



## Broadcasting Decision CRTC 2015-31

PDF version

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Ottawa, 4 February 2015

### **Independent Community TV**

Montréal, Quebec

*Reference 2013-1746-2*

### **Complaint by Independent Community TV against Videotron G.P. and its community channel MAtv**

*Independent Community TV filed a complaint against Videotron G.P. (Videotron) regarding its operation of the community channel MAtv.*

*The Commission finds Videotron in non-compliance with regulatory requirements relating to access programming and local programming.*

*Accordingly, in this decision, the Commission imposes specific requirements on Videotron.*

### **Complaint**

1. Independent Community TV (ICTV) filed a letter of complaint dated 21 January 2014 with the Commission, alleging the non-compliance of Videotron G.P.<sup>1</sup> (Videotron) regarding its operation of the community channel MAtv in the greater Montréal area.
2. In its complaint, ICTV requested that the Commission find that Videotron is not operating MAtv in accordance with the *Broadcasting Distribution Regulations* (the Regulations) and the Community television policy set out in Broadcasting Regulatory Policy 2010-622 (the Policy).
3. ICTV also filed an application for a broadcasting licence to operate a community channel to serve the greater Montréal area. It also requested that it be allocated the 2% local expression contribution currently devoted by Videotron to MAtv.
4. In a letter dated 6 February 2014, the Commission stated that before considering such an application, it first had to determine whether Videotron was operating its community channel in accordance with the Regulations and the Policy.

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<sup>1</sup> Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P.

5. Consequently, this decision solely addresses ICTV's complaint regarding Videotron's operation of MAtv.
6. The Commission received numerous interventions in regard to ICTV's complaint. The vast majority of interveners supported the complaint, while certain opposed it and others submitted general comments. Many of the interventions supporting the complaint were filed by community groups, Members of the National Assembly (MNAs) in the region, public figures, and individuals from ethnocultural or linguistic minority groups. The public record for this proceeding can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the reference number provided above.

### **Parties**

7. ICTV is a group representing various independent community television organizations and individuals.
8. Videotron is the licensee of the broadcasting distribution undertaking (BDU) operating MAtv. The licensee is ultimately controlled by Quebecor Media Inc. (Quebecor).

### **Background**

9. This complaint must be examined in conjunction with an application filed by Quebecor on behalf of Videotron on 30 August 2013. In that application, Videotron requested authorization under section 34(5) of the Regulations to operate a second community channel, to be called MYtv, to serve the English-language community of the greater Montréal area. Videotron also requested authorization to double its contribution to local expression and to direct the additional contribution to the new channel MYtv. This contribution could amount to up to 2% of the BDU's gross annual revenues derived from broadcasting activities.
10. The Commission's determination regarding Videotron's application for MYtv is set out in Broadcasting Decision 2015-32, also published today. It was processed concurrently with ICTV's complaint.

### **Regulatory framework**

11. A BDU that chooses to operate a community channel must comply with certain regulatory requirements relating to access programming and local programming, while ensuring that the programming it produces is reflective of the community served.

### **Access programming**

12. In the Regulations, access programming as it relates to community television is defined as "programming produced by an individual, group or community

television corporation residing within the licensed area of a cable distribution undertaking.”

13. The criteria for determining whether a program constitutes access programming are set out in the Policy. The primary criterion for access programming is that creative control is in the hands of a community member, namely an individual or group residing within the licensed area of a terrestrial BDU. Creative control consists of two elements: 1) the idea for an access program must originate from a community member not employed by a BDU; and 2) the community member must be involved in the production team (a) in an on-camera role (e.g., a personality or actor that appears in a predominant portion of the production) or (b) as a creative member of the production crew (e.g. director, producer, writer).
14. Programs produced by independent community services or by local not-for-profit community television corporations (TVCs) can also be considered access programming under the Regulations.

