensee shall not broadcast any programming that would otherwise be characterized as Category (7) Drama in Schedule I to the *Television Broadcasting Regulations, 1987*, unless such programming is of the type described in condition 4 above.

Interventions

26. The ABA, Global and Craig submitted that some of the programming currently offered by ACCESS was inconsistent with its conditions of licence and educational mandate, and that the service was "morphing" into a general interest commercial television service.
27. The ABA expressed the view that the focus of ACCESS' drama programming had shifted from family features and foreign-language films to Hollywood blockbusters and reruns of American situation comedies. ABA further stated that the hybrid "educational / prime time entertainment model" that ACCESS represents had, and would continue to have, an impact on conventional broadcasters in Alberta, as a *de facto* fourth private commercial network during prime time.
28. CTV questioned ACCESS' choice of reruns of popular foreign drama series and movies, suggesting that some programs, such as *Who Wants to be a Millionaire?*, were not appropriate for a provincial educational broadcaster. CTV also questioned whether broadcasting the movies *Carrie* and *Master Spy, the Robert Hansen Story* complied with ACCESS' condition of licence 4.
29. Global's intervention expressed the concern that ACCESS had already deviated from its original mandate to limit its drama offerings to programming that could be considered to have "formal educational" value. Global further suggested that ACCESS was competing directly with conventional television broadcasters for audiences.
30. Craig stated in its intervention that it had purchased CHUM's movie programs for many years, and that theatrical films had been crucial to the Craig stations' prime time programming. Craig added that Learning and Skills had, during ratings periods, broadcast some movies purchased by Craig from CHUM, sometimes in advance of the Craig stations.

The licensee's replies

31. In response to the ABA's concerns, Learning and Skills stated that feature films connected to post-secondary school courses had always formed part of ACCESS' schedule, and that ACCESS had been fortunate to secure a few that were relatively current. The licensee also stated the following:

No one mistakes ACCESS for any other commercial broadcaster in Alberta. Viewers know when they click their remotes to ACCESS that they are tuning into an educational television service.

32. In response to CTV's concerns, the licensee stated that ACCESS had always included popular programs in its schedule, as did all other educational broadcasters. Learning and Skills further suggested that CTV was being disingenuous in singling out a few programs as the basis for suggesting that ACCESS was departing from its educational mandate.
33. In reply to Global's intervention, Learning and Skills submitted that all drama programming broadcast on ACCESS was connected to formal courses of study at post-secondary school institutions.
34. With respect to the Craig intervention, the licensee noted that, in the autumn of 2001, approximately 15% of ACCESS' movie inventory had been licensed from CHUM Television International (CTI). The movies aired on ACCESS in advance of their broadcast on the Craig stations had been scheduled without Learning and Skills having knowledge of Craig's schedule. The licensee indicated that Craig's complaint to CTI had resulted in the following accommodations:
 - ACCESS provided Craig with its play list and broadcast dates, allowing the latter to promote and pre-broadcast, if it chose; and
 - CTI provided Craig with the right of first refusal on films to be distributed, before offering such films to Learning and Skills, which in the licensee's submission would amount to an exclusive window for Craig.
35. Learning and Skills expressed the view that the measures noted above showed that ACCESS did not wish to disrupt Craig's business.

The Commission's analysis and determination

36. The Commission has considered the interveners' arguments that ACCESS' educational programming mandate has been compromised. It notes that no complaint regarding this matter was received from the public. It notes also that it received interventions unconditionally supporting the ACCESS licence renewal from four Alberta government ministers, including the Minister of Alberta Learning.
37. In examining the interveners' concerns, the Commission's analysis focused on whether ACCESS had complied with its conditions of licence related to programming, as set out in paragraph 25 above.
38. ACCESS' existing condition of licence 4 requires that not less than 60% of the broadcast year be devoted to the broadcasting of either educational programming directed to pre-school children, or educational programs with clear learning objectives, forming part of a formal learning system that leads to formal assessment and accreditation by an educational institution. According to condition of licence 5, all drama programming on ACCESS must fall within the types described by condition of licence 4.

