Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Broadcasting Decision CRTC 2018-334

PDF version

References: 2016-225, 2017-428 and 2017-428-1

Ottawa, 30 August 2018

Public record: 1011-NOC2017-0428
The application numbers are set out in the decision.

Reconsideration of licence renewals decisions regarding the licence renewals for the television services of large French-language private ownership groups

In May 2017, the Commission issued decisions to renew licences for the television services of the large French-language private ownership groups. In an Order in Council issued pursuant to section 28 of the Broadcasting Act *(the Act), the Governor in Council referred these decisions back to the Commission for reconsideration and hearing.*

Specifically, the Governor in Council asked the Commission to reconsider aspects of the decisions relating to original French-language programs and music programming.

This decision sets out the Commission's determinations further to that reconsideration process.

Original French-language programs

Each group will be required to devote at least 75% of its Canadian programming expenditures (CPE) to original French-language programs in each broadcast year over their respective licence terms. However, given that groups will only have a short time to adjust their programming to meet the new requirements, the Commission is imposing an expenditure level equal to 50% of their CPE for the broadcast year beginning 1 September 2018 and ending 31 August 2019.

Music programming

The groups will be required to direct 0.17% of their services' previous broadcast year's gross revenues to MUSICACTION. This amount may be counted towards meeting their CPE, which include expenditure and programs of national interest. This expenditure requirement will be temporary.

The amended conditions of licence will take effect on 1 September 2018, the beginning of the second year of the licence term for the groups' affected services, and will apply until 31 August 2022, the end of the licence term.

Canada

In reconsidering its decisions, the Commission took into consideration the Order in Council while remaining mindful of its obligations under the Act and the record of this proceeding.

Introduction

1. On 15 May 2017, the Commission issued a series of decisions to renew the licences for the television services of large English- and French-language private ownership groups. As part of this renewal, the Commission implemented policies stemming from Broadcasting Regulatory Policy 2015-86 and Broadcasting Regulatory Policy 2016-224.

2. By Order in Council P.C. 2017-1060, dated 14 August 2017 (the OIC), the Governor in Council referred back to the Commission for reconsideration and hearing certain aspects of the decisions set out in Broadcasting Decisions 2017-143 to 2017-147 (French-language ownership groups) and Broadcasting Decisions 2017-148 to 2017-151 (English-language ownership groups), indicating that the decisions derogate from the attainment of the objectives of the Canadian broadcasting policy set out in section 3(1) of the *Broadcasting Act* (the Act), and in particular section 3(1)(s).[1]

3. The Governor in Council indicated that it would be material for the Commission to consider how it can be ensured that significant contributions are made to the creation and presentation of original French-language programming and music programming. The OIC also directed the Commission to "take into consideration that creators of Canadian programming are key to the Canadian broadcasting system and that, while the industry is going through a transformation, Canadian programming and a dynamic creative sector are vital to the system's competitiveness and contribute to Canada's economy."

4. The Commission asked Bell Media Inc. (Bell), Corus Entertainment Inc. (Corus), Quebecor Media Inc. (TVA Group) and Groupe V Média inc. (Groupe V) (collectively, the groups) to update their licence renewal applications and submit any information relevant to the aspects of the decisions being reconsidered, including new financial information. The documents filed by the groups, as well as related correspondence, can be viewed using the following links:

    - Bell Media Inc.
      Application 2017-0783-7

    - Corus Entertainment Inc.
      Application 2017-0785-3

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[1] Section 3(1)(s) of the Act states that "private networks and programming undertakings should, to an extent consistent with the financial and other resources available to them, (i) contribute significantly to the creation and presentation of Canadian programming, and (ii) be responsive to the evolving demands of the public."

- Quebecor Media Inc.
  Application 2017-0786-1

- Groupe V Média inc.
  Application 2017-0787-9

5. The groups were also asked to comment on the possibility that amended conditions of licence, notably those relating to certain spending requirements, would be implemented for the entire duration of their services' current licence term, i.e., from 1 September 2017 to 31 August 2022.

6. The Commission held two phases of consultation and sought comments from interveners on the responses provided by the groups.

7. Consistent with the OIC and based on its examination of the updated applications in light of applicable regulations and policies, the interventions received and the licensees' replies, the Commission considers it appropriate to address the following issues:

   - the implementation date for the amended conditions of licence;

   - expenditures on original French-language programs; and

   - expenditures on music programming.