#### **Promotion of access opportunities and community outreach**

15. In Public Notice 1992-39, the Commission stated that distributors must promote citizen access to the community channel and give consideration to community groups and individuals within the community served who are most in need of expression through community programming. To be deemed eligible, requests for access must comply with the terms and conditions for access set out in that notice.
16. In the Policy, the Commission added that licensees are expected to actively promote citizen access to the community channel and offer and promote the availability of related training programs. The Policy also stated that licensees should provide feedback mechanisms, such as advisory boards, to encourage viewer response to the range and types of programs aired. These consultations should include feedback from volunteers and be aimed at determining the mix, scope and types of programs that best serve the community’s needs and interests.

#### **Local programming**

17. Local programming is defined in the Regulations as “programming that is reflective of the community served” and that is produced in the licensed area by either the licensee or members of the community served. Programs produced in other licensed areas within the same municipality are also considered to be local community programming.

#### **Issues**

18. After examining the record for this proceeding, including the interventions, replies and answers, the Commission considers that the issues to be addressed relate to whether Videotron’s operation of community service MAtv complies with:

- its access programming requirements; and
- its local programming requirements.

### **Compliance of MATv with its access programming requirements**

19. At the time of the complaint, Videotron was required, under the Regulations, to devote to access programming at least 45% of the programming broadcast on its community channel each broadcast week.<sup>2</sup> The licensee was also required to devote an additional percentage to access programming depending on community demand, for a total of up to 50% of the programming broadcast on its community channel each broadcast week.<sup>3</sup>
20. At Videotron's last licence renewal, in Broadcasting Decision 2006-613, the Commission reiterated that in regard to the community channel, the Montréal licensed area must be understood to include the seven service zones approved by the Commission. Accordingly, the Commission considers that the required level of programming should apply to the entire licensed area, not to each service area individually.

### **Positions of the parties**

#### ***Independent Community TV***

21. ICTV submitted that Videotron did not comply with the access programming requirements during the 2012-2013 broadcast year.
22. According to ICTV's calculations, the overall level of access programming broadcast on MATv was 19.74%. ICTV explained that it had not counted programs broadcast on MATv Montréal that were also listed on the programming schedules of MATv in other regions of Quebec. By excluding those "network" programs, ICTV concluded that only the programming produced by TVCs in the Montréal area satisfied the definition of access programming set out in the Policy.
23. According to ICTV, during the week analyzed (i.e., 25 November to 1 December 2013), all of the series broadcast on MATv in the greater Montréal area, except for programs produced by TVCs, were the product of original ideas by Videotron employees or paid professional actors or journalists working with Videotron employees. More specifically, ICTV noted the following:

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<sup>2</sup> This percentage (45%) is valid for the broadcast year beginning 1 September 2013 and ending 31 August 2014 and thus includes the week at issue. As of 1 September 2014, community channels have had to devote 50% of their programming to access programming, regardless of community demand (section 31(2)(a)(iii) of the Regulations).

<sup>3</sup> Section 31(2)(b) of the Regulations.

- nearly all of the programs produced in Montréal list Michel Tousignant, a Videotron employee, as “content and production manager” and Daniel Grenier, also a Videotron employee, as “assistant content and production manager,” and most of the rest of the production team are repeatedly listed in the credits from one series to another, which clearly indicates that they are Videotron staff members;
  - nearly all of the hosts and reporters are members of the Union des artistes du Québec (UDA) or the Fédération professionnelle des journalistes du Québec (FPJQ), which generally speaking do not allow their members to appear on television without pay, and some of the program descriptions even indicate that the hosts were paid;
  - the series aired are well established and were not written by emerging writers;
  - MAtv owns the copyright for all of the programs aired, except for *Juste pour rire*; and
  - Videotron operates MAtv as a professional television service since its own staff is in charge of producing most of the programs and all of the front-of-camera talent consists of paid professionals with extensive experience in Quebec media or who are promoting their own professional service companies.
24. ICTV stated that TVCs, which serve 1.9 million people in Montréal’s suburban ring, produce twice as much original content per week as does Videotron, which serves a population of approximately the same size on the Island of Montréal. ICTV also noted that the gap between TVCs and Videotron was manifest in terms of the number of hours of original content involving volunteers and the number of hours of training made available to volunteers.