39. With respect to interveners' concerns related to ACCESS' educational mandate and the focus of the service's drama programming, the Commission notes that, as part of this proceeding, Learning and Skills identified the specific post-secondary courses and institutions that related to every ACCESS drama program and feature film broadcast during the 1998-1999 and 1999-2000 broadcast years.
40. ACCESS' programming is also subject to condition of licence 3, which specifies that all programming broadcast must be of the types described in the Direction.
41. The Direction sets out categories of programming that are allowable during the portion of ACCESS' schedule that does not consist of programs related to accreditation, programs targeted to pre-school children, or drama programs. One of the permissible types of programming is described as follows:
 - (a) programming designed to be presented in such a context as to provide a continuity of learning opportunity aimed at the acquisition or improvement of knowledge or the enlargement of understanding of members of the audience to whom such programming is directed and under circumstances such that the acquisition or improvement of such knowledge or the enlargement of such understanding is subject to supervision or assessment by a provincial authority by any appropriate means.
42. This is a broad category that includes a wide range of programs, and that does not exclude those with popular appeal. While the Commission is of the view that programming such as *Who Wants to be a Millionaire?* may be considered to stretch the borderline of the category, the Commission does not consider that the licensee has generally been non-compliant with condition of licence 3. The Commission expects, however, that under its renewed licence Learning and Skills will avoid the dangers of airing programs that stray that close to the borderline.
43. With respect to the complaint by Craig related to incidents of competitive scheduling of feature films by Learning and Skills, the Commission is satisfied that measures noted in paragraph 34 above should resolve the problem. The Commission reminds the licensee, however, that the acquisition of recent movies for broadcast prior to that of conventional broadcasters is an inappropriate programming strategy for an educational broadcaster.
44. Subject to the considerations noted above, the Commission is satisfied that Learning and Skills has complied with its programming conditions of licence. It is of the view that these conditions will continue to be an important means to ensure that Learning and

Skills fulfils its educational mandate. For these reasons, the Commission has determined that the same **conditions of licence** related to ACCESS' programming will continue to apply during the new licence term¹. The texts of these conditions of licence are set out in the appendix to this decision.

Other matters

45. As part of its consideration of Learning and Skills' application to renew the broadcasting licence for ACCESS, the Commission examined the licensee's performance over the past licence term in the areas of logging procedures, the use of independent production, and services to persons with hearing and/or visual impairments. The Commission also examined the licensee's plans with respect to the reflection of cultural diversity and employment equity.

Logging procedures

46. The Commission performed an analysis of Learning and Skill's program logging procedures over the current licence term, which revealed shortcomings in the ACCESS program logs. The shortcomings noted have the effect of impeding and slowing the annual assessment of ACCESS' programming. The Commission notes in particular the licensee's failure to supply production numbers required to document the Canadian status of independently produced programs. While the Commission notes that documentation of the Canadian status of very old programs is sometimes difficult to procure, it expects the licensee to make every effort to include in the program logs all obtainable information, and to take all steps necessary to comply fully with the logging requirements set out in the *Television Broadcasting Regulations, 1987*, on an on-going basis.

Use of independent production

47. In addition to generating advertising revenue, according to its application Learning and Skills earns revenue by selling airtime to Alberta Learning. Under an Air Time Agreement between Alberta Learning and ACCESS, Alberta Learning purchases a weekly minimum of 47.5 hours of air time on the service, for the delivery of educational and instructional programming to Albertans. The airtime consists of at least 10 hours of prime time programming (6:00 p.m. to 11:00 p.m.), 2.5 hours in pre-prime (5:00 p.m. to 6:00 p.m.), and 30 hours of daytime programming (6:00 a.m. to 5:00 p.m.).
48. Alberta Learning has a separate non-exclusive agreement with Learning and Skills for the production and acquisition of educational programming. In producing the programming required by its agreements with Alberta Learning, the licensee indicated during the licence renewal process that it would give priority to the independent

¹ The change in the reference in the new condition of licence 5 reflects the fact that definitions of programming categories, formerly set out in Schedule I to the *Television Broadcasting Regulations, 1987* are now found 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.

production industry, and specifically to independent producers in Alberta. The majority of independent producers hired by Learning and Skills live and work in Alberta. These producers do virtually all of the production on behalf of Alberta Learning. ACCESS acts as "executive or supervising producer", overseeing the production activities.

49. Learning and Skills stated that it continually encourages new independent producers to become involved in productions for Alberta Learning. With every post-secondary project initiated, at least one new producer is included in the mix of production companies considered by the service. The licensee stated that more than 35 independent producers, including 32 from Alberta, had been involved in the production of 47 post-secondary projects over the first six years of the current licence term.
50. The licensee further stated that, in contributing significantly to the development of many projects for post-secondary institutions across the province, an average of more than 40% of annual programming expenditures flowed to the Alberta independent production community. Learning and Skills added that, during the first six years of the current licence term, ACCESS had been able to provide critical pre-licence funding for 117 projects, 105 producers and over 460 hours of programming.

