



# Broadcasting Decision CRTC 2023-411

PDF version

References: Part 1 licence renewal applications posted on 20 March 2023

Ottawa, 12 December 2023

**Thunder Bay Electronics Limited**  
Thunder Bay, Ontario

*Public record: 2022-0849-6 and 2022-0850-4*

## **CHFD-DT Thunder Bay and CKPR-DT Thunder Bay – Licence renewals**

### **Summary**

The Commission **renews** the broadcasting licences for the independent, English-language conventional television stations CHFD-DT Thunder Bay and CKPR-DT Thunder Bay, Ontario, from 1 January 2024 to 31 August 2028.

The Commission **approves** the licensee's request to amend the Canadian programming expenditure (CPE) requirement for each station such that the requirement to devote not less than 30% of gross revenues from the previous broadcast year to Canadian programming is based on the gross revenues of CHFD-DT and CKPR-DT combined.

In addition, the Commission **approves** the licensee's request to amend the stations' conditions of service relating to the provision of described video so that during prime time (i.e., 7 p.m. to 11 p.m.), it will be permitted to broadcast on each station, without described video, any programming received from U.S. stations without described video less than 24 hours before broadcast. However, such programs must be broadcast with described video for any repeat airings scheduled more than 24 hours from delivery.

Further, the Commission **approves** the licensee's request to amend the stations' conditions of service relating to the broadcast of locally reflective news in the aggregate, between both stations, to require the broadcast of 11.5 hours of locally reflective news per broadcast week rather than the currently required 14 hours.

Finally, the Commission **denies** the licensee's request to combine all Commission reporting responsibilities for both stations.

### **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. Thunder Bay Electronics Limited (Thunder Bay) filed applications to renew the broadcasting licences for the independent, English-language conventional television stations CHFD-DT Thunder Bay (2022-0849-6) and CKPR-DT Thunder Bay (2022-0850-4), Ontario, which expire 31 December 2023.<sup>1</sup> The Commission did not receive any interventions in regard to these applications.
3. CHFD-DT and CKPR-DT, which operate in a non-metropolitan market,<sup>2</sup> constitute a “twin-stick” operation; that is, they are conventional television stations that are owned by a single licensee and operate in the same market. As a twin-stick operation, CHFD-DT and CKPR-DT are currently required, by condition of service,<sup>3</sup> to broadcast a combined total of at least 14 hours of local programming per broadcast week, rather than the seven hours per broadcast week per station established in Broadcasting Regulatory Policy 2016-224 for stations operating in non-metropolitan markets.<sup>4</sup> Further, these stations are currently required, by condition of service, to broadcast 14 hours of locally reflective news each broadcast week, in aggregate with the locally reflective news broadcast by the other station.<sup>5</sup>
4. In its applications, the licensee also requested that the Commission
  - amend the Canadian programming expenditure (CPE) requirements for both stations;
  - amend the described video requirements for both stations;
  - reduce the locally reflective news exhibition requirements for both stations; and
  - combine certain reporting requirements for the two stations.

## Issues

5. After examining the record for these applications in light of applicable regulations and policies, the Commission considers that it must examine the following issues:

---

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

<sup>2</sup> As set out in Broadcasting Regulatory Policy 2016-224, “metropolitan markets” are markets with a population exceeding one million.

<sup>3</sup> The licensee filed its applications prior to the coming into force of the *Online Streaming Act*. Under that Act, what were formerly known as conditions of licence are now deemed to be conditions of service imposed under the new *Broadcasting Act*.

<sup>4</sup> See condition of licence 1 set out in the appendix to Broadcasting Decision 2020-283 (CKPR-DT), and condition of licence 1 set out in Appendix 1 to Broadcasting Decision 2018-478 (CHFD-DT).

<sup>5</sup> See condition of licence 5 set out in the appendix to Broadcasting Decision 2020-283 (CKPR-DT), and condition of licence 5 set out in Appendix 1 to Broadcasting Decision 2018-478 (CHFD-DT).