***Videotron’s reply***

25. In a letter dated 22 April 2014, Videotron submitted that the level of access programming broadcast by MAtv during the week at issue was 59% and that MAtv exceeded the access programming requirement of 45% in all of the service areas.
26. Videotron added that between September and December 2013, MAtv broadcasted a promotional message inviting the public to submit program proposals and contribute to the community channel’s growth. Videotron also stated that MAtv’s website encourages the public to visit the section containing all of the necessary information for citizens wishing to submit an access project.
27. Videotron indicated that MAtv uses additional platforms to reach the public: invitations are posted on MAtv’s Facebook page and information is shared spontaneously among users; there is a telephone line and an email address for users to comment on programs or ask questions about proposed content; and over

2,500 postcards and 9,000 bookmarks directly inviting citizens to participate in the programs have been distributed through Montréal's network of libraries and other public places.

28. Finally, the licensee noted that MATv had direct links with leading television production training institutions, such as the Cégep de Jonquière, the Université du Québec à Montréal (UQAM), and O'Sullivan College, in order to provide an average of about ten internships per year.

#### **ICTV's reply**

29. ICTV maintained that Videotron had not responded to the allegations in the complaint to the effect that MATv does not broadcast any access programming on the Island of Montréal. According to ICTV, Videotron's lack of response to those allegations suggests that the shortage of access programming on MATv is a long-established fact.
30. ICTV interpreted the local programming threshold set out in the Policy as applicable to all of the service zones included in the greater Montréal licensed area. However, with regard to access programming, ICTV was of the view that the 45% level required by the Commission should apply to each of the service zones separately. ICTV therefore objected to the fact that Videotron's letter of 22 April 2014 provided only an overall percentage for the access programming broadcast (59%) rather than the percentage of access programming broadcast in each service zone.
31. According to ICTV, under the Policy, an access program can only count as access programming within the service zone in which the program was produced. On the basis of this interpretation, ICTV submitted that MATv was in non-compliance with the Policy in each of the service zones in the greater Montréal area.
32. ICTV submitted that Videotron did not begin informing its subscribers of available access opportunities until March 2014.<sup>4</sup> In its view, Videotron did this in reaction to the present complaint, and did not take any such action during the ten years prior to the complaint.
33. ICTV noted that according to the information provided by Videotron on 17 March 2014, 88 access projects were submitted in the Island of Montréal service area in MATv's three years of operation. Of these projects, only five were accepted, for an acceptance rate of 5.7%.
34. According to ICTV, the programs listed by Videotron as access programming (*Montréalité*, *Catherine et Laurent* and *OPENTélé*) were professionally produced in the style of the "vox pop" produced by the large networks and in no way reflect the spirit of the Policy with regard to what constitutes access programming.

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<sup>4</sup> Through Facebook, Twitter, and a message on subscribers' invoices.

35. Finally, ICTV argued that the training that Videotron claimed to have provided to volunteers also did not meet the objectives of the Policy, since it was not provided to the general public. According to ICTV, that training consisted of university internships for which only a handful of students is eligible.

