



## Broadcasting Decision CRTC 2011-738

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Route reference: 2011-317

Ottawa, 30 November 2011

### **TELUS Communications Inc., and 1219823 Alberta ULC and Emergis Inc. in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company**

Baie-Comeau, Gaspé, Montmagny, Mont-Tremblant, Rimouski, Sainte-Marie, Saint-Georges, Sept-Îles and surrounding areas, Quebec

*Application 2011-0293-8, received 1 February 2011*

### **Terrestrial broadcasting distribution undertaking – Licence renewal and amendments**

*The Commission **renews** the regional broadcasting licence for the terrestrial broadcasting distribution undertaking (BDU) serving the above-noted locations from 1 December 2011 to 31 August 2018.*

*The Commission **approves** various amendments to the terrestrial BDU's broadcasting licence. However, the Commission notes that certain previously approved conditions of licence are no longer necessary due to the implementation of the amended Broadcasting Distribution Regulations, which came into effect on 1 September 2011.*

*The Commission also **approves** the redefinition of the terrestrial BDU's licensed areas.*

### **The application**

1. The Commission received an application by TELUS Communications Inc., and 1219823 Alberta ULC and Emergis Inc. in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (TELUS), to renew the regional broadcasting licence for the terrestrial broadcasting distribution undertaking (BDU) serving Baie-Comeau, Gaspé, Montmagny, Mont-Tremblant, Rimouski, Sainte-Marie, Saint-Georges, Sept-Îles and surrounding areas, Quebec. The licence expires 30 November 2011.<sup>1</sup> The Commission did not receive any interventions regarding this application.

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<sup>1</sup> The licence was administratively renewed from 1 September to 30 November 2011 in Broadcasting Decision 2011-531.

2. TELUS requested a condition of licence that would allow it to distribute CHMG-TV (Télé-Mag) Québec as part of the basic service, as well as the amendment or deletion of certain conditions of licence, as set out in the application.
3. TELUS also requested the extension of the licensed areas in Montmagny, Sainte-Marie and Saint-Georges, as set out in the application.
4. TELUS stated its willingness to accept a condition of licence requiring it to provide one or more simple means of accessing described programming, whether in an open or embedded format, and further committed to meet the requirements regarding customer service and information set out in Broadcasting and Telecom Policy 2009-430 (the Accessibility Policy).

### **Commission's analysis and decisions**

5. After examining the public record for the application, the Commission considers that the issues it must address are the following:
  - the addition of a condition of licence for the distribution of CHMG-TV;
  - the amendment or deletion of certain conditions of licence and the redefinition of the licensed areas;
  - the distribution of distant Canadian television signals and a second set of U.S. 4+1 signals;<sup>2</sup> and
  - the implementation of the Commission's determinations regarding accessibility of services.

#### **Addition of a condition of licence for the distribution of CHMG-TV (Télé-Mag) Québec**

6. As stated above, TELUS requested a condition of licence that would allow it to distribute CHMG-TV as part of the basic service. The Commission considers that such a condition is not necessary, as nothing prevents TELUS from distributing CHMG-TV as part of the basic service. The Commission also notes that TELUS is currently subject to a condition of licence authorizing it to distribute CFTU-TV (Canal Savoir) Montréal as part of the basic service. The Commission considers that this condition is equally unnecessary and consequently deletes it from TELUS's licence.

#### **Amendment and deletion of certain conditions of licence and redefinition of the licensed areas**

7. The Commission considers that the amendments to and deletion of certain conditions of licence, as proposed by TELUS in its application, are appropriate and do not

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<sup>2</sup> "U.S. 4+1 signals" refers to a set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network.

conflict with any regulation or policy currently in effect. The Commission also considers it appropriate to redefine the licensed areas of TELUS's terrestrial BDU.

#### **Distribution of distant Canadian television signals and a second set of U.S. 4+1 signals**

8. In Broadcasting Regulatory Policy 2011-455, the Commission amended the *Broadcasting Distribution Regulations* (the Regulations). These amendments came into effect on 1 September 2011. The amended Regulations address, among other things, the distribution by a terrestrial BDU of distant Canadian television signals and a second set of U.S. 4+1 signals.
9. In light of the above, the Commission notes that existing and new conditions of licence authorizing TELUS to distribute, in certain of its licensed areas, distant Canadian signals, either as part of the basic service or on a discretionary basis, and a second set of U.S. 4+1 signals on a discretionary basis are no longer required and are therefore not included in the appendix to this decision. Instead, the Commission is of the view that these signals should be distributed in accordance with the regime established in the amended Regulations.