- the licensee's apparent non-compliance with CKPR-DT's condition relating to the provision of described video for programs aired during prime time (i.e., between 7 p.m. and 11 p.m.);
- the licensee's request to amend each station's condition relating to the provision of described video to exempt U.S. programming received without described video less than 24 hours before broadcast;
- the licensee's apparent non-compliance with each station's condition relating to the broadcast of 14 hours of locally reflective news per broadcast week in aggregate between the two stations;
- the licensee's request to reduce the number of hours of locally reflective news its stations are currently required to broadcast from 14 hours to 11.5 hours per broadcast week, in aggregate;
- the licensee's request to amend the CPE requirement for each station such that the requirement to devote not less than 30% of gross revenues from the previous broadcast year to Canadian programming is based on the gross revenues of CHFD-DT and CKPR-DT combined; and
- the licensee's request to combine all Commission reporting requirements for both stations.

**Apparent non-compliance relating to the provision of described video**

6. 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.
7. Paragraph 3(1)(p) of the *Broadcasting Act* declares that programming accessible by persons with disabilities should be provided within the Canadian broadcasting system.
8. Consistent with the authority granted by subsection 9(1), in the appendix to Broadcasting Decision 2020-283, the Commission imposed the following condition of licence on CKPR-DT:
  1. The licensee shall adhere to the standard conditions of licence set out in the broadcasting licence for the undertaking, as well as to the conditions of licence 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, with the exceptions of conditions 5 and 14, which are replaced with the following:

5. The licensee shall broadcast at least 14 hours of local programming per week counted in aggregate with the local programming broadcast by CHFD-DT Thunder Bay.

14. The licensee shall, by 1 September 2020, provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.) and that is drawn from program categories 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 is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

9. According to Commission records, for the 2020-2021 broadcast year, 91.43% of the English- and French-language programming broadcast on CKPR-DT during prime-time and drawn from the above-noted program categories was provided with described video.
10. The licensee explained that CKPR-DT's lineup is programmed primarily through an affiliate program service agreement with CTV. It noted that in Broadcasting Regulatory Policy 2019-392, in recognition of the practical realities of the program delivery process and the difficulties faced by broadcasters in describing late-arriving programming, the Commission approved amendments requested by Bell Media Inc. (Bell), Corus Entertainment Inc. (Corus) and Rogers Media Inc. (Rogers) to exempt from the requirement relating to the provision of described video for U.S. programs that arrive less than 24 hours before airtime, including live and near-live programming.
11. On 20 January 2021, the Commission received an application from Thunder Bay in which the licensee requested an amendment to CKPR-DT's and CHFD-DT's requirements relating to the provision of described video in order to mirror the above-noted amendment approved in Broadcasting Regulatory Policy 2019-392. However, due to outstanding issues regarding Canadian ownership of the stations following the passing of their former owner, the Commission returned the application and the amendment was not granted. Thunder Bay stated that if it had been granted the amendment, CKPR-DT would not be in apparent non-compliance with the described video requirement for the 2020-2021 broadcast year.
12. When the Commission returned the above-noted application, it noted that the licensee could reapply for the exception once the ownership issues were resolved. While the transfer of ownership was approved in September 2021, the licensee did not reapply for an exception until it filed its current application to renew the licence for CKPR-DT.
13. Thunder Bay had a duty to comply with its conditions of licence, regardless of whether it was awaiting approval of a licence amendment. The Commission made it clear to Thunder Bay that it was the licensee's responsibility to resubmit its request

once the ownership issue was resolved, but the licensee failed to do so. Accordingly, the licensee continued to be subject to the requirement to provide described video for all English- and French-language programming broadcast during prime time.

14. Consequently, the Commission finds Thunder Bay in non-compliance with CKPR-DT's condition of licence 14 set out in the appendix to Broadcasting Decision 2020-283 for the 2020-2021 broadcast year.
15. Notwithstanding the above, the Commission recognizes the challenges faced by over-the-air (OTA) stations in regard to the provision of described video for U.S. programming received less than 24 hours prior to broadcast. It is because of such challenges that the Commission has in the past granted other licensees, both large and small, amendments to the described video requirements. In light of this, and given the minor scope of the non-compliance, the Commission finds that no further action is required.

