



Broadcasting Decision CRTC 2023-267

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References: Part 1 licence renewal applications posted on 20 March 2023

Ottawa, 21 August 2023

Crossroads Television System

Calgary and Edmonton, Alberta; and Hamilton, Ottawa and London, Ontario

Public record: 2022-0745-6, 2022-0747-2, and 2022-0801-6

CITS-DT Hamilton and its transmitters, CKCS-DT Calgary and CKES-DT Edmonton – Licence renewals

Summary

The Commission **renews** the broadcasting licences for the English-language conventional religious television stations CITS-DT Hamilton, Ontario, and its transmitters CITS-DT-1 Ottawa, and CITS-DT-2 London, Ontario; and CKCS-DT Calgary, Alberta, and CKES-DT Edmonton, Alberta, from 1 September 2023 to 31 August 2028.

Applications

1. The Commission has the authority, pursuant to subsections 9(1), 9.1(1) and 11.1(2) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act* and to make orders respecting expenditures.
2. Crossroads Television System (Crossroads) filed an application to renew the broadcasting licence for the following English-language conventional religious television stations, which expire 31 August 2023:
 - CITS-DT Hamilton, Ontario, and its transmitters CITS-DT-1 Ottawa and CITS-DT-2 London, Ontario (application 2022-0801-6);
 - CKCS-DT Calgary, Alberta (application 2022-0745-6); and
 - CKES-DT Edmonton, Alberta (application 2022-0747-2).
3. The Commission did not receive any interventions in regard to these applications.

Apparent non-compliance

Local programming

4. Pursuant to subsection 9(1) of the old *Broadcasting Act*, the Commission had the authority to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deemed appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of that Act.
5. Consistent with that authority, in Appendix 1 to Broadcasting Regulatory Policy 2016-436, the Commission imposed on licensees of television stations, including CITS-DT, CKCS-DT and CKES-DT, the following conditions of service relating to local programming:¹
 5. If the licensee operates an English-language television station in a metropolitan market, it shall broadcast on that station no less than 14 hours of local programming in each broadcast week.
 6. If the licensee operates an English-language television station in a non-metropolitan market, it shall broadcast on that station no less than 7 hours of local programming in each broadcast week.
6. As set out in that same appendix, “metropolitan market” means a television market in which the population with a knowledge of the official language of the station (i.e., English or French), as defined by Statistics Canada, is one million or more. Since CKCS-DT and CKES-DT operate in metropolitan markets, they are subject to condition of service 5; since CITS-DT operates in a non-metropolitan market, it is subject to condition of service 6.
7. An initial review of the logs submitted by the licensee revealed that some of the programs may have been inappropriately designated as local programming, which could have had an impact on the licensee’s compliance with its local programming exhibition requirements. Accordingly, the licensee was questioned about the local designation of certain programs. In response, it indicated that it found certain programs acquired from other broadcasters were incorrectly logged as local programming. The licensee stated that it corrected the logs and implemented new procedures to prevent future errors.
8. Given the corrected logs and the licensee’s explanation, the Commission considers that the licensee has sufficiently demonstrated that enough programs were correctly logged as local programming.

¹ The requirement for the licensee of these services to adhere to the requirements set out in Broadcasting Regulatory Policy 2016-436 is set out in Broadcasting Decision 2018-479.

9. In light of the above, the Commission finds Crossroads in compliance with condition of service 5 (for CKCS-DT and CKES-DT), and condition of service 6 (for CITS-DT) set out in Appendix 1 to Broadcasting Regulatory Policy 2016-436.

Religious programming

10. Pursuant to the authority granted by subsection 9(1) of the old *Broadcasting Act*, in Appendices 2 and 3 to Broadcasting Decision 2018-479, the Commission imposed the following condition of service on CKES-DT and CKCS-DT:

2. Not less than 75% of all programming broadcast during the broadcast day and not less than 50% of the programming broadcast during peak time hours (i.e., 7:00 p.m. to 11:00 p.m.) shall be devoted to programs drawn from program category 4 (Religion), set out in Item 6 of Schedule I to the *Television Broadcasting Regulations, 1987*.

