



Broadcasting Decision CRTC 2023-393

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Reference: Part 1 licence renewal application posted on 20 March 2023

Ottawa, 29 November 2023

Knowledge Network Corporation
British Columbia

Public record: 2022-0846-2

Knowledge – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the English-language non-commercial educational discretionary service Knowledge from 1 January 2024 to 31 August 2028.

In addition, the Commission **requires** the licensee to provide, in the first year of the new licence term, a minimum of four hours of described video per broadcast week for programming that is drawn from existing program categories identified for described video and broadcast during prime time, and to increase incrementally the amount of described video for such programming by three additional hours per broadcast week for each subsequent broadcast year of that licence term.

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. Knowledge Network Corporation (KNC) filed an application to renew the broadcasting licence for the English-language non-commercial educational discretionary service Knowledge, which expires 31 December 2023.¹ The Commission did not receive any interventions in regard to this application.
3. KNC also requested that it not be required to provide described video for all programming that is drawn from existing program categories identified for described

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

video² and that is broadcast between 7 p.m. and 11 p.m. (prime time), seven days a week. Instead, the licensee proposed to provide, in the first year of the new licence term, a minimum of four hours of described video per broadcast week for programming that is drawn from existing program categories identified for described video and broadcast during prime time, and to increase the amount of described video for such programming by three hours per broadcast week for each subsequent year of that licence term.

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:
 - the licensee’s apparent non-compliance with requirements relating to the broadcast of Canadian programming; and
 - the licensee’s request regarding described video requirements.

Apparent non-compliance relating to the broadcast of Canadian programming

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)(e) of the *Broadcasting Act* declares that each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming.
7. Pursuant to the authority granted in subsection 9(1) of the old *Broadcasting Act*, and consistent with the provisions set out in paragraph 3(1)(e), in Broadcasting Decision 2018-318, the Commission imposed the following condition of licence on Knowledge:
 2. The licensee shall devote at least 55% of the broadcast day and 50% of the evening broadcast period to the broadcast of Canadian programs.

For the purposes of this condition of licence, “evening broadcast period” shall have the same meaning as set out in the *Television Broadcasting Regulations, 1987*, as amended from time to time.

² Specifically, the following program categories set out in Item 6 of Schedule 1 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, and/or to programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

8. According to Commission records, during the 2020-2021 broadcast year, 46.9% of Knowledge's evening broadcast period consisted of Canadian programming, which was below the 50% level required by condition of licence.
9. KNC noted that it had informed the Commission in April 2020 that it expected to fall short of its requirements relating to the broadcast of Canadian programming given that the supply of such programming usually purchased by the licensee had been shut down during the initial stages of the COVID-19 pandemic. The licensee indicated that it meets its regulatory obligations through a large volume of one-off or feature length programs, as opposed to multi-episode series typical of commercial networks. It added that the global pandemic resulted in a reduced supply of new original content and increased demand for Canadian library content, and that it was in direct competition with larger commercial broadcasters and streaming services with far greater buying power. KNC further stated, however, that it has continued to invest in the development and production of Canadian programming, allowing it to return to compliance, and that it has been in full compliance with its Canadian programming requirements during children's programming blocks.
10. In light of the above, the Commission finds the licensee in non-compliance with condition of licence 2 set out in Broadcasting Decision 2018-318.
11. Taking into consideration the impact of the global pandemic, the scope of the non-compliance, and the licensee's demonstrated good faith, the Commission finds that it is not necessary to impose any additional measures on the licensee in order to remedy any harm caused by this instance of non-compliance.

Licensee's request regarding described video requirements

12. In Broadcasting Regulatory Policy 2015-104, the Commission indicated that it would implement a tiered approach to the amount of described video being provided by television broadcasters, with the tiered requirements reflecting the size and resources of broadcasters. Specifically:
 - By September 2019, broadcasters previously subject to described video requirements as well as those that belong to vertically integrated entities would be required to provide described video for programming broadcast between 7 p.m. and 11 p.m. (prime time), seven days a week.
 - By the fourth year of their respective next licence terms, all other non-exempt broadcasters would be required to provide four hours of programming with described video per week, consistent with existing requirements.
13. In Broadcasting Decision 2018-318, in which the licence for Knowledge was last renewed, the Commission imposed a condition of licence requiring the licensee to adhere to the standard conditions of licence for discretionary services set out in

Appendix 2 to Broadcasting Regulatory Policy 2016-436,³ which included the following condition of licence:

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 1 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).