### Interventions

36. The Commission received interventions from individuals, CSUR la télé, TVC Châteauguay, the Montreal Irish Show and the Association multiethnique pour l'intégration des personnes handicapées (Association multiethnique), lamenting the fact that Videotron had refused access projects they had submitted. In most cases, the interveners stated that they had received very little indication from Videotron as to why their projects were rejected.
37. TVC Châteauguay indicated that its access to Videotron's community channel was withdrawn in 1999 and that negotiations to regain access to the channel had since been unsuccessful due to the fact that Videotron dictates to TVCs its program production requirements relating to content, format and the host.
38. For its part, the Association multiethnique indicated that the current MAtv channel was far from being a community channel and that it complied with neither the spirit nor the letter of the Policy. The Association multiethnique stated that it had become aware of this fact when it had sought to pursue its work on the program *Nous sommes encore là*, a pilot that was rejected without further explanation.
39. Many interveners, including AIDS Community Care Montréal, the Réseau québécois de l'action communautaire autonome, the Centre des travailleurs et travailleuses immigrants, Loaded Pictures, the Institut de coopération pour l'éducation des adultes, and individuals, expressed their surprise at learning only through this proceeding that Videotron is required to promote access opportunities to its subscribers and to offer training to community members interested in becoming involved in the production of a television program. For example, the Comité social de Centre-Sud stated:
- [TRANSLATION] Videotron complies neither with the spirit nor the letter of the Policy. Videotron never contacted us to offer training to our members or even to inform us that this type of programming exists. We conclude that Videotron is not interested in providing TV media training to the public, preferring rather to work with industry insiders. This element of citizen media training is an important aspect of the Commission's policy that is unfortunately lacking in Videotron's activities.
40. Only two interveners opposing the complaint (and thus supporting Videotron) addressed the issue of access programming on MAtv, and one of them, the English-Language Arts Network (ELAN), was less equivocal on this issue. It stated that it did not believe Videotron met its regulatory requirements relating to official language minority communities (including Aboriginal communities)

stemming from its licence renewal in 2006. It further stated, however, that Videotron recognized and addressed this situation when it applied for a licence to operate the proposed MYtv.

### **Commission's analysis and decisions**

#### ***Compliance of MAtv with the definition of access programming***

41. As stated above, creative control by the community means that an access program originates from a community member who is not employed by the BDU and that the community member is part of the production team, either behind or in front of the camera. The Commission requested that Videotron provide it with a list of the programs it considers to be access programs, including a brief description and the name of the person who proposed the project, to help it determine which programs broadcast by MAtv meet this definition.
42. An analysis of the programs broadcast revealed that the vast majority of individuals identified as promoters of access are television professionals, not community members. For example, the Commission notes that the program *Le confident* is presented as an original idea by Louise Deschâtelets, who is a long-time host with Quebecor. Similarly, the program *Mémoire de Proulx* is presented as an original idea by Gilles Proulx, a well-known radio host who is well established in Quebec.
43. Videotron falls back on a literal interpretation of the definition of access programming, maintaining that the promoters of the programs identified as access programs all reside in the Montréal area and that they are therefore in compliance with the definition in the Regulations and the criteria set out in the Policy. Videotron also claims that none of these individuals received payment for their participation.
44. The Commission notes that most of MAtv's hosts are former conventional Quebec television hosts or future hosts who have already appeared in popular programs. Further, as indicated by ICTV, the same production team is listed in the credits for all of the programs produced, which calls into question the criterion for defining access programming according to which creative control must be in the hands of community members. Accordingly, although MAtv's programs may technically meet the definition of an access program, this tendency of MAtv is inconsistent with the Policy's clear objectives, the purpose of which is to specify the terms of the Regulations with respect to access programming.
45. The Commission asked Videotron to provide it with a list of access projects that were proposed by members of the community but rejected. Without having the information necessary to assess the relevance of the rationales provided, the Commission notes that nine of the 16 rejected projects were rejected because MAtv "[TRANSLATION] does not have the production capacity to produce them"—a poorly substantiated reason. In any event, the fact that several interveners, including local community groups, complained that they have never

had access to MAtv remains a concern as the Regulations<sup>5</sup> specify that BDUs must devote an additional percentage of their programming to access programming beyond the minimum level if there is demand from the community, which seems to be the case here.

