



Broadcasting Decision CRTC 2023-386

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References: Part 1 licence renewal applications posted on 26 January 2023

Ottawa, 20 November 2023

RNC MEDIA Inc.

Gatineau, Rouyn-Noranda and Val-d'Or, Quebec

Public record: 2022-0688-8, 2022-0689-6, 2022-0690-4 and 2022-0692-9

Various conventional television stations – Licence renewals

Summary

The Commission **renews** the broadcasting licences for the French-language conventional television stations CFEM-DT Rouyn-Noranda, Quebec, and its transmitter CFEM-DT-1 Val-d'Or, CFGS-DT Gatineau, CFVS-DT Val-d'Or and its transmitter CFVS-DT-1 Rouyn-Noranda, and CHOT-DT Gatineau from 1 January 2024 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. RNC MEDIA Inc. (RNC) filed applications to renew the broadcasting licences for the French-language conventional television stations set out in the table below, which expire 31 December 2023.¹ These stations are all affiliated with the TVA (Quebecor Media Inc.) or Noovo (Bell Media Inc.) networks.

Call sign and location	Application	Affiliation
CFEM-DT Rouyn-Noranda, Quebec, and its transmitter CFEM-DT-1 Val-d'Or	2022-0689-6	TVA
CFGS-DT Gatineau, Quebec	2022-0690-4	Noovo

¹ The original licence expiry date for these stations was 31 August 2023. The licences were administratively renewed until 31 December 2023 as a result of Broadcasting Decision 2023-299.

Call sign and location	Application	Affiliation
CFVS-DT Val-d'Or, Quebec, and its transmitter CFVS-DT-1 Rouyn-Noranda	2022-0692-9	Noovo
CHOT-DT Gatineau, Quebec	2022-0688-8	TVA

- The Commission received one intervention in support of the licence renewal applications for CHOT-DT and CFGS-DT from the Conseil provincial du secteur des communications (CPSC) and Local 3617 of the Canadian Union of Public Employees. The CPSC and Local 3617 noted that CHOT-DT maintained its locally reflective news programming during the last licence term and that CFGS-DT has been able to increase it. RNC did not reply to the intervention.

Issues

- After examining the record for these applications in light of applicable regulations and policies, the Commission considers that the issues to be addressed are as follows:
 - the licensee's proposal to amend the locally reflective news requirement for CFVS-DT; and
 - an amendment to the condition of licence² for the four stations, requiring the licensee to submit its records to the Commission on a monthly basis rather than on a quarterly basis.

Locally reflective news

- The licensee proposed to maintain the same conditions regarding locally reflective news for CHOT-DT, CFEM-DT and CFGS-DT. However, for CFVS-DT, the licensee requested that the requirement regarding the broadcast of locally reflective news be reduced to 2 hours and 30 minutes per broadcast week in order to have the same condition of service as the other stations on the Noovo network.
- The licensee indicated that CFVS-DT's locally reflective news programming would then be broadcast at the same time as those of the other Noovo stations, including CFGS-DT, which is owned by RNC, thus allowing all stations to simultaneously detach themselves from the network for the broadcast of local news. In addition, the licensee wished to have the flexibility to produce and broadcast local programming of interest to the Abitibi-Témiscamingue audience that would not necessarily consist of news programs.

² The licensee filed its applications before the coming into force of the *Online Streaming Act*. According to that Act, what were previously called conditions of licence are now deemed to be conditions of service imposed pursuant to the new *Broadcasting Act*.

