



Broadcasting Decision CRTC 2023-337

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Reference: Part 1 licence renewal application posted on 23 March 2023

Ottawa, 11 October 2023

Wild TV Inc.
Across Canada

Public record: 2022-0871-9

Wild TV – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the national, English-language discretionary service Wild TV from 1 January 2024 to 31 August 2028.

The Commission **approves** the licensee's request for a condition of service requiring it to provide four-hours per week of described video.

Application

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. Wild TV Inc. filed an application to renew the broadcasting licence for the national, English-language discretionary service Wild TV, which expires 31 December 2023.¹ The Commission did not receive any interventions in regard to this application.
3. Additionally, the licensee requested that it be subject to a condition of service that would require it to provide a minimum of four hours of described video per broadcast week. This would be an exception to the standard conditions of service for discretionary undertakings.

Issues

4. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must examine the following issues:

¹ The licence was administratively renewed from 31 August 2023 to 31 December 2023 as a result of Broadcasting Decision 2023-299.

- closed captioning – advertising material;
- described video; and
- the licensee’s request for an exception to the current standard requirements for described video.

Non-compliance

Closed captioning – advertising material

5. 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.
6. Paragraph 3(1)(p) of the old *Broadcasting Act* declared that programming accessible by persons with disabilities should be provided within the Canadian broadcasting system as resources become available for the purpose.
7. Pursuant to subsection 9(1) and consistent with paragraph 3(1)(p), in Appendix 2 to Broadcasting Regulatory Policy 2016-436, the Commission imposed the following condition of licence on discretionary services, including Wild TV:²
 12. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009:
 - (a) for a service operating in its first licence term, the licensee shall ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned by no later than the fourth year of the licence term;
 - (b) for a service operating in its second or subsequent licence term, the licensee shall ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned.
8. According to Commission records, 42.5% of Wild TV’s advertising, sponsorship and promotional content was closed captioned in 2018-2019, as opposed to the requirement for 100% of such content.
9. The licensee submitted that it ensures all programming and advertising material is captioned at a level of 100%. However, the team responsible for preparing and

² The requirement for the licensee of this service to adhere to the requirements set out in Broadcasting Regulatory Policy 2016-436 is set out in Broadcasting Decision 2018-326.

handling its logs experienced significant turnover during the 2018-2019 broadcasting year, leading to a number of logging errors. It added that it had changed the process for preparing logs around that time. The licensee indicated that it has demonstrated full compliance with the requirement since then.

10. The Commission considers that the licensee demonstrated that the apparent non-compliance was the direct result of logging errors, for which it has put measures in place to avoid errors going forward. Its efforts demonstrated that it was in full compliance for the 2020-2021 and 2021-2022 broadcasting years.
11. In light of the above, the Commission finds that the licensee is in compliance with the requirement for closed captioning advertising material.

Described video

12. Also pursuant to subsection 9(1) of the old *Broadcasting Act* and consistent with paragraph 3(1)(p), in Appendix 2 to Broadcasting Regulatory Policy 2016-436, the Commission imposed the following condition of licence on discretionary services, including Wild TV:³

17. In accordance with *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:

- (a) if the licensee broadcasts four hours or more per broadcast week of English- or French-language programming drawn from any of the program categories listed below, it shall, by the beginning of the fourth year of the first licence term during which this condition of licence applies, provide a minimum of four hours of described video per broadcast week for that programming.
- (b) if the licensee broadcasts less than four hours per broadcast week of English- or French-language programming drawn from any of the program categories listed below, it shall, by the beginning of the fourth year of the first licence term during which this condition of licence applies, provide described video for all of that programming.

These requirements apply to programming drawn from the following program categories set out in Item 6 of Schedule I to the Discretionary Services Regulations, as amended from time to time: 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety and 11(a) General entertainment and human interest and 11(b) Reality television, and/or to programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

³ The requirement for the licensee to adhere to the requirements set out in Broadcasting Regulatory Policy 2016-436 is set out in Broadcasting Decision 2018-326.

13. As the licensee broadcast less than four hours per week of relevant programming, it was subject to standard condition of service 17(b) beginning in the 2021-2022 broadcasting year. The licensee only broadcast six hours of programming from the relevant program categories during the entire 2021-2022 broadcasting year, none of which featured described video.
14. The licensee submitted that none of the relevant content it acquired from independent producers included described video and that the costs to otherwise provide this would cause undue hardship for the licensee and make it harder for it to compete in the television market in Canada.
15. The Commission notes that the licensee only broadcast a nominal amount of programming from the relevant categories (an average of six minutes per broadcast week). However, the licensee was required to provide described video for this programming and did not.
16. In light of the above, the Commission finds the licensee in non-compliance with this requirement for described video for the 2021-2022 broadcasting year, though the scope of the non-compliance was minimal.
17. The Commission notes that the licensee has committed to improving its described video offering. In the circumstances, an additional reporting requirement, detailing the steps the licensee has taken to improve its describe video offering, would be an appropriate response to this non-compliance. Accordingly, pursuant to subsection 9.1(1), the Commission **orders** Wild TV Inc, by **condition of service** to prepare and file a report detailing the steps it has taken to improve its described video offering. The details of this condition of service are set out in the appendix to this decision.