46. In fact, after examining MAtv's website and Videotron's answers to questions from Commission staff, the Commission considers that, for the BDU, access to the community channel consists more of interaction with citizens than of actual access to the airwaves. The Commission is of the view that the vox pop-type programs including the use of social media, such as those that characterize the greater part of MAtv's programming on the Island of Montréal, are not sufficient to conclude that the BDU gives the community opportunities for self-expression by actively encouraging groups and individuals to submit program ideas and produce their own programs.
47. As regards the promotion of access and volunteer training, the Commission notes that the training provided as part of the operation of the MAtv community television service seems to be directed only to certain students, not the general population.
48. Consequently, Videotron's idea of access deviates from the Policy's objectives as, based on its approach, the licensee appears to be more interested in working with the next generation of artists to support the development of its programs than in actually allowing community members to discover and participate in a new medium without compromising the quality of the product.
49. Although the Commission considers that quality of the product is essential, it is of the view that it is possible to achieve a professional presentation on a community channel without compromising the local population's access to the airwaves. In fact, the Commission raised this issue with Videotron in Broadcasting Decision 2006-613, in the context of its last licence renewal.
50. The Commission therefore concludes that Videotron's community channel is not in compliance with the established definition of access programming.

***Compliance of MAtv with access programming requirements***

51. At the time the complaint was filed, Videotron was required under section 31 of the Regulations to devote at least 45% of MAtv's programming schedule to the broadcast of access programming. As stated above, the Commission considers that the required level of programming should apply to the entire licensed area.
52. Videotron is also subject to the following condition of licence set out in Broadcasting Decision 2006-613:

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<sup>5</sup> Section 31(2)(b) of the Regulations.

2. Through its programming, the licensee shall reflect the greater Montréal community in its entirety. Moreover, it shall be responsible for all programming distributed on the community channel, including programming produced by the TV corporations for distribution in the individual service zones during breakaway segments.
53. The Commission has analyzed the description of each of the access programs presented by MATv in the seven service zones to determine whether they correspond to the established definition of access programming. The Commission has accepted all of the access programs produced by TVCs, as the Policy clearly indicates that such programs must count as access programs. However, of the 14 programs that Videotron categorizes as access programs produced by the BDU, only five—*Absolument Yoga*, *Bébé Cardio*, *Catherine et Laurent*, *Couleurs d'ici* and *Pilates*—fit the established definition of access programming insofar as they are clearly the product of an original idea by the public. The Commission has therefore only retained those programs for the purposes of its calculation.
54. According to the Commission's own calculation based on the programs it considers as meeting the established definition of access programming and the program logs provided by Videotron for the week of 25 November to 1 December 2013, only 30.2% of MATv's programming schedule during the week in question was devoted to access programming for the entire licensed area. This percentage is far removed both from the 45% threshold required by the Regulations at the time, and the 59% level of access programming Videotron claims to have broadcast.
55. Accordingly, the Commission considers that Videotron is in non-compliance with the regulatory requirements relating to the broadcast of access programming.

### **Compliance of MATv with its local programming requirements**

56. In accordance with section 31(1) of the Regulations, a BDU operating a community channel must devote at least 60% of the programming broadcast on the community channel in the licensed area to the broadcast of local programming, defined as programming that reflects the reality of the community served in the licensed area. To achieve that 60% level, licensees can include in their calculations access programs, whether produced by members of the community or by TVCs.
57. Under the Policy, a BDU operating a community channel should:
- provide a reasonable, balanced opportunity for the expression of differing views on matters of public concern;
  - reflect the official languages, ethnic and Aboriginal composition of the community;
  - provide coverage of local events; and
  - publicize the program schedule.

58. In Broadcasting Decision 2003-523, the Commission imposed a condition of licence requiring Videotron to reflect the greater Montréal community in its entirety on MAtv (then known as Vox). The Commission also indicated that it expected Videotron to be sensitive to the presence of members of Aboriginal communities within the greater Montréal area, particularly in urban areas.