8. The Commission considers that the matters and proposals that were raised by interveners and the groups and that are not directly related to the above-noted issues fall outside of the scope of this proceeding and the OIC. The Commission has therefore not taken them into account in this decision.

Regulatory framework

9. In regulating and supervising all aspects of the Canadian broadcasting system, the Commission must seek to implement the broadcasting policy set out in section 3(1) of the Act, while having regard to the regulatory policy outlined in section 5(2) of the Act.

10. In this case, the Governor in Council has determined that the Commission's previous decisions derogated from the attainment of the objectives of the broadcasting policy for Canada set out in section 3(1) of the Act, and in particular section 3(1)(s). In asking the Commission to reconsider its decisions, the Governor in Council has therefore asked that the Commission do so with specific regard to section 3(1)(s) of the Act. However, the Commission must also continue to be mindful of the regulatory policy objectives relating to the regulation and supervision of the Canadian broadcasting system, as outlined in section 5(2) of the Act. The Commission has therefore re-examined its decisions and evaluated the evidence placed on the public file in the context of the current proceeding in light of the above-noted objectives of the Act.

Implementation of the reconsidered decisions

11. Section 28 of the Act states:

> 28 (1) Where the Commission makes a decision to issue, amend or renew a licence, the Governor in Council may, within ninety days after the date of the decision, on petition in writing of any person received within forty-five days after that date or on the Governor in Council's own motion, by order, set aside the decision or refer the decision back to the Commission for reconsideration and hearing of the matter by the Commission, if the Governor in Council is satisfied that the decision derogates from the attainment of the objectives of the broadcasting policy set out in subsection 3(1).
>
> (2) An order made under subsection (1) that refers a decision back to the Commission for reconsideration and hearing shall set out the details of any matter that, in the opinion of the Governor in Council, may be material to the reconsideration and hearing.
>
> (3) Where a decision is referred back to the Commission under this section, the Commission shall reconsider the matter and, after a hearing as provided for by subsection (1), may
>
> > (a) rescind the decision or the issue, amendment or renewal of the licence;
> >
> > (b) rescind the issue of the licence and issue a licence on the same or different conditions to another person; or
> >
> > (c) confirm, either with or without change, variation or alteration, the decision or the issue, amendment or renewal of the licence.

12. Based on section 28, the Governor in Council referred the licence renewal decisions back to the Commission for reconsideration, specifying the elements of the decisions to be reconsidered. Since the Governor in Council chose to refer these decisions back to the Commission rather than to set them aside, these decisions have remained in effect from 1 September 2017. The Commission must therefore consider the most appropriate date to implement the amended conditions of licence set out in this decision.

Positions of the parties

13. The groups submitted that the Commission does not have the authority under the Act to set aside the licensing decisions or impose new conditions of licence on a retroactive basis. They further argued that if the Governor in Council had intended the Commission to revisit the groups' obligations for the first year of the licence term, it would have set aside the decisions. Finally, they raised concerns with respect to the cost and operational difficulties of implementing retroactive obligations given that a year of the licence term would already have passed and that the programming acquisitions for the 2018-2019 broadcast year would already be commissioned.

14. The Association québécoise de l’industrie du disque, du spectacle et de la vidéo and the Canadian Independent Music Association (ADISQ/CIMA), in a joint intervention, argued that the affected licensees were aware that certain elements could be amended following the reconsideration, since the OIC was issued on 14 August 2017, before the beginning of the new licence term.

15. The Directors Guild of Canada (DGC) and On Screen Manitoba recommended a retroactive implementation of the new requirements as of 1 September 2017. According to the DGC, a funding shortfall has already been felt by creators since the conditions of licence set out in the 2017 licence renewal decisions came into effect.

Commission’s analysis and decision

16. The Commission must regulate with certainty and predictability so that licensees are able to operate in a stable regulatory environment. Making the amended conditions of licence effective as of 1 September 2017 would not be conducive to fostering such an environment. Licensees have already made expenditure commitments in line with their conditions of licence as they stood for the 2017-2018 broadcast year.

17. Accordingly, the Commission considers it appropriate to impose the amended conditions of licence set out in the appendix to this decision as of 1 September 2018, the beginning of the second year of the licence term for the groups’ affected services.