Exception to standard requirements for described video

18. In Broadcasting Regulatory Policy 2016-436 the Commission established the standard condition of service regarding described video. While standard condition 17, as set out above, can require at least four hours per broadcast week of described video, the Commission also stated in that policy that it would discuss whether other obligations were appropriate based on the licensee's circumstances at the time of licence renewals.
19. In this case, the licensee has demonstrated that its programming suppliers have not been able to include described video in their programming inventory on a large scale – its programming is focused on lower-budget hunting and fishing programs – and that the costs to do so would impose significant hardship on Wild TV, given its commercial realities. These include a decline in subscriptions, as well as financial hardships experienced by Wild TV and their partners due to COVID.
20. Given these challenges, the licensee proposed a condition, as an exception to condition of service 17 in Broadcasting Regulatory Policy 2016-436, that would require a minimum of four hours of described video per week, specifically during

prime time and for specific types of programming, for the duration of this licence renewal term.

21. The Commission considers that such a requirement would be an effective way for the licensee to achieve compliance while balancing its commercial realities with its commitment to improve its described video offering.
22. In light of the above, the Commission **approves** the licensee's request for an exception to standard condition 17 and, pursuant to subsection 9.1(1), **orders**, by **condition of service**, Wild TV Inc. to provide at least four-hours per week of described video for programs aired between 7 p.m. and 11 p.m. (prime time).⁴ The details of this condition of service are set out in the appendix to this decision.

Conclusion

23. In light of all of the above, the Commission **renews** the broadcasting licence for the national, English-language discretionary service from 1 January 2024 to 31 August 2028.
24. 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.
25. 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.
26. With respect to the conditions of service imposed at paragraphs 17 and 22, given that this renewal application was filed and processed prior to the coming into force of the new *Broadcasting Act*, and that interested parties had an opportunity to comment on the issue of described video as part of that process, including the licensee's compliance and its proposed exception to the standard conditions, the Commission considers the public proceeding sufficient to achieve the purposes of the publication and consultation requirement set out in subsection 9.1(4) of the new *Broadcasting Act*.

⁴ These requirements apply to programming drawn from the following program categories set out in Item 6 of Schedule I to the Discretionary Services Regulations, as amended from time to time: 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest, and 11(b) Reality television, or to programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

in this case. The specifics of these conditions of service are set out in the appendix to this decision.⁵

Secretary General

Related documents

- *Various conventional and educational television programming undertakings, community programming services, discretionary services, on-demand services and terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2023-299, 29 August 2023
- *Wild TV – Licence renewal*, Broadcasting Decision CRTC 2018-326, 29 August 2018
- *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy 2016-436, 2 November 2016
- *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
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

This decision is to be appended to the licence.

⁵ The standard conditions of service to which discretionary services such as Wild TV are subject were formerly set out in Appendix 2 of Broadcasting Regulatory Policy 2016-436. These were updated and are now set out in Appendix 1 to Broadcasting Regulatory Policy 2023-306.

Appendix to Broadcasting Decision CRTC 2023-337

Terms, conditions of service, expectations and encouragements for the national, English-language discretionary service Wild TV

Terms

The licence will expire 31 August 2028.

Conditions of service

1. The licensee shall adhere to the conditions of service set out in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023, with the exception of condition 17, which will be replaced with:

17. The licensee shall provide a minimum of four hours of described video per broadcast week for programming broadcast between 7 p.m. and 11 p.m. (prime time).

These requirements apply to programming drawn from the following program categories set out in Item 6 of Schedule I to the Discretionary Services Regulations, as amended from time to time: 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest, and 11(b) Reality television, or to programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.

2. In addition to current reporting requirements, the licensee shall prepare a report detailing steps taken to improve its offering of Described Video programming. This report must be submitted upon request, but no later than **31 August 2024**.
3. The licensee shall adhere to all applicable requirements set out in the *Discretionary Services Regulations*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.⁶

⁶ 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*.

4. The licensee shall, in each broadcast year, devote not less than 25% of the previous year's gross annual revenues of the undertaking to the acquisition of or investment in Canadian programming.
5. Subject to condition 6, the licensee may claim, in addition to its expenditures on Canadian programming:
 - (a) a 50% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year;
 - (b) a 25% credit against its Canadian programming expenditure requirements 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:
 - the programming is produced in the province of Quebec and the original language of production is English; or
 - the programming is produced outside the province of Quebec and the original language of production is French.
6. The licensee may claim the credits calculated in accordance with condition 5 until the expenditures made on Canadian programming produced by Indigenous producers and by official language minority community producers, including credits, reach a combined maximum of 10% of the Canadian programming expenditure requirement for the undertaking.
7. In regard to expenditures on Canadian programming:
 - (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 4; 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 4.

8. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to the expenditures on Canadian programming made by the licensee for that term.
9. The licensee is responsible for any failure to comply with the requirements relating to expenditures on Canadian programming that occurred during the previous licence term.

Definitions

For the purposes of these conditions of service:

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:

- if it produces original programming in English, have its head office in Quebec and be owned and operated by a resident of Quebec;
- 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 for discretionary services are set out in in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023.

Cultural diversity

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

Encouragements

The standard encouragements for discretionary services are set out in in Appendix 1 to *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC 2023-306 and Broadcasting Order CRTC 2023-307, 5 September 2023.