#### **Request to amend the requirement relating to the provision of described video**

16. In its applications, Thunder Bay requested that condition 14 relating to the provision of described video be amended to read as follows (change in bold):

14. The licensee shall, by 1 September 2020, provide described video for all English-and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.) and that is drawn from program categories 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 is programming targeting preschool children (0-5 years of age) and children (6-12 years of age), **with the exception of U.S. programming received without described video less than 24 hours prior to air. Such programs will be broadcast with described video for any repeat airings scheduled greater than 24 hours from delivery.**

17. As noted above, in 2019 the Commission granted this exception to Bell, Corus and Rogers, all of whom committed to provide logs detailing the receipt date of all U.S. programs received without described video that were broadcast in prime time.
18. Thunder Bay indicated that CHFD-DT and CKPR-DT obtain all their programming from Bell and Corus through program supply agreements, and considered that it should therefore receive similar flexibility to ensure that the stations operate in compliance with the condition of service. The licensee added that, should it be granted the requested exception, it would adhere to the same reporting requirements as Bell and Corus, which would require it to file a progress report with the Commission every six months from the date of its licence renewal decision until the next licence renewal.
19. The Commission notes that several independent commercial OTA stations have agreements with Bell, Corus or Rogers to broadcast U.S. programming on their stations during prime time. Furthermore, since 2019, several other independent

commercial OTA stations have been granted the same exception.<sup>6</sup> The Commission is satisfied that the licensee's stations operate in similar circumstances to those that have already been granted such an amendment.

20. In light of the above, the Commission **approves** Thunder Bay's requested amendment to condition 14 relating to the provision of described video. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** Thunder Bay Electronics Limited, by **condition of service**, to adhere to the current condition of service relating to the provision of described video, with an exception for U.S. programming received without described video less than 24 hours before broadcast. The specifics of this condition of service are set out in the appendix to this decision.
21. Further, the Commission considers that it would be appropriate to require the licensee to adhere to a reporting requirement in regard to the U.S. programming received without described video. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** Thunder Bay Electronics Limited, by **condition of service**, to keep logs specifying the receipt date of all U.S. programs received without described video and broadcast on CHFD-DT and on CKPR-DT in prime time, including U.S. programming received without described video less than 24 hours prior to air, and to submit to the Commission upon request a report containing these logs. The specifics of this condition of service are set out in the appendix to this decision. The Commission will provide the licensee with a template for reporting purposes.

#### **Apparent non-compliance relating to the broadcast of locally reflective news**

22. Subparagraph 3(1)(i)(i) of the old *Broadcasting Act*, which was in effect while the licensee's applications were being considered, set out that the programming provided by the Canadian broadcasting system should be varied and comprehensive, providing a balance of information, enlightenment and entertainment for people of all ages, interests and tastes. Subparagraph 3(1)(i)(ii) set out that the programming provided by the Canadian broadcasting system should be drawn from local, regional, national and international sources.
23. Consistent with the above, and pursuant to the authority set out in subsection 9(1) of the old *Broadcasting Act*, in Broadcasting Decisions 2018-478 and 2020-283, respectively, the Commission imposed the following conditions of licence on CHFD-DT and CKPR-DT:

The licensee shall broadcast at least 14 hours of locally reflective news each broadcast week, counted in aggregate with the locally reflective news broadcast by CKPR-DT Thunder Bay, Ontario.

---

<sup>6</sup> See Broadcasting Decisions 2020-358, 2020-359 and 2020-393.

The licensee shall broadcast at least 14 hours of locally reflective news each broadcast week, counted in aggregate with the locally reflective news broadcast by CHFD-DT Thunder Bay, Ontario.

24. In Broadcasting Regulatory Policy 2016-224, the Commission specified that news programming would be considered locally reflective<sup>7</sup> if it meets all of the following criteria: the subject matter relates specifically to the market a station is licensed to serve; it portrays an onscreen image of the market by, for example, including its residents or officials or featuring coverage of its municipal or provincial government; and it is produced by the station's staff or by independent producers specifically for the station.
25. According to Commission records, an audit of the locally reflective news broadcast on CHFD-DT and CKPR-DT, based on program logs submitted by the licensee, showed that the stations broadcast a combined total of 8.5 hours of such programming, rather than the required 14 hours, during the 21 to 27 November 2021 broadcast week.
26. Following the reception of the results of this audit, Thunder Bay conducted its own review. It submitted that this review showed a combined 14.2 hours of locally reflective news programming for the week in question. In explaining the discrepancy, the licensee indicated that reruns of programming from program categories 1 News and 2(a) Analysis and interpretation,<sup>8</sup> and of certain news broadcasts, were mistakenly excluded from the logs.
27. The licensee added that members of its staff misinterpreted the distinction between content that is locally reflective and locally relevant, the latter of which needs only to be of interest to the community or market served, as specified in Broadcasting Regulatory Policy 2016-224. As such, the licensee's logging team mistakenly took an overly restrictive approach and understood that all news coverage required a corresponding image displayed on screen to be considered locally reflective.
28. Thunder Bay stated that it has implemented several measures to rectify the issues and ensure full compliance in the future. These measures include the following:
  - making adjustments to the newscasts to better meet the definition of "locally reflective";
  - investing in an improved logger system and implementing training on the definition of "locally reflective" versus "locally relevant";
  - reviewing the current roster of locally developed programs, and exploring the replacement of non-locally reflective programming with programming that is almost entirely locally reflective;

