



## Broadcasting Decision CRTC 2011-448

PDF version

Route reference: 2010-952-1

Additional references: 2010-952-2, 2010-952-4 and 2010-952-5

Ottawa, 27 July 2011

### **Shaw Cablesystems Limited**

Kenora, Ontario

*Application 2010-1306-0, received 1 November 2010*

*Public hearing in the National Capital Region*

*4 April 2011*

### **CJBN-TV Kenora – Licence renewal**

*The Commission **renews** the broadcasting licence for the conventional television station CJBN-TV Kenora from 1 September 2011 to 31 August 2016.*

#### **Introduction**

1. The Commission received an application by Shaw Cablesystems Limited (Shaw Cablesystems) to renew the broadcasting licence for the conventional television station CJBN-TV Kenora.
2. In Broadcasting Notice of Consultation 2010-952-1, the Commission stated that it would consider the benefits and other implications of treating Shaw Cablesystems and Shaw Media Inc. (Shaw Media), both wholly owned subsidiaries of Shaw Communications Inc., as a single designated large ownership group for the purposes of the group-based licence renewals. However, during the proceeding, Shaw Cablesystems requested that the CJBN-TV licence renewal application be considered separately since the station is operated independently from the services owned by Shaw Media and is an affiliate of the CTV television network.
3. In its application, Shaw Cablesystems stated that it intended to continue to operate the station as a CTV affiliate station and was willing to adhere to that affiliation as a condition of licence. Shaw Cablesystems proposed to continue to operate its television station under the same terms and conditions as those set out in the last renewal decision, Broadcasting Decision 2004-376.
4. The Commission received interventions in support of the application. The Commission also received a number of other comments, the majority of which addressed issues relevant to the group-based licensing process, not issues relating specifically to CJBN-TV Kenora.

5. The public record for this proceeding can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

### **Commission's analysis and determinations**

6. Given that CJBN-TV operates as a small stand-alone service that is distinct from Shaw Media's television services and that the Commission did not receive interventions opposing Shaw Cablesystems' request to have its application considered separately, the Commission will review this application separately from the applications by Shaw Media.
7. After examining the application in light of applicable policies and regulations and taking into account the interventions received, the Commission considers that the issues it must address in making its determinations are the following:
  - local programming requirements;
  - broadcast logs;
  - conditions of licence and expectations relating to accessibility; and
  - the digital transition.

### **Local programming requirements**

8. In Broadcasting Regulatory Policy 2009-406, the Commission established harmonized local programming requirements for conventional television stations. For English-language television stations operating in non-metropolitan markets, this requirement was set at a minimum of seven hours of local programming per broadcast week. In the same policy, the Commission stated that it would impose local programming requirements by condition of licence.
9. With respect to local programming, CJBN-TV produces a weekly local 30-minute magazine-style program with interviews and stories on issues affecting the residents of Northwestern Ontario. CJBN-TV also produces a daily weather report for the communities of Thunder Bay, Red Lake, Atikokan, Sioux Lookout, Dryden, Fort Frances, Kenora and Winnipeg. Throughout the year, CJBN-TV produces other local programs including local coverage of elections and debates and programs covering local fishing tournaments.
10. In its application, Shaw Cablesystems argued that as a stand-alone independent television station, CJBN-TV does not have the resources to meet the above-noted harmonized local programming requirements. However, Shaw Cablesystems stated that it would accept a condition of licence requiring the station to broadcast a minimum of 30 minutes a week of local programming.

11. The Commission considers the proposal made by Shaw Cablesystems to be reasonable and agrees that at the present time this station operates as a small stand-alone service. A **condition of licence** requiring Shaw Cablesystems to broadcast a minimum of 30 minutes of original local programming a week is set out in the appendix to this decision.

#### **Broadcast logs**

12. The Commission notes that in the current licence term the licensee failed in some cases to submit its broadcast logs in the appropriate format. During the proceeding, the licensee stated that it would be implementing a new procedure as well as a new traffic and logging system to rectify the problems and ensure the proper and timely completion of the broadcast logs for the new licence term. The Commission expects the licensee to implement the new procedure and system as proposed and reminds the licensee of the importance of completing and submitting accurate logs on a timely basis.

#### **Conditions of licence and expectations relating to accessibility**

13. In Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy), the Commission stated its intention to impose conditions of licence relating to accessibility provisions on television broadcasters and broadcasting distribution undertakings at the time of their licence renewals. Accordingly, consistent with its approach for other conventional stations, the Commission will require Shaw Cablesystems to abide by the conditions of licence and expectations announced in the Accessibility Policy and set out in Broadcasting Regulatory Policy 2011-442, also published today.

#### **Digital transition**

14. In Broadcasting Regulatory Policy 2010-167, the Commission reiterated its decision that Canadian television stations must cease analog transmission in markets designated for mandatory conversion and on channels 52 to 69 in areas outside of these markets by 31 August 2011. In the same regulatory policy, the Commission stated that it would allow for the continued operation of analog transmitters that do not fall into these categories provided that the technical requirements of the Department of Industry (the Department) were met. The Commission notes that CJBN-TV is not in a market designated for mandatory conversion and that the station may continue to operate as an analog service on channel 13 provided that the technical requirements of the Department are met.

#### **Conclusion**

15. In light of the above, the Commission **renews** the broadcasting licence for the conventional television station CJBN-TV Kenora from 1 September 2011 to 31 August 2016. The licence will be subject to the **conditions of licence** set out in the appendix to this decision.

Secretary General

## Related documents

- *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011
- *Group-based licence renewals for English-language television groups – Notice of hearing*, Broadcasting Notice of Consultation CRTC 2010-952-1, 24 December 2010
- *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Policy determinations resulting from the 27 April 2009 public hearing*, Broadcasting Regulatory Policy CRTC 2009-406, 6 July 2009
- *CJBN-TV Kenora – Licence renewal*, Broadcasting Decision CRTC 2004-376, 27 August 2004

*\*This decision is to be appended to the licence.*

## **Appendix to Broadcasting Decision CRTC 2011-448**

### **Conditions of licence for the conventional television station CJBN-TV Kenora**

1. Except as provided for in condition 2, the licensee shall adhere to the conditions of licence for conventional television stations set out in *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011.
2. As an exception to condition 12 of the *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011, the licensee shall broadcast no less than 30 minutes of original local programming in each broadcast week.

For the purposes of this condition, in accordance with the definition set out in *Policy determinations resulting from the 27 April 2009 public hearing*, Broadcasting Regulatory Policy CRTC 2009-406, 6 July 2009, “local programming” is defined as programming produced by local stations with local personnel or programming produced by locally based independent producers that reflects the particular needs and interests of the market’s residents.