Expenditures on original French-language programs

Background

18. In order to allow specialty television services to compete on an equal footing, the Commission eliminated genre protection in Broadcasting Regulatory Policy 2015-86. The Commission indicated that, as a consequence of this, it was withdrawing the nature of service conditions of licence for certain services to replace them, where appropriate, with standard requirements, as well as requirements imposed on the groups.

19. This new approach was implemented when renewing the licences for services of the large television groups. Thus, in the 2017 licence renewal decisions, the Commission notably withdrew individual requirements for Vrak (Bell), Historia (Corus) and Séries+ (Corus) relating to original French-language programming.

20. The Commission then assessed whether it was appropriate for the broadcasting system to offset the removal of these conditions of licence via the imposition of a group requirement relating to original French-language programming. In Broadcasting Decision 2017-143, it established that there was no need to impose group requirements, to the extent that “there is a high demand for such content. As evidenced by the roster of most watched programs in Quebec, where original French-language programs often top the list, francophone and francophile Canadians seek out programs that reflect them and their unique culture.”

21. Similarly, having imposed for the first time Canadian programming expenditure (CPE) requirements on several services in the French-language market as part of the renewals, the Commission further considered in that decision that “CPE requirements are sufficient to ensure the production and broadcast of a significant number of original French-language programs.” At the time, the Commission considered that the required CPE level was high enough to prevent a given service or group from meeting its requirements by simply using reruns or dubbing.

22. Nonetheless, in the renewal decisions, the Commission indicated that it intended to monitor the expenditures of the French-language groups on this type of programming more closely through detailed reporting. Inthe event that the collected data showed the need to intervene in this matter, the Commission stated that it remained open to the possibility of imposing requirements relating to the monitoring of expenditures at the next licence renewal.

23. Following the publication of the decisions, several associations of French-language creators and producers criticized the lack of requirements relating to original French-language programming.

Positions of parties

Applications from the groups

24. Bell and Corus proposed a condition of licence requiring that 50% of required CPE be allocated to original French-language programming. In reply to questioning regarding the possible imposition of a 75% expenditure requirement, Bell submitted that such a level would have a disproportionate impact on certain groups and programming services. Since its group comprises solely discretionary services, Bell argued that it is more difficult for it to devote to original programs the same share of expenditures as groups that include conventional television services, given that expenditures on original French-language programs are much higher for such services. In its reply to that questioning Corus submitted that a 75% contribution would require significant additional investments beyond the financial means of the two services that form its group.

25. For their part, TVA Group and Groupe V argued that no requirement was necessary since viewer demand for original French-language content remains strong. TVA Group added, however, that if the Commission considered it appropriate to impose a requirement, it would accept a standard condition of licence that would be applied to all groups in the same way. Groupe V stated that it expects a decline in its revenues in the coming years, which would require a decrease in its programming expenditures and an increase in less costly foreign acquisitions. Further, it indicated that it allocates most of its CPE to original French-language programming that does not require dubbing.

Interventions

26. The Association québécoise de la production médiatique (AQPM), the DGC, the Alliance québécoise des techniciens et techniciennes de l'image et du son (AQTIS), the Association des réalisateurs et des réalisatrices du Québec (ARRQ), the Société des auteurs de radio, télévision et cinéma (SARTEC), the Union des artistes (UDA), the Alliance des producteurs francophones du Canada (APFC) and the Fédération nationale des communications (FNC) requested that the Commission require groups in the French-language market to devote a fixed percentage of their required CPE to original French-language programming. These interveners submitted that a 75% expenditure requirement would be appropriate to prevent the erosion of expenditures on original French-language programming in a context where broadcasters' revenues are declining and where the French-language programs being provided are increasingly isolated amid the availability of English-language digital platforms. The AQTIS, the ARRQ, the SARTEC, the UDA, the DGC and the AQPM also proposed requiring that the groups allocate 75% of their expenditures on programs of national interest (PNI) to original French-language productions, in addition to the proposed CPE requirements.

27. During the first intervention phase, the ministère de la Culture et des Communications du Québec (MCCQ) proposed requiring that at least 70% of CPE be devoted to original French-language programming. During the second phase, it revised its initial proposal, supporting a requirement for 75% of spending. The MCCQ stated that it was nevertheless open to having the requirement implemented gradually for groups whose current share of CPE dedicated to original French-language programming was significantly lower than 75%.