#### **Positions of the parties**

##### ***Independent Community TV***

59. ICTV submitted that Videotron did not meet its local programming and community reflection requirements in the 2012-2013 broadcast year. It stated that the Montréal reality does not consist of Francophones on the one hand and everyone else on the other: French is the dominant language, but members of ethnocultural and linguistic minorities, just like Francophones, experience multilingualism on a daily basis, especially on the Island of Montréal.
60. According to ICTV, notwithstanding these facts, the only program on MAtv's programming schedule explicitly about minority ethnocultural groups is *Couleurs d'ici*. ICTV noted that the program accounts for only 2.7% of the channel's airtime and is produced by Videotron staff, with very low involvement by allophone or ethnocultural groups on the production team.
61. ICTV noted that Télévision Rive-Sud, a TVC, broadcasts an English-language program produced by high school students, but that the program can only be viewed on the South Shore. In the last two broadcast years, including 2013-2014, there have been no English-language programs on MAtv's programming schedule for the Island of Montréal.
62. ICTV further noted that none of the programs on MAtv's 2013-2014 programming schedule deal explicitly or regularly with Aboriginal issues or are broadcast in an Aboriginal language, just as none of the programs are broadcast in a language other than French, even though the Policy allows up to 15% third-language content. According to ICTV, the absence of programs reflecting the ethnocultural and linguistic minorities of the Montréal area constitutes non-compliance with the Policy's objectives. Further, ICTV noted that few of the programs provide coverage of local events or publicize the program schedule as required by the Policy.

##### ***Videotron's reply***

63. In a letter dated 22 April 2014, Videotron responded to ICTV's complaint, arguing that the level of local programming broadcast by MAtv during the week at issue (25 November to 1 December 2013) was 86%. The licensee added that MAtv ensures that local issues are prioritized and that comments from viewers in regard to programs are quickly forwarded to the content production teams.

64. Videotron indicated that MATv was at the time working on establishing a citizen advisory board to review programming and make recommendations regarding access projects. The board was to be in place by 31 December 2014. The licensee also noted that the Anglophone, Aboriginal and ethnocultural communities would be served by MYtv if Videotron's application to launch a second community channel was approved by the Commission.
65. Following a discussion with Anglophone organizations such as ELAN, MYtv intends to continue to foster communication with and the participation of members of linguistic, Aboriginal and ethnocultural communities through initiatives such as an advisory board and a million-dollar fund dedicated to productions reflecting the multicultural reality of Montréalers.
66. Finally, to demonstrate that MATv reflects Aboriginal communities, Videotron enclosed with its letter of 17 March 2014 a list of programs broadcast by MATv to serve the Aboriginal communities' interests.

#### ***ICTV's reply***

67. In its reply dated 2 May 2014, ICTV stated that Videotron's reply did not add any new information to the record.

#### **Interventions**

68. Most of the interventions received in support of ICTV's complaint relate to the issue of local reflection, and more particularly the reflection of the diverse communities that make up the population of Montréal, on MATv. Anglophones, members of Aboriginal communities, and members of several ethnocultural and linguistic minorities stated that they did not see themselves reflected in MATv's programming, which they submitted was essentially directed to Francophones.
69. Finally, regardless of their linguistic or ethnocultural group, many interveners lamented that MATv does not sufficiently address issues of concern to Montréal residents.

#### **Commission's analysis and decisions**

##### ***Level of local programming broadcast***

70. In regard to the program descriptions provided by Videotron, it appears that only some of them meet the definition of a local program set out in the Regulations. Those programs are *Montréalité*, *Mise à jour*, *L'impact de l'académie* and *Couleurs d'ici*, which are also the programs cited by interveners as the most reflective of life in Montréal neighbourhoods. These programs deal with issues specific to the Montréal community and highlight events that occurred or will occur in the greater Montréal area so that residents of the area are informed of what is actually happening in their community. The other programs cited by Videotron are tailored more to serve the interests of the province as a whole than

a given community. Although of a high quality, many of those programs—such as *Accro de la moto*, *Tout le monde tout lu!* and *Le guide de l'auto*, to name a few—feature as much on the program schedules of MAtv in the regions as on that of MAtv Montréal and do not deal with topics specific solely to the Montréal area.<sup>6</sup>

71. Taking into account only the programs that reflect the reality of the greater Montréal community, the Commission finds that MAtv devoted 8.9% of the programming broadcast during the week of 25 November to 1 December 2013 to Montréal-specific programming. By adding this percentage to that of access programming above (30.2%), the Commission concludes that MAtv devoted 39.1% of its programming to local programming during the week in question. This level, which applies to the entire licensed area, is far removed from the 60% local programming level required under the Regulations.