---

<sup>7</sup> Footnote applies only to the French-language version of this decision.

<sup>8</sup> The program categories for television are set out in Item 6 of Schedule I to the *Television Broadcasting Regulations, 1987*.

- strategically running rebroadcasts to increase the reach of key and locally reflective news; and
- reviewing and, if required, updating documentation on policies and procedures, and related training.

29. Despite this, the licensee did not re-submit revised logs in support of its submissions.

30. The Commission acknowledges the efforts made by the licensee to better understand its requirements and the criteria relating to locally reflective news. However, while Thunder Bay's re-evaluation of internal logs may suggest that, during the above-noted audit period, its stations broadcast a sufficient number of hours of locally reflective news to be compliant with their respective conditions of licence, the licensee did not provide on the record of the present proceeding any proof of the number of hours of locally reflective news broadcast, such as revised logs. Consequently, the Commission finds Thunder Bay in non-compliance with CHFD-DT's and CKPR-DT's respective conditions of licence relating to the broadcast of locally reflective news for the week of 21 to 27 November 2021.

31. Notwithstanding the above, the Commission considers that Thunder Bay has demonstrated good faith in its attempts to understand its obligations and a robust plan to correct its practices going forward; as a result, the risk of future non-compliance should be considered low. In light of this, the Commission finds that no further action is required in regard to the licensee's non-compliance.

**Request to amend the requirement relating to the broadcast of locally reflective news**

32. As noted above, Thunder Bay is currently required to broadcast at least 14 hours of locally reflective news each broadcast week on each of CHFD-DT and CKPR-DT, counted in aggregate with the locally reflective news broadcast by the other station. The licensee requested that the required number of hours of locally reflective news to be broadcast in aggregate between the two stations be reduced from 14 hours to 11.5 hours each broadcast week. Thunder Bay cited decreased local and national revenues, a reduction in funding from the Independent Local News Fund (ILNF), and uncertainty related to the *Online Streaming Act*.

33. The Commission notes that the licensee, at the time of the previous licence renewal for each of the stations, proposed to broadcast each broadcast week 14 hours of locally reflective news in aggregate between its two stations, and was granted corresponding conditions of licence. However, the requirements for these two stations relating to the broadcast of locally reflective news are higher than those of some other independent conventional television stations. Even with a reduction in the required hours, the licensee would be required to broadcast higher levels of locally reflective news on the stations compared to other, similar stations. The Commission also notes that the licensee has not requested a reduction in its level of spending, which could result in the creation of programming of a higher quality.



34. In light of the above, the Commission **approves** the licensee's request to reduce the number of hours of locally reflective news programming it must broadcast in aggregate between its two stations to 11.5 hours per broadcast week.
35. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** Thunder Bay Electronics Limited, by **condition of service**, to broadcast at least 11.5 hours of locally reflective news each broadcast week, in aggregate between the stations. The specifics of this condition of service are set out in the appendix to this decision.