#### **Implementation of the Commission's determinations regarding accessibility of services**

10. In the Accessibility Policy, the Commission stated its intention to impose on BDUs at their next licence renewal a number of requirements and expectations concerning customer service, access to described video and accessibility of programming.
11. Further, in Broadcasting Regulatory Policy 2010-622, the Commission stated its intention to impose conditions of licence requiring licensed BDUs that operate community channels to caption 100% of original licensee-produced programming by the end of their next licence term. The Commission also indicated that it expects licensed BDUs to ensure that 100% of original access programming on the community channel is captioned by the end of the next licence term. Finally, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate a community channel to provide audio description for all information programs and for news programming (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that appear on screen). Accordingly, the Commission has set out **conditions of licence** and expectations to this effect in the appendix to this decision. As mentioned above, TELUS stated its willingness to accept a condition of licence requiring that it provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity. A **condition of licence** to this effect is set out in the appendix to this decision.
12. Consistent with the Accessibility Policy, the Commission expects TELUS to ensure that subscribers are able to identify programming with described video in the electronic program guide and to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up.

13. Further, consistent with the Accessibility Policy and the applicant's commitments, TELUS is required to provide and promote specific information in an accessible manner, to ensure the accessibility of specific customer service functions and to ensure that use of alternate avenues of customer service do not result in a disadvantage to persons with disabilities.
14. The Commission also encourages TELUS to ensure that its set-top boxes are accessible to subscribers with vision and fine motor skill disabilities.
15. The Commission notes that it may impose further conditions of licence concerning accessibility issues five years into the licence term, if deemed appropriate.

## **Conclusion**

16. In light of all of the above, the Commission **renews** the regional broadcasting licence for the terrestrial broadcasting distribution undertaking serving Baie-Comeau, Gaspé, Montmagny, Mont Tremblant, Rimouski, Sainte-Marie, Saint-Georges, Sept-Îles and surrounding areas, Quebec from 1 December 2011 to 31 August 2018. Further, the Commission **approves** the amendment and deletion of certain conditions of licence, as discussed above. The Commission also **approves** the redefinition of the licensed areas of TELUS's terrestrial BDU in Sainte-Marie, Saint-Georges and Montmagny. The licence will be subject to the terms and **conditions of licence** set out in the appendix to this decision.

## **Employment equity**

17. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

## **Related documents**

- *Administrative renewals*, Broadcasting Decision CRTC 2011-531, 26 August 2011
- *Amendments to the Broadcasting Distribution Regulations and other Commission Regulations*, Broadcasting Regulatory Policy CRTC 2011-455, 29 July 2011
- *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010
- *Accessibility of Telecommunications and Broadcasting Services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

*\*This decision is to be appended to the licence.*

## **Appendix to Broadcasting Decision CRTC 2011-738**

### **Terms, conditions of licence, requirements, expectations and encouragement for the terrestrial broadcasting distribution undertaking serving Baie-Comeau, Gaspé, Montmagny, Mont Tremblant, Rimouski, Sainte-Marie, Saint-Georges, Sept-Îles and surrounding areas, Quebec**

#### **Terms**

The operation of this terrestrial broadcasting distribution undertaking will be regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2018.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, as part of either its basic service or discretionary service, the signals of WBZ-TV (CBS), WHDH-TV (NBC), WCVB-TV (ABC), WFXT (FOX) and WGBH-TV (PBS) Boston, Massachusetts or the signal of a different affiliate of the same network located in the same time zone.
2. The licensee shall provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity.
3. The licensee shall caption 100% of original licensee-produced programming on the community channel by the end of the licence term.
4. The licensee shall provide audio description for all the key textual, graphic or visual images and elements of information programs, including news programming on its community channel (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on the screen).

#### **Requirements**

The licensee is required to promote information on all of its disability-specific services and products in the accessible manner(s) of its choice.

The licensee is required to incorporate an easy-to-find home page link to the special needs/disability sections of its website, if its website includes such sections.

The licensee is required to make the information on its website accessible to the point of providing reasonable accommodation for persons with disabilities by 23 July 2012 (examples of what the Commission considers to be reasonable accommodations are listed in paragraph 66 of *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009).

Where customer service functions on its website are not accessible, the licensee is required to ensure that persons with disabilities will not incur a charge or otherwise be disadvantaged if they use an alternate avenue of customer service.

The licensee is required to make accessible any customer service functions that are available solely over its website by 23 July 2012.

The licensee is required to make its general call centers accessible to the point of providing reasonable accommodation to persons with disabilities by:

- a) training customer service representatives in handling enquiries from persons with disabilities and familiarizing them with the service provider's products and services for persons with disabilities; and
- b) making its Interactive Voice Response systems accessible.

### **Expectations**

The Commission expects the licensee to ensure that 100% of original access programming on the community channel is captioned by the end of the licence term.

The Commission expects the licensee to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up.

The Commission expects the licensee to ensure that subscribers are able to identify programming with described video in the electronic program guide.

### **Encouragement**

The Commission encourages the licensee to ensure that its set-top boxes are accessible to subscribers with vision and fine motor skill disabilities.