#### **Reflection of minorities**

72. The fact that minorities (linguistic, ethnocultural and Aboriginal) do not see themselves reflected on MAtv demonstrates, in the Commission's view, that Videotron could do more to specifically reflect the Montréal community and, in particular, its diverse make-up. The list of programs identified by Videotron as reflecting Aboriginal communities shows that the BDU aired only six programs of this type between 2010 and 2014 and that all but one of these (*Sans filtre*, 17 April 2011) were regular MAtv programs of which a segment was occasionally devoted to an Aboriginal issue.
73. In regard to the reflection of Anglophone communities, three of the community groups that most strongly opposed ICTV's complaint—ELAN, the Quebec English-Language Production Committee and the Quebec Community Groups Network—themselves recognized the lack of reflection of the official language minority community on MAtv. Although they regarded Videotron's application for a second, English-language community channel (MYtv) as an acceptable and promising solution by Videotron, they nonetheless lamented the lack of reflection of their community on MAtv at the present time and emphasized that they have filed numerous complaints on the subject.
74. Based on the Commission's calculation and the interventions received, it can be concluded that Videotron meets neither the quantitative requirements of the Regulations (at least 60% local programming) nor the qualitative requirements relating to reflection set out in the Policy. To begin with, nearly all interveners do not see themselves reflected in MAtv's programming. Further, the Commission considers that the programs aired are more akin to general interest programs

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<sup>6</sup> It should be noted, however, that in Broadcasting Decision 2003-523 the Commission allowed Videotron to count programs broadcast in the regions in its calculation of local programming, provided that such programs were counted as local only within the greater Montréal service area, not in all Quebec regions.

broadcast on conventional television than to programs aimed at reflecting the concerns of the community in which they are broadcast.

75. The Commission therefore finds Videotron in non-compliance with the regulatory requirements relating to local reflection.
76. Finally, as noted by ICTV, Videotron does not have a citizen advisory board to give voice to the community members by determining the mix, scope and types of programs that may best serve the needs and interests of the Greater Montréal community. Thus Videotron alone decides the contents of MATv's programming schedule, even though the creation of a citizen advisory board is one of the expectations set out by the Commission in the appendix to the Policy. The Commission is of the view that the creation of such a board, which would take into account the voices of all members of the community as well as those of volunteers, could enhance the programming of MATv Montréal by more accurately reflecting the community in which it is broadcast.

## Conclusion

77. In light of all of the above, the Commission finds that Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P., in regard to the operation of its community channel MATv, is in non-compliance with the requirements of the *Broadcasting Distribution Regulations* and is not respecting the objectives of the Community television policy relating to access programming and local reflection.
78. The Commission **directs** Videotron to take concrete steps to bring MATv into compliance by August 2015, the time of Videotron's next licence renewal. The Commission will at that time address the licensee's compliance with its conditions of licence and the requirements of the Regulations, and its respecting of the objectives of the Policy.
79. Finally, the Commission expects Videotron to form, by **15 March 2015**, a citizen advisory board that will take into account all members of the community, including volunteers, to determine the mix, scope and types of programs that would best serve the needs and interests of the greater Montréal community, and provide proof in regard to the above by no later than **1 April 2015**.

Secretary General

## Related documents

- *English-language community channel in Montréal*, Broadcasting Decision CRTC 2015-32, 4 February 2015
- *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010

- *Cable distribution undertakings in Montréal and Terrebonne – Licence renewals*, Broadcasting Decision CRTC 2006-613, 31 October 2006
- *Licence renewal of cable distribution undertakings serving part of Montréal and Terrebonne*, Broadcasting Decision CRTC 2003-523, 24 October 2003
- *Cable television community channel standards*, Public Notice CRTC 1992-39, 1 June 1992