14. During the current licence renewal process, KNC was asked whether it would be appropriate, going forward, to be required to broadcast, during prime time, 100% of programming drawn from the relevant program categories with described video. The licensee instead proposed to provide, in the first year of the new licence term, described video for four hours of programming drawn from the existing program categories identified for described video and broadcast each broadcast week during prime time, with an annual increase of three hours of described video for such programming each broadcast week over the remainder of that licence term.
15. KNC submitted that since the majority of the programs it acquires do not come with described video, it must purchase described video services. The licensee indicated that due to the cost of such services and given its limited public broadcasting budget, it could not commit to providing described video for all programming during prime time. Nevertheless, KNC indicated that it was able to fund the addition of described

³ The standard requirements were previously set out in Appendix 2 to Broadcasting Regulatory Policy 2016-436. Those requirements, including that relating to the provision of described video, along with the standard expectations and encouragements for discretionary services were replaced by the standard conditions of service, expectations and encouragements set out in Appendix 1 to Broadcasting Regulatory Policy 2023-306.

video for approximately 22 hours of its inventory during the 2022-2023 broadcast year.

16. When questioned on the measures that would be required to ensure full compliance with a condition of service requiring Knowledge to provide described video for programming broadcast between 7 p.m. and 11 p.m., seven days a week, the licensee stated that there would need to be an increased availability of programs with described video in the Canadian and international markets, along with increased financial resources to add described video to acquired programs.
17. In regard to increased financial resources, the licensee noted that Knowledge is a public educational broadcaster and designated charity. The service receives funding through an annual operating grant from the Government of British Columbia and donations from viewers, but that some donations cannot be used for operating expenses, such as those related to the purchase of described video services. The licensee added that since Knowledge is a commercial-free service, options for increasing revenue are limited.
18. In the absence of an increased supply of programming with described video included, KNC committed to adding a minimum of 30 hours of programming with described video annually to primetime inventory and 50 hours of programming with described video to inventory overall.
19. Finally, the licensee indicated that it currently broadcasts six hours of programming with described video each broadcast week and plans to increase that amount by three hours per broadcast week annually over the course of the new licence term.
20. The Commission notes that a requirement to broadcast all primetime programming with described video would represent up to a seven-fold increase (depending on the program categories) without the same options to increase revenues as commercial stations have. At the above-noted rate of progression specified by the licensee, and assuming all primetime programming would be drawn from the required program categories, the licensee would not be in compliance with the requirement to provide four hours of programming with described video each day, seven days a week, over the course of Knowledge's next licence term.
21. In the Commission's view, such a requirement would be unduly onerous for Knowledge as a provincial, public broadcaster.
22. Further, in Broadcasting Regulatory Policy 2015-104, the Commission stated that its focus should be on increasing the number of programs containing described video in the broadcasting system while providing broadcasters with an appropriate amount of time to do so. In the Commission's view, the licensee has demonstrated a clear plan to provide more described video, which would further the objectives of the *Broadcasting Act* relating to accessibility, on a gradual basis that accounts for its specific circumstances, including its size and resources.

23. In light of the above, the Commission **approves** the licensee's proposal relating to the provision of described video. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** Knowledge Network Corporation, by **condition of service**, to adhere to the requirement to provide, in the first year of the new licence term, a minimum of four hours of described video per broadcast week for programming that is drawn from the program categories specified in that condition of service and broadcast during prime time, and to increase incrementally the amount of described video for such programming by three additional hours per broadcast week for each subsequent year of that licence term. The specifics of this condition of service are set out in the appendix to this decision.

Conclusion

24. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language non-commercial educational discretionary service Knowledge from 1 January 2023 to 31 August 2028.

25. In regard to the condition of service imposed at paragraph 23, 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 of compliance and described video, including the licensee's proposal, as part of that process, 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.

26. 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.

27. For ease of reference, and in light of paragraph 23 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.

Secretary General

Related documents

- *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

- *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*
- *Knowledge Network and BBC Kids – Licence renewals, Broadcasting Decision CRTC 2018-318, 27 August 2018*
- *Standard requirements for television stations, discretionary services, and on-demand services, Broadcasting Regulatory Policy CRTC 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*

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-393

Terms, conditions of service, expectations and encouragements for the English-language non-commercial educational discretionary service Knowledge

Terms

The licence will expire 31 August 2028.

Conditions of service

1. The licensee shall adhere to the standard 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 is replaced by the following:

For the remainder of the 2023-2024 broadcast year (i.e., until 31 August 2024), the licensee shall provide a minimum of four hours of described video per broadcast week for programming broadcast during prime time (i.e., from 7 p.m. to 11 p.m.). This requirement will apply to programming drawn from the following program categories set out in Item 6 of Schedule 1 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).

For each subsequent broadcast year of the licence term (i.e., the 2024-2025 through 2027-2028 broadcast years), the licensee shall incrementally increase the amount of described video for programming drawn from these program categories and broadcast during prime time by three additional hours per broadcast week.

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 *Discretionary Services Regulations*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.⁴

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*.

3. The licensee shall devote at least 55% of the broadcast day and 50% of the evening broadcast period to the broadcast of Canadian programs.

For the purposes of these conditions of service:

- the terms “broadcast day,” “broadcast year” and “evening broadcast period” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*, as amended from time to time; and
- the term “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

Expectations

Standard expectations

The standard expectations applicable to this licensee are 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.

Cultural diversity

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

Encouragements

Standard encouragements

The standard encouragements applicable to this licensee are 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.