7. In Broadcasting Regulatory Policy 2016-224, the Commission established the Independent Local News Fund (ILNF) to support the production of locally reflective news and information by independent private television stations. In creating the ILNF, the Commission recognized the importance of programs that provide local reflection and local news.
8. In Broadcasting Decision 2018-490, the Commission approved an application by RNC to increase the level of funding that CFVS-DT received from the ILNF. Accordingly, it increased the station's minimum threshold for broadcasting locally reflective news from 2 hours and 30 minutes to 3 hours and 45 minutes per broadcast week, as well as its minimum spending threshold from 44% to 50% of gross revenues.³ However, this additional funding was temporary and has since ended.
9. The Commission notes that the licensee is not proposing amendments to the conditions of service relating to expenditures devoted to locally reflective news or to the requirements for the broadcast of local programming.
10. In the Commission's view, the proposed amendment could provide the licensee with some flexibility in the production of high-quality news programs and in the choice of local programming. However, the Commission reiterates that the allocation of the ILNF is, in part, dependent on the number of hours of locally reflective news broadcast by the station.
11. The Commission notes that all stations for which the licensee is requesting licence renewals are in compliance with respect to the broadcast of locally reflective news.
12. In light of the above, the Commission **approves** the licensee's request to amend the condition of service relating to locally reflective news for CFVS-DT in order to reduce the requirement to broadcast locally reflective news from 3 hours and 45 minutes to 2 hours and 30 minutes per broadcast week.
13. Accordingly, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** RNC MEDIA Inc., by an amendment of its **conditions of service**, to devote at least 2 hours and 30 minutes per broadcast week to locally reflective news for CFVS-DT. The specifics of these conditions of service are set out in the appendix of this decision.

Amendment to the condition of service relating to monthly filling of program logs

14. Paragraph 10(1)(i) of the old *Broadcasting Act*, which was in effect while the licensee's applications were being considered, granted the Commission the authority, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such information regarding their programs and financial affairs or

³ Broadcasting Decision 2018-490 followed the closing of the station CKRN-DT Rouyn-Noranda and its transmitters.

otherwise relating to the conduct and management of their affairs as the regulations may specify.

15. Pursuant to this authority, the Commission made subsection 10(3) of the *Television Broadcasting Regulations, 1987* (the Regulations), which requires licensees to file program logs on a monthly basis, except as otherwise provided under a condition of their licence.
16. 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, stipulates that any regulation made pursuant to paragraph 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. Accordingly, subsection 10(3) of the Regulations is considered to be a condition of service pursuant to paragraph 9.1(1)(o) of the new *Broadcasting Act*, and licensees continue to be subject to this requirement.
17. For all four stations, the licensee is currently exempt from the requirement relating to the monthly filing of program logs set out in subsection 10(3) of the Regulations where the programming of each station is the same as that broadcast by the network of which it is an affiliate. The current condition of service to this effect states that the licensee must submit quarterly program logs for each station for any programming broadcast that differs from the network with which the station is an affiliate, including the local programming broadcast by its stations and their respective transmitters.
18. In a letter for clarification, Commission staff asked the licensee whether it would adhere to a new condition of service requiring it to submit its logs to the Commission on a monthly basis rather than on a quarterly basis. The Commission notes that a monthly filing is consistent with the obligations under the Regulations and would facilitate the monitoring and verification of logs. It would also harmonize the reporting requirements of RNC with those of Télé Inter-Rives's stations, which are also affiliated stations.
19. The licensee confirmed that it would adhere to this new condition of service for all four stations.
20. In light of the above, the Commission amends this condition of service to require the filing of program logs on a monthly basis instead of a quarterly basis.
21. Accordingly, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** RNC MEDIA Inc., by an amendment of its **conditions of service**, to submit the program logs for the programming produced by each of the four stations on a monthly basis. The specifics of these conditions of service are set out in the appendix of this decision.

Conclusion

22. In light of all the above, the Commission **renews** the broadcasting licences for the French-language conventional television programming undertakings CFEM-DT

Rouyn-Noranda and its transmitter CFEM-DT-1 Val-d'Or, CFGS-DT Gatineau, CFVS-DT Val-d'Or and its transmitter CFVS-DT-1 Rouyn-Noranda, and CHOT-DT Gatineau from 1 January 2024 to 31 August 2028.

23. In regard to amendments to conditions of service set out in paragraphs 13 and 21, given that these renewal applications were 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 regarding locally reflective news for CFVS-DT and the monthly filing of program logs as part of that process, the Commission considers the Part 1 public proceeding sufficient to achieve the purposes of the publication and consultation requirement set out in subsection 9.1(4) of the *Broadcasting Act* in this case. The specifics of these conditions of service are set out in the appendix to this decision.
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 these licensees became conditions of service and continue to apply to the licensees.
25. For ease of reference, and in light of paragraphs 13 and 21 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.

