



Broadcasting Decision CRTC 2015-406

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Reference: 2015-103

Ottawa, 28 August 2015

Ontario French-language Educational Communications Authority
Province of Ontario

Application 2015-0055-4, received on 19 January 2015

TFO – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language educational television service TFO from 1 September 2015 to 31 August 2022.*

Introduction

1. The Ontario French-language Educational Communications Authority filed an application to renew the broadcasting licence for the French-language satellite-to-cable educational television programming undertaking TFO, which expires 31 August 2015.
2. The licensee indicated that it would adhere to the standard conditions of licence for conventional television stations set out in Broadcasting Regulatory Policy 2011-442, (the Policy), with the exception of conditions of licence 11 and 12 (regarding local programming) and condition of licence 8 regarding content offered with video description, as well as the Commission's expectation regarding local presence. Nevertheless, it proposed to broadcast at least two hours per week of content with video description and to increase this amount as resources become available.
3. TFO is the only Canadian French-language educational television service outside Quebec. The service's programming is aimed at francophones and francophiles of all ages in Ontario and the rest of Canada. In addition to its educational and innovative content, the service provides a showcase for emerging francophone artists in Canada, creates a space for Canadian history and presents profiles of inspiring Canadian francophone and francophile personalities.
4. According to the application, TFO strives to convey educational messages in all of its programming for children and youth, which is harmonized with the Ontario curriculum and communicates values such as tolerance, open-mindedness and friendship. A significant percentage of its schedule is dedicated to children's and youth programming (ages 2 to 12).
5. In addition to this renewal application, the licensee requested that the Commission issue an order for mandatory distribution under section 9(1)(h) of the *Broadcasting*

Act (the Act) requiring that all Class 1 and Class 2 broadcasting distribution undertakings (BDUs) offer TFO to their subscribers. That application (2015-0099-2) will be addressed separately and will be the subject of a subsequent Commission decision.

Interventions

6. The Commission received over 700 interventions supporting the application. Supporting interveners included, among others, individuals, representatives of official language minority communities (OLMCs), the Office of the Commissioner of Official Languages of Canada and elected officials.
7. The Commission also received interventions opposing the application as well as interventions commenting on the application. However, the interventions in opposition and the licensee's reply to them relate to the application for distribution under section 9(1)(h) of the Act, and will be therefore addressed in the related decision. The public record for this application can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.

Commission analysis and decision

8. During its licence term, TFO complied with its conditions of licence and regulatory requirements, and maintained the educational character of its programming. The Commission would like to emphasize the excellent work done by the licensee in this regard, which is reflected in the interventions received in support of the application.
9. With respect to the licensee's request for an exemption from certain conditions of the Policy, the Commission asked TFO to clarify its request for exemption from condition of licence 8 regarding video description. TFO's response did not convince the Commission that the cost of broadcasting four hours of described video content per broadcast week would be prohibitive. This requirement states that the licensee must broadcast four hours per week of described video content starting in the fourth year of its licence term, and that the content does not have to be original. The Commission considers that this requirement is important, particularly for persons with disabilities, as its objective is to ensure that all Canadians have access to television programming.
10. TFO does not broadcast local programming since the service's programming is based principally on unique content of interest to francophones generally. Accordingly, Commission considers that it is not appropriate to impose conditions of licence 11 and 12 regarding local programming or the related expectation.
11. Finally, given that TFO has fulfilled its requirements as an educational television broadcaster in exemplary fashion throughout its licence term, the Commission finds it appropriate to renew TFO's licence for a full seven-year term.

Programming requirements

12. The Commission is satisfied with TFO's proposal to devote at least 60% of its programming to the broadcast of programming for children and youth, as well as to devote 60% of the broadcast day and 50% of the evening broadcast period to Canadian programming. An expectation and a **condition of licence** to this effect are set out in the appendix to this decision.
13. In Broadcasting Regulatory Policy 2015-104, the Commission stated that it would expect broadcasters, at the time of their next licence renewals, to ensure that when programming with closed captioning on traditional platforms is made available on non-linear online platforms, the closed captioning is included. An expectation to this effect is set out in the appendix to this decision.
14. Finally, the licensee confirmed that it would comply with the standard requirements for conventional television programming undertakings set out in the Policy, with the exception of certain conditions of licence regarding local programming and the Commission's expectation on local presence. Local programming requirements are generally imposed on private stations that are operated as local services. In this case, such requirements are not appropriate for TFO. Accordingly, the Commission relieves TFO of conditions of licence 11 and 12 of the Policy. A **condition of licence** to this effect is set out in the appendix to this decision.

Conclusion

15. In light of the above, the Commission **renews** the broadcasting licence for the French-language satellite-to-cable educational television programming undertaking TFO from 1 September 2015 to 31 August 2022. The licensee shall adhere to the **conditions** set out in the broadcasting licence for the undertaking as well as to the **conditions of licence** set out in the appendix to this decision.

Secretary General

Related documents

- *Let's Talk TV: Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015
- *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011

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

Appendix to Broadcasting Decision CRTC 2015-406

Conditions of licence and expectations for the French-language satellite-to-cable educational television programming undertaking TFO

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011, with the exception of conditions 11 and 12.
2. The licensee shall devote to the broadcast of Canadian content at least 60% of its programming each broadcast day and at least 50% in each evening broadcast period.
3. The licensee shall file an annual report relating to the provision of closed captioning on non-linear platforms by 30 November of each year for the broadcast year ending the previous 31 August, in accordance with other requirements of the annual return.

Expectations

The standard expectations applicable to this licensee are set out in *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011. The expectation regarding local presence does not apply to this licensee.

The Commission expects the licensee to devote at least 60% of its programming to the broadcast of programming for children and youth.

The Commission expects the licensee to include closed captioning on programming made available on non-linear platforms when such programming includes closed captioning on traditional platforms.