



## Broadcasting Decision CRTC 2013-389

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Route reference: 2013-19

Additional references: 2013-19-1, 2013-19-3 and 2013-19-4

Ottawa, 8 August 2013

### **Avis de recherche incorporée**

Across Canada

*Application 2012-1051-7, received 28 August 2012*

*Public hearing in the National Capital Region*

*23 April 2013*

### **Avis de Recherche – Licence renewal**

*The Commission **renews** the broadcasting licence for the national, French-language specialty Category B service Avis de Recherche, from 1 September 2013 to 31 August 2020.*

*The Commission **approves** the licensee's request to add certain program categories from which programming may be drawn for broadcast on the service.*

*The Commission also **approves** the licensee's request to provide 100% closed captioning by the end of the second year of the new licence term.*

*The terms and **conditions of licence** are set out in the appendix to this decision.*

### **The application**

1. Avis de recherche incorporée, a for-profit organization, filed an application to renew the broadcasting licence for the national, French-language Category 2 specialty programming undertaking<sup>1</sup> Avis de Recherche, which expires 31 August 2013. The programming of this service is primarily intended to be a media tool, the scope of which is to assist law enforcement agencies across Canada to obtain clues, tips and leads that might help resolve matters of interest to the communities they serve, both locally and nationwide.
2. The licensee also requested mandatory distribution of the service on the basic service of Canadian cable and satellite providers, pursuant to an order issued under section 9(1)(h) of the *Broadcasting Act*. In Broadcasting Regulatory Policy 2013-372,

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<sup>1</sup> As set out in Broadcasting Public Notice 2008-100, effective 31 August 2011, Category 2 services were renamed Category B services.

also issued today, the Commission has denied the licensee's request for mandatory distribution of the service. However, as set out in Broadcasting Order 2013-380, the service will temporarily continue to receive mandatory distribution, until 31 August 2015. The Commission notes that Avis de Recherche is subject to a number of conditions of licence that are normally part of a Category B broadcasting licence and that are tied to mandatory distribution. It would be open to the licensee to apply to remove such conditions of licence once the mandatory distribution of the service expires.

3. The Commission received interventions supporting, opposing or commenting on this application, and notes that it did not receive any interventions in opposition to the licence renewal request. The public record for this application is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
4. In its licence renewal application, Avis de recherche incorporée requested an amendment to its nature of service condition of licence and an exception to the standard conditions of licence relating to closed captioning.

### **Commission analysis and decisions**

5. After examining the application in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:
  - the licensee's request to amend its nature of service by adding program categories 11(a) General entertainment and human interest and 11(b) Reality television<sup>2</sup> to the list of categories from which it may draw programming; and
  - the licensee's request for an exception to the standard conditions of licence to permit it to provide 100% closed captioning only by the end of the second year of the new licence term.

### **Addition of program categories 11(a) and 11(b)**

6. Consistent with the simplified and streamlined approach to requests for the addition of program categories to the nature of service definitions of pay and specialty services as set out in Broadcasting Public Notice 2008-100, the Commission **approves** the licensee's request to be permitted to draw programming from program categories 11(a) and 11(b) for broadcast on Avis de Recherche.

### **Provision of closed captioning by the end of the second year of the new licence term**

7. The licensee confirmed that it would abide by the standard conditions of licence, expectations and encouragements set out in Appendix 1 to Broadcasting Regulatory Policy 2010-786-1, as amended from time to time, with the exception of conditions of

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<sup>2</sup> The full list of program categories is set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*.

licence 4 and 5. These conditions of licence require, among other things, that the licensee caption 100% of the English- and French-language programs broadcast over the broadcast day. The licensee argued that it would be unable to fully comply with these requirements in the short term due to financial issues. However, at the public hearing, the licensee indicated that it would be able to provide closed captioning for all of its programming at no additional cost by the end of the second year of the new licence term.

8. In its 2007 Closed Captioning Policy (see Broadcasting Public Notice 2007-54), the Commission indicated that the standard condition of licence would be applied unless the applicant provides specific and detailed supporting evidence, including financial information, to demonstrate that a modification or exemption is appropriate. The Commission has considered the licensee's request to provide 100% closed captioning by the end of the second year of the new licence term, and finds that in this case, the licensee has justified why an exception is warranted. Accordingly, the Commission **approves** the licensee's request. It will require the licensee to adhere to conditions of licence 4 and 5 set out in Appendix 1 to Broadcasting Regulatory Policy 2010-786-1 by no later than **31 August 2015. Conditions of licence** to that effect are set out in the appendix to this decision.

