



## Broadcasting Decision CRTC 2023-381

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Reference: Part 1 licence renewal application posted on 27 January 2023

Ottawa, 20 November 2023

### **Télévision communautaire des Basques et du Haut-Pays**

Regional County Municipalities of Les Basques, Témiscouata and Rivière-du-Loup, and their surrounding areas, Quebec

*Public record: 2022-0870-2*

## **Independent, French-language digital community channel – Licence renewal**

### **Summary**

The Commission **renews** the broadcasting licence for the independent, French-language digital community channel owned by Télévision communautaire des Basques et du Haut-Pays 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. Télévision communautaire des Basques et du Haut-Pays (TCBH) filed an application to renew the broadcasting licence for the independent, French-language digital community channel serving the Regional County Municipalities of Les Basques, Témiscouata and Rivière-du-Loup, and their surrounding areas, Quebec,<sup>1</sup> which expires 31 December 2023.<sup>2</sup> The Commission did not receive any interventions in regard to this application.

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<sup>1</sup> Les Basques (Trois-Pistoles, Saint-Mathieu-de-Rioux, Saint-Éloi, Notre-Dame-des-Neiges, Saint-Clément, Sainte-Rita, Saint-Jean-de-Dieu, Sainte-Françoise and Saint-Simon-de-Rimouski), Témiscouata (Squatec, Lac-des-Aigles and Biencourt) and Rivière-du-Loup (Saint-Paul-de-la-Croix, Saint-Épiphanie, Saint-Cyprien, Saint-Hubert-de-Rivière-du-Loup and Saint-Arsène).

<sup>2</sup> The original licence expiry date for the service 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.<sup>3</sup>
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, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** Télévision communautaire des Basques et du Haut-Pays, by **condition of service**, to adhere to the requirements for independent community services 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.

## Retention and filing of clear and intelligible audiovisual recordings

6. TCBH, a not-for-profit corporation, is the licensee of this independent digital community channel. Accordingly, the licensee is not subject to the same regulations<sup>4</sup> as other community services, namely, over-the-air community television stations and community channels operated by distribution undertakings. As such, the licensee is not subject to the codified requirements in these regulations regarding the filing of program logs and clear and intelligible audiovisual recordings.
7. However, the Commission would like to be able to access information about the service's programming in the event of a complaint being filed. It notes that, in general, due to their limited financial resources, community television stations in remote areas are exempt from the obligation to maintain and submit program logs, as required in subsections 10(1) to 10(4) of the *Television Broadcasting Regulations, 1987*. However, these stations must retain and submit upon request a clear and intelligible audiovisual recording pursuant to the requirements set out in subsections 10(5) and 10(6) of these regulations.
8. Accordingly, the Commission finds it appropriate to add an expectation concerning the retention and filing, upon request, of clear and intelligible audiovisual recordings. The durations set out in this expectation (i.e., four weeks for recordings or eight weeks where the Commission wishes to investigate regarding programming and so notifies the licensee) are consistent with the durations set out in the Commission's various regulations.<sup>5</sup> The expectation is set out in the appendix to this decision.

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<sup>3</sup> The Community Television policy was formerly set out in the appendix to Broadcasting Regulatory Policy 2010-622, as amended by Broadcasting Regulatory Policy 2010-622-1.

<sup>4</sup> The television stations are subject to the *Television Broadcasting Regulations, 1987*, and the community channels operated by distribution undertakings are subject to the *Broadcasting Distribution Regulations*.

<sup>5</sup> For example, paragraph 10(1)(b) and subsection 10(5) of the *Television Broadcasting Regulations, 1987*.

9. If the licensee requires additional information about the new expectation, it may contact Commission staff for steps to follow when retaining recordings.

## Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the independent, French-language digital community channel owned by TCBH from 1 January 2024 to 31 August 2028.
11. With respect to the condition of service imposed at paragraph 5, 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, 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.
12. 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.
13. 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.

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
- *Various community television stations, channels and services – Administrative renewals*, Broadcasting Decision CRTC 2021-287, 13 August 2021

- *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 2023-381

**Terms, conditions of service, expectations and encouragement for the independent, French-language digital community channel serving the Regional County Municipalities of Les Basques (Trois-Pistoles, Saint-Mathieu-de-Rioux, Saint-Éloi, Notre-Dame-des-Neiges, Saint-Clément, Sainte-Rita, Saint-Jean-de-Dieu, Sainte-Françoise and Saint-Simon-de-Rimouski), Témiscouata (Squatec, Lac-des-Aigles and Biencourt) and Rivière-du-Loup (Saint-Paul-de-la-Croix, Saint-Épiphane, Saint-Cyprien, Saint-Hubert-de-Rivière-du-Loup and Saint-Arsène), and their surrounding areas, Quebec**

### Terms

The licence will expire 31 August 2028.

### Conditions of service

1. The licensee shall adhere to the regulatory framework for independent community services set out in Section B of Appendix 2 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall provide an independent, French-language digital community channel to serve the Regional County Municipalities of Les Basques (Trois-Pistoles, Saint-Mathieu-de-Rioux, Saint-Éloi, Notre-Dame-des-Neiges, Saint-Clément, Sainte-Rita, Saint-Jean-de-Dieu, Sainte-Françoise and Saint-Simon-de-Rimouski), Témiscouata (Squatec, Lac-des-Aigles and Biencourt) and Rivière-du-Loup (Saint-Paul-de-la-Croix, Saint-Épiphane, Saint-Cyprien, Saint-Hubert-de-Rivière-du-Loup and Saint-Arsène), and their surrounding areas, Quebec.
3. The licensee shall adhere to the following industry codes and standards:
  - the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission;
  - the Canadian Association of Broadcasters' *Violence Code*, as amended from time to time and approved by the Commission;
  - *The Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission; and
  - *Cable television community channel standards*, Public Notice CRTC 1992-39, 1 June 1992.
4. The licensee shall adhere to the *Journalistic Independence Code*, as amended from time to time and approved by the Commission. However, this condition of service

does not apply until the licensee is a member in good standing of the Canadian Broadcast Standards Council.<sup>6</sup>

5. The licensee shall provide audio description for all the key elements of Canadian information programs, including news programming.

For the purposes of this condition, “audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.

## **Expectations**

### **Retention and filing of clear and intelligible audiovisual recordings**

The Commission expects the licensee to retain a clear and intelligible audiovisual recording of its programming for a period of:

- four weeks from the date of broadcast; or
- eight weeks where the Commission receives a complaint from any person regarding programming or for another reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in the previous bullet.

The licensee should provide this recording to the Commission if it so requests.

### **Cultural diversity**

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.

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<sup>6</sup> This condition of service appears in the licensee’s licence.