The remainder of the programming broadcast by the licensee may be:

- (a) programming that reflects broadly accepted religious, spiritual, ethical or moral values; and/or
 - (b) other programming, provided it is contextualized, and each contextual segment is:
 - appropriately drawn from program category 4 (Religion);
 - clearly linked and integral to the subject matter of the content being contextualized; and
 - at least equal in duration to the content being contextualized.
11. Based on Commission records, including a review of the licensee's logs, both CKES-DT and CKCS-DT were in apparent non-compliance with condition of service 2 as a result of having exhibited less than the required percentage of religious programming for the 2018-2019 broadcast year.
 12. The licensee stated that the apparent non-compliance resulted from a few programs being erroneously submitted and categorized as 02A (Analysis & Interpretation) and 05B (Education) rather than 040 (Religion) in the 2018-2019 broadcast year. Once it realized the error, the licensee implemented a new policy to ensure such a situation would not reoccur. The Commission is satisfied with the licensee's response to this error.
 13. As a result of the recategorization of some programs, the percentage of the licensee's religious programming on CKES-DT and CKCS-DT met the applicable thresholds.

14. In light of the above, the Commission finds the licensee in compliance with condition of service 2 set out in Appendices 2 and 3 to Broadcasting Decision 2018-479.

Conclusion

15. In light of all of the above, the Commission **renews** the broadcasting licences for the English-language conventional religious television stations CITS-DT Hamilton, Ontario, and its transmitters CITS-DT-1 Ottawa and CITS-DT-2 London, Ontario; and CKCS-DT Calgary, Alberta, and CKES-DT Edmonton, Alberta, from 1 September 2023 to 31 August 2028.
16. Pursuant to subsections 49(1) and 50(2) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*, or subsection 11.1(2) in the case of expenditure requirements. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee. For ease of reference, the **conditions of service** for this licensee are set out in the appendix to this decision. Further, the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.

Reminders

Force and effect of broadcasting licences

17. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licences renewed in this decision will cease to have any force or effect should the broadcasting certificates issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapse.

Secretary General

Related documents

- *Various conventional religious television stations – Licence renewals*, Broadcasting Decision CRTC 2018-479, 18 December 2018
- *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2023-267

Terms, conditions of service, expectations and encouragements for the English-language conventional religious television stations CITS-DT Hamilton, Ontario, and its transmitters CITS-DT-1 Ottawa, Ontario, and CITS-DT-2 London, Ontario; CKCS-DT Calgary, Alberta, and CKES-DT Edmonton, Alberta

Terms

The licence will expire 31 August 2028.

Conditions of service applicable to all stations and their transmitters

1. The licensee shall adhere to the conditions of service set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Television Broadcasting Regulations, 1987*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.²

Additional conditions of service applicable to CITS-DT Hamilton, Ontario, and its transmitters CITS-DT-1 Ottawa and CITS-DT-2 London, Ontario

3. All programming broadcast by the undertaking shall be religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993.
4. The licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, with respect to the provision of balance and ethics in religious programming.
5. The licensee shall broadcast a minimum of 20 hours of balance programming each broadcast week, of which 18 hours must be original balance programming. Additionally, of the 20 hours of balance programming, 12 hours must be broadcast between 6:00 p.m. and 11:00 p.m.
6. The licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming a minimum of 6% of the previous broadcast year's gross revenues of the undertaking.

² Pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*.

7. Subject to condition 8, the licensee may claim, in addition to its expenditures on Canadian programming:
 - (a) a 50% credit against its Canadian programming expenditure requirement for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year; and
 - (b) a 25% credit against its Canadian programming expenditure requirement for expenditures made on Canadian programming produced by an official language minority community producer and claimed as Canadian programming expenditures during that broadcast year. The licensee may claim the credit if
 - (i) the programming is produced in the province of Quebec and the original language of production is English;
 - (ii) the programming is produced outside the province of Quebec and the original language of production is French.
8. The licensee may claim the credits calculated in accordance with condition 7 until the expenditures on Canadian programming produced by Indigenous producers and by official language minority community producers, including the credits, reach a combined maximum of 10% of the undertaking's Canadian programming expenditure requirement.
9. In regard to Canadian programming expenditures:
 - (a) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programming that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition of service 6; in such 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.
 - (b) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure, the licensee may deduct that amount from the minimum required expenditure in one or more of the remaining years of the licence term.
 - (c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming, at a minimum, the total of the minimum required expenditures calculated in accordance with condition of service 6.