Service to persons with hearing impairments

51. The Commission is committed to improving service to viewers who are deaf or hard of hearing, and has consistently encouraged broadcasters to increase the amount of closed captioned programming they broadcast. The Commission generally requires all broadcasters to offer a minimum percentage of closed captioned programs consistent with the nature of their services.
52. The Commission's policy regarding closed captioning on commercial broadcasters was first set out in *Introduction to decisions renewing the licences of privately-owned English-language television stations*, Public Notice CRTC 1995-48, 24 March 1995. In that public notice, commercial television stations of the same size as ACCESS, with less than \$5 million in annual advertising revenues and network payments, were encouraged to close caption all local news and 90% of all programming, by the end of licence terms expiring between 2000 and 2002.
53. In Decision 95-472, the Commission noted Learning and Skills' financial commitment to closed captioning of programs, and the licensee's plans to caption 2,140 hours of programming by year 7 of the licence term.
54. As part of this renewal process, Learning and Skills reported that, during the 2000-2001 broadcast year, it had closed captioned approximately 50% of all programming, and agreed to conditions of licence related to future provision of closed captions. Commitments to closed captioning for each broadcast year of the new licence term beginning 1 September 2004 would call for 65% of all programming, and 90% of programming during the peak hours of 7:00 p.m. to 11:00 p.m. to be captioned. The licensee also stated that, if its proposed advertising amendment were to be approved, it would caption 90% of all programming by the end of the licence term. The licensee also

stated, that should the amendment be denied, it would accept a condition of licence that 90% of all programming except that targeted to pre-school age children and full-length feature films would be captioned by the end of the licence term.

55. The Commission is satisfied that the licensee's commitments to closed captioning are reasonable. Consistent with those commitments, the Commission has imposed **conditions of licence** requiring that Learning and Skills ensure that, beginning 1 September 2004, 90% of all programming on ACCESS between 7:00 p.m. and 11:00 p.m., and 65% of all programming during the broadcast day is closed captioned. It is also a **condition of licence** that, by the end of the new licence term, at least 90% of all programming on ACCESS must be captioned. The texts of these conditions of licence are set out in the appendix to this decision.

Service to persons with visual impairments

56. "Audio description" and "video description" are methods of improving the service that television broadcasters provide to the visually impaired. Audio description involves the provision of basic voice-overs of textual or graphic information displayed on the screen. A broadcaster providing audio description will, for example, not simply display sports scores on the screen, but also read them aloud so that persons who are visually impaired can receive the information.
57. Video description, or described video as it is also known, consists of narrative descriptions of a program's key visual elements so that the people who are visually impaired are able to form a mental picture of what is occurring on the screen. These descriptions can be provided on the Secondary Audio Programming (SAP) channel. Not all broadcasters are currently equipped to deliver a SAP signal. The introduction of described video via the SAP channel requires significant capital expenditures to upgrade a licensee's transmission facilities.
58. Learning and Skills made the commitment that it would broadcast a minimum level of one hour each week of described video programming, beginning on 1 September 2004, increasing to two hours each week beginning 1 September 2006, of which at least 50% would be original programming.
59. The Commission is satisfied that Learning and Skills' commitments to described video programming are consistent with recent commitments made by licensees of commercial television stations. Consistent with its approach in renewals of CHUM-owned television stations, the Commission will impose conditions of licence on Learning and Skills regarding the provision of described video programming.
60. Accordingly, it is a **condition of licence** that, beginning 1 September 2004, the licensee broadcast, between 7:00 p.m. and 11:00 p.m. a minimum level of one hour each week of described video programming, increasing to two hours each week beginning 1 September 2006. As part of this condition, all of the described video programming must be Canadian, and at least 50% of the required hours must be original broadcasts. The licensee may count toward fulfilment of this condition a maximum of one hour per week

of described video programming that is directed to children and is broadcast at a viewing time appropriate for children. The text of this condition is set out in the appendix to this decision.

61. The Commission notes the growing amount of described video programming that is available for acquisition, particularly from U. S. sources. It expects Learning and Skills to adhere to its commitment to acquire and broadcast the described versions of programs wherever possible. It further expects the licensee to adhere to its commitment to take the necessary steps to ensure that the service provided by ACCESS responds to the needs of visually impaired audiences.

