



Broadcasting Decision CRTC 2023-380

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Reference: Part 1 licence renewal application posted on 17 March 2023

Ottawa, 20 November 2023

The Valemout Entertainment Society

Valemout, British Columbia

Public record: 2022-0815-7

CHVC-TV Valemout and its transmitter CHVC-TV-1 Valemout – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the English-language, independent community-based low-power television station CHVC-TV Valemout, British Columbia, and its transmitter CHVC-TV-1 Valemout, from 1 January 2024 to 31 August 2028.

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. The Valemout Entertainment Society (Valemout) filed an application to renew the broadcasting licence for the English-language, independent community-based low-power television station CHVC-TV Valemout, British Columbia, and its transmitter CHVC-TV-1 Valemout, which expires 31 December 2023.¹ The Commission did not receive any interventions in regard to this application.

¹ The original licence expiry date for the station was 31 August 2021. The licence was administratively renewed until 31 August 2022 as a result of Broadcasting Decision 2021-287, until 31 August 2023 as a result of Broadcasting Decision 2022-178 and until 31 December 2023 as a result of Broadcasting Decision 2023-299.

Standard requirements

3. The Community Television Policy is currently set out in Appendix 2 to Broadcasting Regulatory Policy 2016-224.²
4. When the licensee submitted this application, it confirmed that it would abide by the requirements for community-based television programming undertakings as set out in Section B of that policy.
5. Accordingly, the Commission amends the condition of service regarding adherence to the standard conditions of service and, pursuant to subsection 9.1(1), **orders** The Valemount Entertainment Society, by **condition of service**, to adhere to the requirements for community-based television programming undertakings set out in Section B of Appendix 2 to Broadcasting Regulatory Policy 2016-224. The specifics of this condition of service are set out in the appendix to this decision.

Apparent non-compliance

6. Subsection 10(1) of the *Broadcasting Act* authorizes the Commission, in furtherance of its objects, to make regulations regarding, among other things, the broadcasting of programs. In Broadcasting Regulatory Policy 2014-444, the Commission stated that the broadcasting system has a vital role to play in the provision of emergency alert messages to Canadians and that the duty to inform the public of imminent perils is at the core of the public service obligations of all broadcasters. The provision of emergency alert messages is achieved through the National Public Alerting System (NPAS).
7. Pursuant to the authority granted by subsection 10(1) of the *Broadcasting Act*, the Commission made section 18 of the *Television Broadcasting Regulations, 1987* (the Regulations). It specifies, among other things, that except as otherwise provided under a condition of its licence, a licensee shall implement on all community stations that it is licensed to operate, by no later than 31 March 2016, a public alerting system that broadcasts without delay, on a given station, any alert that it receives, in a form including both text and audio content, from the National Alert Aggregation and Dissemination (NAAD) System that
 - (a) announces an imminent or unfolding danger to life; and
 - (b) is designated by the applicable issuing authority for immediate broadcast in all or part of the area within the station's Grade B official contour or noise-limited bounding official contour, as the case may be.
8. In form "1411 – Emergency alert implementation report", which the licensee is required to submit to the Commission as part of the annual Broadcasting Survey, the

² This policy was formerly set out in the appendix to Broadcasting Regulatory Policy 2010-622, as amended by Broadcasting Regulatory Policy 2010-622-1. Valemount is currently bound by a condition incorporating the former policy.

licensee indicated that it had not installed, maintained or tested automated emergency alert message distribution equipment for its undertakings in accordance with the above-noted requirements relating to the NPAS at any point during the licence term. When specifically asked if it had implemented a public alerting system, Valemount confirmed that it had not.

9. Valemount initially argued that CHVC-TV is not subject to public alerting requirements. The licensee noted that the Commission, in Broadcasting Regulatory Policy 2014-444, relieved the smallest terrestrial broadcasting distribution undertakings (BDUs) from certain public alerting requirements due to the financial burden that would be incurred, and instead encouraged those BDUs to distribute emergency alert messages on an analog basis. Valemount added that it is a small non-profit society and that implementing a public alerting system would be financially burdensome, could threaten the station's financial viability and might force it to close. The licensee added that this would deny a small, remote, rural community its only source of local television news.
10. When the Commission advised Valemount that any licensee of an over-the air television station must adhere to public alerting requirements, Valemount indicated that it would comply after transitioning from analog to digital over-the-air broadcasting.
11. The licensee noted that the conversion from an analog station to a digital one is an expensive process. It added that it had applied for a grant that would fund both the conversion to a digital station and the cost of the NPAS equipment. Valemount indicated at that time that it would learn in April 2023³ whether its application for the grant would be approved and that it intended to continue operating CHVC-TV as an analog station until at least 2024 (with the specific date for the conversion not having been determined at that time). The licensee indicated that it would fund the cost of labour to install and set up the system on its own.
12. Valemount also indicated that, in the event that the grant was not approved, it would apply for a grant from the Regional District of Fraser-Fort George, which is the organization that currently funds its operations. It would also, in that case, prepare a cost estimate and schedule forecast for the deployment of an analog emergency alert distribution system.
13. The Commission recognizes the financial limitations faced by this small community-based television station. However, as noted above, as well as in other decisions pertaining to community-based television stations,⁴ public alerting is of vital importance and is a core responsibility of broadcasters. Moreover, from a technical standpoint, it is not necessary for CHVC-TV to convert from an analog to a digital station in order to implement the NPAS. Finally, the narrow exception for small

³ This application was published for comment in March 2023. It was not, at that time, possible to confirm whether the grant would be approved.