#### **Request to amend the stations' Canadian programming expenditure requirements**

36. Thunder Bay is currently subject to separate conditions for each station to devote not less than 30% of each station's gross revenues from the previous broadcast year to Canadian programming. The licensee requested that this 30% CPE requirement be based instead on the gross revenues of the two stations combined.
37. In support of its request, the licensee indicated that its local revenues have decreased due to factors such as restrictions related to the COVID-19 pandemic, policy changes, staff shortages, increased costs in remote work without being able to reduce existing overhead, supply chain disruptions, reduced advertising revenues, and inflated costs of inputs.
38. The licensee further cited decreasing national advertising revenues, and noted that since Numeris no longer prepares a ratings book for smaller market television stations such as CHFD-DT and CKPR-DT, it has become difficult to sell advertising space to national agencies, and even more difficult to attempt to price advertising to those still interested. Thunder Bay added that other independent broadcasters have developed a consortium network – of which it noted that it is not qualified to be a member – to approach national clients together. It added that although this consortium claims to represent “99% of Canada,” it bypasses the Thunder Bay market for national agencies and buyers, and successfully excludes CHFD-DT and CKPR-DT in national buys.
39. As it did in regard to its requested amendment relating to the broadcast of locally reflective news, Thunder Bay cited dependence on funding from the ILNF, along with funding uncertainty related to the *Online Streaming Act*.
40. Thunder Bay further requested that the Commission allow the combined CPE of the two stations to exceed the levels prescribed by their conditions without affecting future Commission determinations on the licensee's CPE requirements. The licensee stated that it wanted the flexibility to have a higher CPE level in one year that may drop in subsequent years. It indicated that it is seeking assurances that the Commission will not increase the minimum CPE requirement beyond 30%, measured across both stations combined.
41. CPE requirements are generally based on the gross revenues of a service from the previous broadcast year, among other factors. These factors include general industry trends and the impact of a change in CPE on a licensee.

42. By aggregating the gross revenues for the two stations and devoting 30% of the aggregated amount to Canadian programming, the licensee would be devoting an amount to Canadian programming that is equal to 30% based on each individual station's gross revenues. As such, approving Thunder Bay's requested amendment would result in the same level of CPE in the broadcasting system. It would simply provide the licensee with flexibility in how these contributions are expended between its two stations.
43. In light of the above, the Commission **approves** Thunder Bay's request to amend the CPE requirements for CHFD-DT and CKPR-DT. Accordingly, and pursuant to subsection 11.1(2) of the *Broadcasting Act*, the Commission **orders** Thunder Bay Electronics Limited, by **condition of service**, to devote to the acquisition of or investment in Canadian programming in each broadcast year a minimum of 30% of the gross revenues from the previous broadcast year for CHFD-DT and CKPR-DT in aggregate. The specifics of this condition of service are set out in the appendix to this decision.
44. Regarding the licensee's request that the Commission commit not to increase future CPE if the licensee exceeds the 30% requirement, this would not be appropriate. Historical spending is only one factor relevant to the determination of CPE levels. Accordingly, a licensee that exceeds its CPE levels does not automatically result in the Commission increasing the required CPE. In any event, the Commission cannot unduly limit its ability to revise regulatory obligations given changing circumstances and a changing legislative and policy landscape.

#### **Request to combine reporting requirements for the stations**

45. Thunder Bay requested that it be allowed to combine all of the reporting requirements (relating, for example, to finances and accessibility) for CHFD-DT and CKPR-DT once they are on the same renewal cycle, to fully reflect the circumstances of the twin-stick operation. It submitted that combined reporting would reduce the compliance reporting and monitoring activities for it and for the Commission.
46. Although CHFD-DT and CKPR-DT have certain combined regulatory requirements, this is not the case for all of their obligations. In the Commission's view, combining all of the reporting requirements for the two stations would not reduce the administrative burden associated with reporting on and monitoring compliance levels, but instead may result in additional questions and an increased burden on the licensee (for instance, through the need to pose additional clarification questions where station information is required). Further, approval of the request could lead to less detail in the information being made available to the Commission and to the public, and could make it difficult to appropriately disaggregate the information when necessary (for example, when establishing tangible benefits as a result of a sale).
47. Consequently, the Commission **denies** Thunder Bay's request to combine the reporting requirements for CHFD-DT and CKPR-DT.

## Conclusion

48. In light of all of the above, the Commission **renews** the broadcasting licences for the independent, English-language conventional television programming undertakings CHFD-DT Thunder Bay and CKPR-DT Thunder Bay, Ontario, from 1 January 2024 to 31 August 2028.
49. 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 to the extent modified by this decision.
50. In regard to the conditions of service imposed in this decision, 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 raised by the applications as part of that process, including CPE levels and requirements relating to the provision of described video and the broadcast of locally reflective news, the Commission considers the public Part 1 proceeding sufficient to achieve the purposes of the publication and consultation requirement set out in subsections 9.1(4) and 11.1(7) of the new *Broadcasting Act* in this case.
51. For ease of reference, and in light of paragraphs 20, 21, 35 and 43 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 licences for the undertakings.