The Commission's determination

62. Based on its review of the licensee's performance over the current licence term, the Commission considers it appropriate to grant Learning and Skills a full term licence renewal. Consequently, the Commission **renews** the broadcasting licence held by Learning and Skills for the satellite to cable programming undertaking known as ACCESS, and its transmitters CIAN-TV Calgary and CJAL-TV Edmonton, from 1 September 2003 to 31 August 2010. The licence will be subject to the conditions specified in the appendix to this decision.

Cultural diversity

63. The Commission expects all licensees to contribute to a broadcasting system that accurately reflects the presence in Canada of cultural and racial minorities and Aboriginal peoples. The Commission further expects licensees to ensure that their on-screen portrayal of all such groups is accurate, fair and free of stereotypes. These expectations are in keeping with section 3(1)(d)(iii) of the *Broadcasting Act*, which states that the Canadian broadcasting system should “through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society”.
64. The licensee stated that ACCESS recognizes the diversity of cultures within Alberta and the importance of providing relevant programming. Productions produced in partnership with Alberta Learning are vigorously reviewed with regards to the government's *Recognizing Diversity and Promoting Respect* policy, to ensure that cultural and racial minorities as well as Aboriginal people are portrayed in an accurate and non-stereotypical way. The same considerations are made when selecting guests and on-air personalities for *Help!tv* and *Careers TV*.
65. With respect to the fair and accurate portrayal of minority groups, the licensee stated that three hours per week of ethnic programming includes such series as *Aap Ke Liye* in Urdu and Hindi, and *Parvaas* in Punjabi. Four hours of foreign language programming per week includes programs in Spanish, German and Japanese. Learning and Skills also stated that ACCESS is working closely with elementary, secondary and post-secondary

sectors to provide two blocks of Aboriginal programming which will include documentary and magazine programs related to Aboriginal issues and concerns.

66. The Commission notes the licensee's proposals with regard to cultural diversity, and expects the licensee to develop and implement a comprehensive cultural diversity plan, and to submit it to the Commission within three months of the date of this decision.

Employment equity

67. In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, 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.

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 2003-175

Conditions of licence

The licence will be subject to the following conditions:

1. The licensee shall maintain throughout the term of its licence, the designations of provincial educational broadcaster and provincial authority for the Province of Alberta, within the meaning of the *Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)*.
2. The licensee shall adhere to the *Television Broadcasting Regulations, 1987*, with the exception of section 11.
3. All programming broadcast by the licensee shall be of the types described in the *Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)*.
4. Not less than 60% of the broadcast year shall be devoted to the broadcasting of
 - a) educational programming with clear learning objectives and forming part of a formal learning system that leads to formal assessment and accreditation by an educational institution; or
 - b) educational programming directed to pre-school children.
5. The licensee shall not broadcast any programming that would otherwise be characterized as Category 7 - Drama and Comedy as described 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, unless such programming is of the type described in condition 4 above.
6. The licensee shall not broadcast any advertising material during programming directed to persons under 12 years of age.
7. During air time purchased by the Ministry of Alberta Learning, the licensee shall not
 - a) broadcast any commercial message, unless it is intended to sell or promote goods, services or activities integrally related to education and learning; or
 - b) sell, or permit the sale of, airtime for the purpose of broadcasting advertising material.

8. The licensee shall not
 - a) broadcast more than 12 minutes of advertising material in any clock hour in a broadcast day; or
 - b) broadcast more than 756 minutes of advertising material in a broadcast week, exclusive of commercial messages described in condition 7(a) above.
9. In each broadcast year beginning 1 September 2004, the licensee shall caption 90% of all programming broadcast between 7:00 p.m. and 11:00 p.m., and 65% of all programming broadcast during the broadcast day. By the end of the licence term, the licensee shall also caption 90% of all programming broadcast during each broadcast day.
10.
 - a) Beginning 1 September 2004, the licensee shall broadcast between 7:00 p.m. and 11:00 p.m. an average of one hour per week of described video programming.
 - b) Beginning 1 September 2006, and for the remainder of the licence term, the licensee shall broadcast between 7:00 p.m. and 11:00 p.m. an average of two hours per week of described video programming.

In fulfilling this condition, all of the described video programming must be Canadian, and a minimum of 50% of the required hours must be original broadcasts. Further, the licensee may broadcast up to one hour per week of described children's programming at an appropriate children's viewing time.

11. 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 accepted by the Commission.
12. The licensee shall adhere to the provisions of the CAB's *Voluntary code regarding violence in television programming*, as amended from time to time and accepted by the Commission.