



## Broadcasting Decision CRTC 2009-279

Route reference: 2009-113

Additional references: 2009-70, 2009-70-1, 2009-70-2, 2009-113-1 and 2009-113-2

Ottawa, 15 May 2009

### **Renewal of the broadcasting licences for private conventional television stations considered at the 27 April 2009 Gatineau public hearing – Initial decisions and scope of subsequent policy proceeding**

1. The Commission sets out below three key initial decisions stemming from the 27 April 2009 public hearing in Gatineau, Quebec (the Hearing) to consider licence renewals applications from private conventional television stations. A detailed decision dealing with all the issues discussed at the Hearing will be issued shortly.

#### **Licence renewal terms**

2. The Commission will renew the broadcasting licences for the television stations of the broadcasters for which licence renewal applications were considered at the Hearing, for the following licence terms:
  - a 1-year licence renewal term for the television stations operated by CTV Television Inc., Canwest Television Limited Partnership<sup>1</sup> and Sun TV Company, as well as for the CITY-TV stations<sup>2</sup> operated by Rogers Broadcasting Limited (Rogers), in order to allow the Commission to consider these stations in the context of the group-based (conventional and discretionary) licence renewals, applications for which will be heard at a public hearing currently scheduled for the spring of 2010;
  - a 2-year licence renewal term for TVA Group Inc. (TVA) television stations and discretionary services, in order to allow the Commission to consider the next group-based licence renewal for TVA at the same time as the Commission's review of the licence obligations of TQS inc., and for the French-language television stations operated by the Canadian Broadcasting Corporation;
  - a 6-year licence renewal term for the OMNI television stations<sup>3</sup> operated by Rogers, as requested by the licensee, since the OMNI stations, due to their ethnic

<sup>1</sup> Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership

<sup>2</sup> CITY-TV Toronto and its transmitters in Woodstock and Ottawa; CITY-DT Toronto; CHMI-TV Portage La Prairie/Winnipeg; CKAL-TV Calgary and its transmitter in Lethbridge; CKEM-TV Edmonton and its transmitter in Red Deer; and CKVU-TV Vancouver and its transmitter in Courtenay

<sup>3</sup> CFMT-TV Toronto and its transmitters in London and Ottawa; CJMT-TV Toronto and its transmitters in London and Ottawa; CFMT-DT Toronto and its transmitter in Ottawa; CJMT-DT Toronto and its transmitter in Ottawa; CJEO-TV

focus, are distinct enough to warrant a different licence term from that of the CITY-TV stations; and

- full 7-year licence renewal terms for the RNC MEDIA Inc. and Télé Inter-Rives ltée television stations, as requested by the licensees, as the renewal of the broadcasting licences for these stations does not fall within the scope of the above-mentioned group-based licence renewal process.

Specific information relating to each application can be accessed in Broadcasting Notice of Consultation 2009-113. The terms and conditions under which the broadcasting licences for these television stations are to be renewed will be set out in subsequent renewal decisions to be issued in the summer of 2009.

### **Scope of policy process to be held in the fall of 2009**

3. The Commission will hold a policy proceeding in the fall of 2009. The scope of this proceeding will include, but will not necessarily be limited to, the following policy issues:
  - determining the modalities and conditions for group-based licensing to be employed at the 2010 public hearing;
  - providing revenue support for conventional broadcasters by:
    - investigating alternative support mechanisms for local programming;
    - protecting the integrity of Canadian broadcaster signals; and
    - exploring a mechanism for establishing, through negotiation, fair market value for the signals of the conventional television stations distributed by broadcasting distribution undertakings;
  - elaborating further details regarding possible digital transition models; and
  - establishing the appropriate minimum levels of spending on Canadian programming by English-language television broadcasters and the regulatory mechanism to ensure these levels.
4. A notice of consultation will be issued at the beginning of the summer of 2009 to provide further details regarding the above-mentioned fall 2009 public hearing and to set out how the public may participate in that public hearing.

## The 1:1 Ratio

5. In Broadcasting Notice of Consultation 2009-70, the Commission announced that one of the issues to be explored during the Hearing was the imposition, on the licensees of conventional television stations, of a 1:1 ratio requirement between Canadian and non-Canadian programming expenditures, both on a trial basis during a short-term licence, and on a longer-term basis.
6. As rationale for exploring the possibility of imposing such a 1:1 ratio requirement, the Commission, in Broadcasting Public Notice 2009-70, cited concerns that it had expressed in Broadcasting Public Notice 2007-53 (the 2007 Conventional Television Policy), and cited the 2008 financial data showing that English-language private broadcasters' spending on Canadian programming was relatively stable, whereas spending on foreign programming rose by 7.4% over 2007 levels.<sup>4</sup>
7. Based on evidence presented to the Commission at the Hearing and based on the scheduling of the acquisition of programming – both domestic and foreign – for the upcoming broadcast year, the Commission considers that the imposition of a 1:1 ratio requirement at this time would be impracticable and inappropriate. However, it notes that the above-mentioned concerns remain and is of the view that this, or some other regulatory measure to ensure that an appropriate proportion of the financial resources of English-language television licensees is devoted to Canadian programming, should be explored in the context of the above-mentioned policy process to be held in the fall of 2009.

Secretary General

### Related documents

- *Licence Renewals for Private Conventional Television Stations* – Notice of hearing, Broadcasting Notice of Consultation CRTC 2009-113, 3 March 2009
- *Scope of licence renewal hearings for private conventional television stations*, Broadcasting Notice of Consultation CRTC 2009-70, 13 February 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007

*This decision is to be appended to each licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.*

<sup>4</sup> CRTC releases financial results for private conventional television, News release, 10 February 2009. This document can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Media."