## Conclusion

9. Accordingly, the Commission **renews** the broadcasting licence for the national, French-language specialty Category B service Avis de Recherche from 1 September 2013 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

## Related documents

- *Distribution of the programming service of Avis de recherche inc. known as Avis de Recherche by licensed broadcasting distribution undertakings*, Broadcasting Order CRTC 2013-380, 8 August 2013
- *Applications for mandatory distribution on cable and satellite under section 9(1)(h) of the Broadcasting Act*, Broadcasting Regulatory Policy CRTC 2013-372, 8 August 2013
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007

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

## Appendix to Broadcasting Decision CRTC 2013-389

### Terms, conditions of licence, expectations and encouragements for the national, French-language specialty Category B service Avis de Recherche

#### Terms

The licence will take effect 1 September 2013 and expire 31 August 2020.

#### Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, as amended from time to time, with the exceptions of conditions of licence 4 and 5.
2. In regard to the nature of service:
  - (a) The licensee shall provide a national, French-language specialty Category B service primarily intended to be a media tool whose scope is to assist law enforcement agencies across the country to obtain clues, tips and leads which might help resolve matters of interest to the communities they serve, both locally and nationwide.
  - (b) The programming shall be drawn from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
    - 2 (a) Analysis and interpretation
    - (b) Long-form documentary
    - 5 (b) Informal education/Recreation and leisure
    - 11 (a) General entertainment and human interest
    - (b) Reality television
    - 12 Interstitials
    - 13 Public service announcements
3. In each broadcast year of the licence term, until **31 August 2015**, the licensee shall devote not less than 95% of the broadcast day and not less than 95% of the evening broadcast period to the broadcast of Canadian programs.
4. In each broadcast year of the licence term, until **31 August 2015**, the licensee shall expend on the acquisition of and/or investment in Canadian programs a minimum of 20% of the subscriber revenues derived from the operation of this service during the previous broadcast year.

5. In regard to Canadian programs:

- a) In each broadcast year of the licence term, until **31 August 2015**, the licensee shall expend on the acquisition of and/or investment in Canadian programs a minimum of 43% of the gross revenues derived from the operation of this service during the previous broadcast year.
  - b) In each broadcast year of the licence term following the first year of operation, excluding the final year, the licensee may expend an amount on Canadian programs that is up to five percent (5%) less than the minimum required expenditure for that year calculated in accordance with this condition; in such a case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.
  - c) In each broadcast year of the licence term following the first year of operation, where the licensee expends an amount on Canadian programs that is greater than the minimum required expenditure for that year calculated in accordance with this condition, the licensee may deduct:
    - i) from the minimum required expenditure for the following year of the licence term, an amount not exceeding the amount of the previous year's over-expenditure; and
    - ii) from the minimum required expenditure for any subsequent broadcast year of the licence term, an amount not exceeding the difference between the over-expenditure and any amount deducted under (i) above.
  - d) Notwithstanding subsections 4(b) and 4(c), during the licence term, the licensee shall expend on Canadian programs, at a minimum, the total of the minimum required expenditures calculated in accordance with this condition of licence.
6. The licensee shall, by no later than **31 August 2015**, caption 100% of the English- and French-language programs broadcast over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
7. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, as subsequently amended by the Commission, the licensee shall:
- ensure that advertising, sponsorship messages and promos are closed captioned by no later than the fourth year of the licence term;
  - adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission, by no later than **31 August 2015**; and

- implement, by no later than **31 August 2015**, a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. “Original form” means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
8. The service renewed hereby is designated as a Category B service.

For the purposes of these conditions of licence, all time periods shall be calculated according to Eastern Standard Time. Further, the terms “broadcast day,” “broadcast year,” “clock hour” and “evening broadcast period” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*. “Paid national advertising” shall mean advertising material as defined under the *Television Broadcasting Regulations, 1987* and that is purchased at a national rate and receives national distribution on the service.

### **Expectations**

The standard expectations applicable to this licensee are set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, as amended from time to time.

### **Encouragements**

The standard encouragements applicable to this licensee are set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, as amended from time to time.