Additional conditions of service applicable to CKCS-DT Calgary, Alberta, and CKES-DT Edmonton, Alberta

10. Not less than 75% of all programming broadcast during the broadcast day and not less than 50% of the programming broadcast during peak time hours (i.e., 7:00 p.m. to 11:00 p.m.) shall be devoted to programs drawn from program category 4 (Religion), set out in Item 6 of Schedule I to the *Television Broadcasting Regulations, 1987*. The remainder of the programming broadcast by the licensee may be:
- programming that reflects broadly accepted religious, spiritual, ethical or moral values; and/or
 - other programming, provided it is contextualized, and each contextual segment is:
 - appropriately drawn from program category 4 (Religion);
 - clearly linked and integral to the subject matter of the content being contextualized; and
 - at least equal in duration to the content being contextualized.
11. When the licensee broadcasts religious programming as defined by *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming.
12. The licensee shall broadcast a minimum of 18 hours of balance programming each broadcast week, of which 11 hours shall be original balance programming. Of the 18 hours of balance programming, 8 hours shall be broadcast between 6:00 p.m. and 11:00 p.m.
13. The licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming a minimum of 5% of the previous broadcast year's gross revenues of the undertaking.
14. Subject to condition 15, the licensee may claim, in addition to its expenditures on Canadian programming:
- (a) a 50% credit against its Canadian programming expenditure requirement for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year; and

- (b) a 25% credit against its Canadian programming expenditure requirement for expenditures made on Canadian programming produced by an official language minority community producer and claimed as Canadian programming expenditures during that broadcast year. The licensee may claim the credit if
 - (i) the programming is produced in the province of Quebec and the original language of production is English;
 - (ii) the programming is produced outside the province of Quebec and the original language of production is French.

15. The licensee may claim the credits calculated in accordance with condition 14 until the expenditures on Canadian programming produced by Indigenous producers and by official language minority community producers, including the credits, reach a combined maximum of 10% of the undertaking's Canadian programming expenditure requirement.

16. In regard to Canadian programming expenditures:

- (a) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programming that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition of service 13; in such 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.
- (b) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure, the licensee may deduct that amount from the minimum required expenditure in one or more of the remaining years of the licence term.
- (c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming, at a minimum, the total of the minimum required expenditures calculated in accordance with condition of service 13.

Definitions

For the purposes of these conditions of service:

“Balance programming” means programming devoted to providing differing views on issues and events presented during the station's primary programming, and includes the presentation of different religions.

The terms “broadcast week” and “broadcast year” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.

For CKCS-DT and CKES-DT, “broadcast day” means a period of 18 consecutive hours beginning each day at six o’clock in the morning.

“Local programming” means programming that is produced either by local stations with local personnel or by locally based independent producers and that is of interest to the community or market served.

“**Indigenous producer**” means an individual who self-identifies as Indigenous, which includes First Nations, Métis and Inuit, and is a Canadian citizen or resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and are Canadian citizens or reside in Canada.

“**Official language minority community (OLMC) producer**” means a company that meets the definition of “independent production company” and that, if operating in the province of Quebec, produces original English-language programming, or if operating outside of the province of Quebec, produces original French-language programming.

Clarification for OLMC producer

To be considered an OLMC producer in Canada, a production company must:

- (a) if it produces original programming in English, have its head office in Quebec and be owned and operated by a resident of Quebec;
- (b) if it produces original programming in French, have its head office outside Quebec and be owned and operated by a resident outside of Quebec.

Expectations

Standard expectations

The standard expectations applicable to this licensee are set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.