



Broadcasting Decision CRTC 2008-143

Ottawa, 16 July 2008

The Ontario French-Language Educational Communications Authority

Various locations in Ontario

Application 2007-1659-0, received 22 November 2007

Broadcasting Public Notice CRTC 2008-12

29 January 2008

TFO – Licence renewal

*The Commission **renews** the broadcasting licence for the satellite-to-cable television service TFO and its transmitters. The terms and **conditions of licence** are set out in the appendix to this decision.*

The application

1. The Commission received an application by the Ontario French-Language Educational Communications Authority (TFO) to renew the broadcasting licence for the satellite-to-cable television programming undertaking TFO, located in Toronto, and its transmitters CHLF-TV-1 Sudbury, CHLF-TV-2 Hawkesbury, CHLF-TV-3 Ewanturel, CHLF-TV-4 Harris Township, CHLF-TV-5 Hawk Junction, CHLF-TV-6 Lac Ste-Thérèse, CHLF-TV-7 New Osnaburgh, CHLF-TV-9 Brethour, CHLF-TV-10 Longlac, CHLF-TV-12 Summer Beaver, CHLF-TV-13 Pembroke, CHLF-TV-14 Kirby's Corner, CHLF-TV-15 Kaboni, CHLF-TV-16 Val Rita and CHLF-TV-18 Nakina. The current licence expires 31 August 2008.
2. TFO is a non-profit educational and cultural television service. Its mission is to promote the French fact in Ontario and elsewhere via high-quality educational and cultural multimedia content and services.
3. TFO recognizes the need for Ontario's francophone children and youth to see themselves reflected in its programming. Accordingly, programming aimed at children and teens has a preferred place in its program schedule. Furthermore, TFO works with French-language schools in Ontario, distributing over 4,000 educational programs each school year.
4. TFO firmly intends to continue collaborating with independent producers, including those representing cultural communities. During its last licence term, TFO aired three Franco-Ontarian dramatic series, drawing on independent Canadian production to do so. The projects of producers outside Quebec supported by TFO licences represent over half of the company's total revenues.

Programming commitments

5. In its application, TFO committed to airing at least nine hours of priority programming each week during peak time. This commitment is conditional upon funding from the Canadian Television Fund, which supports TFO programming, continuing during the new licence term.
6. TFO committed to airing at least 39 hours per week of Canadian programming for children and teenagers 2 to 17 years of age during its new licence term.
7. In view of the costs of closed captioning for people who are deaf or hard of hearing, TFO intends to caption no less than 75% of its programming each broadcast day during the current year (2007-2008), no less than 85% of its programming during 2008-2009, and at least 95% as of 2009-2010. Because live programming can account for up to 5% of its programming, TFO intends to maintain captioning for 95% of its programming until the technology to caption the remaining 5% becomes available.
8. During its licence term, TFO intends to broadcast at least one hour of described Canadian programming in each broadcast week.
9. TFO committed to supporting and encouraging Canadian talent and exceeding the Commission's Canadian content requirements by devoting no less than 60% of its programming to the broadcast of Canadian content each broadcast day and no less than 50% in each evening broadcast period.
10. TFO also proposed to create, in collaboration with the Franco-Ontarian independent production community, at least 56 hours of Canadian drama programming, i.e. at least 24 hours more than between 2000 and 2008.
11. The licensee intends to continue broadcasting music series, which will air during peak time.
12. TFO commits to adhering to the Canadian Association of Broadcasters' *Voluntary Code Regarding Violence in Television Programming* and *Equitable Portrayal Code*.
13. TFO intends to comply with the Commission's transition-to-digital policy and timeframe as set out in Broadcasting Public Notice 2007-53.

Advertising

14. As it indicated in its last licence renewal (Decision 2001-38), in view of budgetary restrictions, the licensee had determined that it needed to seek financial assistance from the private sector. In February 1999, it adopted new administrative guidelines that allowed more flexibility with respect to mentioning names and products at the beginning and the end of programs. The licensee nevertheless made a commitment to adhere to the *Guidelines for underwriting and project financing* set out in Decision 81-727. The licensee will not broadcast advertising messages other than those promoting its own programs and activities.

Interventions

15. The Commission received several interventions in support of the application and one intervention opposing the application from Joe Clark.

Commission's analysis and determinations

16. Mr. Clark submitted that throughout its licence term TFO failed to adhere to its commitments with respect to closed captioning, thus contravening one of its conditions of licence.
17. The intervener noted that the Commission's closed captioning policy requires the applicant to caption all of its programming (100%) and suggested that a condition of licence to that effect be imposed on TFO. According to the intervener, in the absence of such a condition of licence, TFO's licence should be revoked.
18. In response to Mr. Clark's intervention, TFO noted that in Public Notice 2007-54, the Commission stated that in light of the specific challenges associated with the captioning of French-language programming, it was prepared to consider requests to tailor the 100% requirement. Given that only one program (a youth program) presents a challenge for TFO, the applicant committed to captioning this program as soon as a high-quality service becomes available.
19. The Commission is aware of the problems facing TFO but expects the licensee to closed caption all (100%) of its programming as soon as technology allows. In the meantime, the Commission accepts TFO's proposal to closed caption no less than 85% of its programming during 2008-2009 and at least 95% of its programming as of 2009-2010. A **condition of licence** to that effect is set out in the appendix to this decision.
20. In this instance, the Commission is making an exception to the closed captioning policy because it is aware of and has taken into account TFO's mandate, its non-commercial nature and its financial constraints.
21. The Commission notes TFO's commitment to broadcast at least 39 hours per week of Canadian programming intended for children and teens 2 to 17 years of age and notes its intention to create 112 half-hours of Canadian drama in collaboration with the Franco-Ontarian independent production community.
22. The Commission notes that during its new licence period, TFO will have to cease transmitting television signals in analog mode. Specifically, in Broadcasting Public Notice 2007-53, the Commission determined that "television licensees will be authorized to broadcast only digital OTA [over-the-air] signals after 31 August 2011."

23. The conditions of licence imposed in this decision will remain in effect despite the conversion from analog to digital. In the event that the conversion results in amendments to the conditions of licence, these amendments will be carried out accordingly. The Commission reminds TFO that it must comply with the technical requirements of the Department of Industry over the entire licence term.

Conclusion

24. In light of the foregoing, the Commission **renews** the licence of the satellite-to-cable programming undertaking TFO from 1 September 2008 to 31 August 2015. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

Related documents

- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- *Licence renewals for TVO and TFO and for the coverage of the Ontario Legislative Assembly*, Decision CRTC 2001-38, 2 February 2001

This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Decision CRTC 2008-143

Terms

The licence will be in effect from 1 September 2008 to 31 August 2015.

Conditions of licence

1. The licensee shall devote, from 1 September to 31 August of each broadcast year:
 - no less than 60% of its programming to the broadcast of Canadian programs over the broadcast day; and
 - no less than 50% of its programming to the broadcast of Canadian programs over the evening broadcast period.
2. The licensee shall ensure that at least 85% of its programming is closed captioned during the 2008-2009 broadcast year and that at least 95% of its programming is closed captioned in subsequent broadcast years.
3. The licensee shall adhere to the Canadian Association of Broadcasters' *Voluntary Code Regarding Violence in Television Programming*, as amended from time to time and approved by the Commission.
4. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.