## Reminder

### Force and effect of broadcasting licences

52. 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.

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

- *CHEK-DT Victoria – Licence amendment*, Broadcasting Decision CRTC 2020-393, 4 December 2020
- *CJON-DT – Licence amendment*, Broadcasting Decision CRTC 2020-359, 27 October 2020
- *CHCH-DT – Licence amendment*, Broadcasting Decision CRTC 2020-358, 26 October 2020
- *CKPR-DT Thunder Bay – Licence renewal*, Broadcasting Decision CRTC 2020-283, 21 August 2020
- *Amendment proposed by Bell Media Inc., Corus Entertainment Inc. and Rogers Media Inc. to their condition of licence that requires prime time programming to be broadcast with described video*, Broadcasting Regulatory Policy CRTC 2019-392, 3 December 2019
- *Various independent conventional television programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2018-478, 18 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 2023-411

### Terms, conditions of service, expectations and encouragements for the independent English-language conventional television programming undertakings CHFD-DT Thunder Bay and CKPR-DT Thunder Bay, Ontario

#### 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 requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, with the exception of conditions 5 and 14. 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 *Television Broadcasting Regulations, 1987*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.<sup>9</sup>

#### Locally reflective news

3. 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 declared to be a “designated local television station.” The station will maintain this designation for the duration of the licence term as long as the television station remains in operation.
4. In accordance with *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the licensee shall devote, in each broadcast year, not less than 20% of the station’s previous broadcast year’s gross revenues to investments in locally reflective news or on acquisition thereof.
5. 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, the licensee may deduct that amount

---

<sup>9</sup> 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*.

from the minimum required expenditure in one or more of the remaining years of the licence term.

(c) the licensee shall ensure that the television stations expend on locally reflective news the total of the minimum required expenditures calculated in accordance with condition 4.

6. The licensee shall broadcast at least 11.5 hours of locally reflective news each broadcast week, in aggregate between the stations.

#### **Canadian programming expenditures**

7. The licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming a minimum of 30% of gross revenues from the previous broadcast year, in aggregate between the stations.
8. Subject to condition 9, the licensee may claim, in addition to its expenditures on Canadian programming:
  - (a) a 50% credit against its Canadian programming expenditure requirement for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year; and
  - (b) a 25% credit against its Canadian programming expenditure requirement 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
    - (i) the programming is produced in the province of Quebec and the original language of production is English
    - (ii) the programming is produced outside the province of Quebec and the original language of production is French.
9. The licensee may claim the credits calculated in accordance with condition 8 until the expenditures on Canadian programming produced by Indigenous producers and by official language minority community producers, including the credits, reach a combined maximum of 10% of the undertaking's Canadian programming expenditure requirement.
10. In regard to Canadian programming expenditures:
  - (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 7; 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 7.

### **Described video**

11. The licensee shall provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.) and that is drawn from program categories 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 is programming targeting preschool children (0-5 years of age) and children (6-12 years of age), with the exception of U.S. programming received without described video less than 24 hours prior to air. Such programs will be broadcast with described video for any repeat airings scheduled greater than 24 hours from delivery.
12. The licensee shall keep reports (including the following: air date, start and end time, duration, program title, episode title/number, first airing, U.S. airdate, delivery date, repeat airing date, and details on whether or not the episode included described video) of all U.S. programs received without described video and broadcast in prime time (i.e., 7 p.m. to 11 p.m.), including U.S. programming received without described video prior to the 24-hour exemption threshold that the licensee is required to describe. This report must be submitted upon request.

### **Definitions**

For the purposes of these conditions of service:

The term "broadcast year" shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*.

"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.

“Local programming” means programming produced by either local stations with local personnel or locally-based independent producers, that is of interest to the community or market served (i.e., locally relevant).

“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.

“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 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.

##### **Local programming and locally reflective news**

The Commission expects the licensee to ensure that a part but not all of the local programming and locally reflective news programming to be broadcast in aggregate on CHFD-DT Thunder Bay and CKPR-DT Thunder Bay, Ontario, is broadcast on CHFD-DT, so as to ensure that the station’s viewers will continue to benefit from local programming.

##### **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 requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.