Reminder

Force and effect of broadcasting licences

26. 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.

Employment equity

27. Because this licensee is subject to the *Employment Equity Act* and files reports with the Department of Employment and Social Development (also known as Employment and Social Development Canada), its employment equity practices are not examined by the Commission.

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
- *RNC MEDIA Inc. – Reallocation of funding from the Independent Local News Fund*, Broadcasting Decision CRTC 2018-490, 20 December 2018
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2023-386

Terms, conditions of service, expectations and encouragements for the French-language conventional television programming undertakings CFEM-DT Rouyn-Noranda, Quebec, and its transmitter CFEM-DT-1 Val-d'Or, CFGS-DT Gatineau, CFVS-DT Val-d'Or and its transmitter CFVS-DT-1 Rouyn-Noranda, and CHOT-DT Gatineau

Terms

The licence will expire 31 August 2028.

Conditions of service applicable to all stations

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. 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*.⁴
3. The licensee is exempted from the requirement related to program logs set out in subsection 10(3) of the *Television Broadcasting Regulations, 1987* where the station's programming is the same as the programming broadcast by the network with which it is affiliated. However, the licensee must submit its logs to the Commission on a monthly basis for any broadcast programming that differs from that of the network of which it is an affiliate, including local programming.
4. In accordance with paragraph 90 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the television station is hereby declared a "designated local television station." The station shall maintain this designation for the licence term so long as it remains in operation.
5. In accordance with *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the licensee shall

⁴ 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*.

expend on locally reflective news programming or on its acquisition during each broadcast year:

- a) for CFEM-DT Rouyn-Noranda, at least 13% of the previous year's gross revenues of the station;
 - b) for CFGS-DT Gatineau, at least 21% of the previous year's gross revenues of the station;
 - c) for CFVS-DT Val-d'Or, at least 50% of the previous year's gross revenues of the station;
 - d) for CHOT-DT Gatineau, at least than 9% of the previous year's gross revenues of the station.
6. In each broadcast year of the licence term, excluding the final year,
- a) the licensee may expend an amount on locally reflective news that is up to 5% less than the minimum required expenditure for that year;
 - b) where the licensee expends an amount for that year on locally reflective news that is greater than the minimum required expenditure for the year, the licensee may deduct that amount from the minimum required in one or more of the remaining years of the licence term; and
 - c) during the licence term, the licensee shall ensure that each station devote to locally reflective news the total of the minimum required expenditures calculated in accordance with condition 5.

Condition of service applicable to CFEM-DT Rouyn-Noranda and its transmitter CFEM-DT-1 Val-d'Or, and to CFGS-DT Gatineau

7. In accordance with the definition of "locally reflective news" set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016:
- a) the licensee shall broadcast at least 2 hours and 30 minutes of local programming in each broadcast week; and
 - b) the licensee shall broadcast at least 2 hours and 30 minutes of locally reflective news in each broadcast week.

Condition of service applicable to CFVS-DT Val-d'Or and its transmitter CFVS-DT-1 Rouyn-Noranda

8. In accordance with the definition of “locally reflective news” set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016:
- a) the licensee shall broadcast at least 3 hours and 45 minutes of local programming in each broadcast week; and
 - b) the licensee shall broadcast at least 2 hours and 30 minutes of locally reflective news in each broadcast week.

Condition of service applicable to CHOT-DT Gatineau

9. In accordance with the definition of “locally reflective news” set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016:
- a) the licensee shall broadcast at least 5 hours of local programming in each broadcast week; and
 - b) the licensee shall broadcast at least 2 hours and 30 minutes of locally reflective news in each broadcast week.

Definitions

For the purposes of these conditions of service:

“Locally reflective news” means programming that meets the criteria set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016.

“Local programming” shall have the same the meaning as that 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.

Expectations applicable to all stations

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 applicable to all stations

Standard 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.