⁴ See Broadcasting Decisions 2020-240 and 2020-241.

terrestrial BDUs mentioned by the licensee does not apply to programming undertakings like CHVC-TV.

14. In light of the above, the Commission finds the licensee in non-compliance with its public alerting requirements for each broadcast year of the licence term. Further, given the importance of the NPAS to public safety, the Commission considers it appropriate to require the licensee to implement the NPAS by the end of the 2023-2024 broadcast year.
15. Accordingly, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** The Valemout Entertainment Society, by **condition of service**, to install the NPAS by no later than **31 August 2024**, and to provide evidence of its implementation. The specifics of this condition of service are set out in the appendix to this decision.

Conclusion

16. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language, independent community-based low-power television programming undertaking CHVC-TV Valemout, British Columbia, and its transmitter CHVC-TV-1 Valemout, from 1 January 2024 to 31 August 2028.
17. With respect to the conditions of service imposed at paragraphs 5 and 15, given that this renewal application was filed and published prior to the coming into force of the new *Broadcasting Act*, and that interested parties had an opportunity to comment on the issues raised by the application as part of that process, including compliance with the Community Television Policy and the NPAS requirements, the Commission considers the public Part 1 proceeding sufficient to achieve the purposes of the publication and consultation requirement set out in subsection 9.1(4) of the new *Broadcasting Act* in this case.
18. 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, except as otherwise noted in this decision.
19. For ease of reference, and in light of paragraphs 5 and 15 of this decision, the Commission has set out the **conditions of service** for this licensee 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

20. The licensee must comply at all times with the requirements set out in the *Broadcasting Act*, the Regulations, its licence and its conditions of service.

National public alerting system

21. As set out in section 18 of the Regulations, licensees have obligations relating to the broadcast of emergency alert messages received from the NAAD System. The Commission reminds the licensee that compliance with section 18 of the Regulations will require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages be installed and programmed to properly account for the authorized contours of CHVC-TV as well as those of any transmitters that may appear on the broadcasting licence for the station.
22. Furthermore, as set out in subsection 12(1) of the Regulations,⁵ on or before 30 November of each year, a licensee shall submit to the Commission a statement of accounts, on the annual return of the broadcasting licensee form, for the year ending on the previous 31 August. This annual return contains the form “1411 – Emergency alert implementation report”, where licensees must answer questions pertaining to their implementation of emergency alerting, including verifying their participation in the distribution of bi-annual public test alerts issued by alerting authorities, as defined in Telecom Decision 2019-239.

Force and effect of broadcasting licences

23. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence 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 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
- *Various independent television programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2022-178, 4 July 2022

⁵ As per subsection 49(2) of the *Online Streaming Act*, this requirement is now deemed to be a condition of service pursuant to subsection 9.1(1) of the *Broadcasting Act*.

- *Various community television stations, channels and services – Administrative renewals*, Broadcasting Decision CRTC 2021-287, 13 August 2021
- *CHCO-TV St. Andrews – Licence renewal*, Broadcasting Decision CRTC 2020-241, 6 August 2020
- *CH5248 Neepawa – Licence renewal*, Broadcasting Decision CRTC 2020-240, 6 August 2020
- *Senior Officials Responsible for Emergency Management – Application to modify the wireless public alerting visible test schedule*, Telecom Decision CRTC 2019-239, 8 July 2019
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders - Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010, as amended by Broadcasting Regulatory Policy CRTC 2010-622-1, 13 September 2010

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-380

Terms, conditions of service, expectation and encouragement for the English-language, independent community-based low-power television programming undertaking CHVC-TV Valemount, British Columbia, and its transmitter CHVC-TV-1 Valemount

Terms

The licence will expire 31 August 2028.

Conditions of service

1. The licensee shall adhere to the requirements for community-based television programming undertakings set out in Section B of Appendix 2 to *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016.
2. Subject to condition 3, 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*.⁶
3. The licensee is relieved from the requirements of subsections 10(1) to 10(4) of the *Television Broadcasting Regulations, 1987* (the Regulations) with regard to the retention of program logs or records. The Commission reminds the licensee that it must retain a clear and intelligible audio-visual recording of all its programming, and provide it, upon request, to the Commission, pursuant to the requirements of subsections 10(5) and 10(6) of the Regulations.
4. The licensee shall implement the National Public Alerting System (NPAS) by **31 August 2024** to comply with the requirements set out in section 18 of the *Television Broadcasting Regulations, 1987*, and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014.

As part of this requirement, the licensee must file a letter with the Commission to attest to the implementation date of its NPAS within **14 days after** the installation. This letter should also contain evidence that the system is properly configured to receive and distribute alerts from the National Alert Aggregation and Dissemination System (e.g., an attestation by a CEO, president or person exercising a similar

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*.

supervisory role in the licensee's operations as to the installation of a functioning alerting equipment).

Expectation

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

Encouragement

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity in its hiring practices and in all other aspects of its management of human resources.