28. The AQTIS, the ARRQ, the SARTEC, the UDA and the AQPM argued that it would be appropriate to restore individual conditions of licence relating to original French-language programming, particularly those of Vrak and Séries+. The FNC proposed imposing exhibition requirements in addition to expenditure requirements.

Commission's analysis and decision

29. While audience demand for original French-language programming remains high in the French-language market, interveners' voiced concerns over seeing the quality or volume of content deteriorate in the coming years. In this regard, the Commission notes that the penetration rate of digital platforms has increased in the French-language market in recent years, while the revenues of the large television groups have diminished. In fact, from the 2012-2013 to 2016-2017 broadcast years, the groups' revenues decreased by an average of 3.5% per year. The financial projections provided in the context of this proceeding suggest that this downward trend will continue.

30. According to the projections provided by the groups, some of them plan to spend less of their CPE on original French-language programming over the 2018-2019 through 2021-2022 broadcast years than they spent from 2012-2013 to 2016-2017. For example, Bell plans to allocate 50.2% of its CPE to such programming, and Corus plans to allocate 38.2%, whereas they respectively allocated approximately 70% and

50% of their CPE to such programming in the 2015-2016 and 2016-2017 broadcast years. For its part, TVA Group does not anticipate any changes in its services' expenditures. Finally, Groupe V stated that it anticipates an increase in expenditures, but also clearly indicated that it intends to increase its spending on foreign programming acquisitions to offset lost revenue in the coming years.

31. In Broadcasting Decision 2017-143, the Commission indicated that the demand for original French-language programming remains very strong in the French-language market and that it established the CPE level for each group so that they would not be able to meet their requirements by simply using reruns or dubbing. However, imposing an expenditure requirement for original French-language programming would help to maintain the current spending level for this type of programming in an evolving broadcasting landscape.

32. Since a 75% CPE level on original French-language programming is comparable to the historical expenditure levels of certain groups on such programming, the Commission considers that this level could be used to determine the requirement to be imposed. TVA Group and Groupe V already exceed this level. Since expenditures for original French-language programming for Bell and Corus amounted to approximately 70% and 50% of CPE, respectively for the 2015-2016 and 2016-2017 broadcasting years, the 75% level may require them to make adjustments.

33. However, the Commission notes that this requirement would not result in an increase in the actual expenditure requirements for the groups. Although they will now be subject to expenditure requirements relating to original programming, their CPE requirements will remain the same. Only the allocation of CPE will be affected so that groups will be required to directa greater portion of their CPE to original French-language programs rather than to dubbed programs or reruns.

34. Given that acquisition expenditures have already been made for the 2018-2019 broadcast year and that the groups will have only a short time to adjust their programming to meet the new requirements, the Commission is imposing a lower requirement for the 2018-2019 broadcast year, equal to 50% of their CPE. For subsequent years, the requirement will rise to 75%.

35. In regard to the other proposals, the Commission considers that imposing this expenditure requirement based on CPE is sufficient to address the concerns raised in the OIC and expressed by interveners. The Commission also considers that it would be advisable to wait for the end of the current licence term before imposing additional requirements, should they be necessary.

36. The Commission considers that the reinstatement of conditions of licence that were in place prior to the 2017 licence renewal decisions or the imposition of exhibition requirements would be inconsistent with its determinations set out in Broadcasting Regulatory Policy 2015-86.

Expenditures on music programs

Background

37. In Broadcasting Regulatory Policy 2015-86, the Commission chose to eliminate the genre protection regime. While this gave licensees greater flexibility, it also resulted in the removal of conditions of licence relating to nature of service, including those of services closely associated with music, namely, MusiquePlus and MAX (formerly MusiMax). Consequently, services are no longer required to produce or fund specific programm categories, such as those relating to music programming and music video clips.

38. At the moment, French-language groups are not subject to a requirement to contribute directly to music programming. However, since the definition of PNI in the French-language market includes programs from program categories 8 (Music and dance, music video clips and music video programs) and 9 (Variety), these groups nevertheless have an incentive to devote a certain part of their PNI expenditures to this type of content.

39. In referring Broadcasting Decisions 2017-143 hrough 2017-147 back for reconsideration, the Governor in Council asked the Commission to consider how it can be ensured that a significant contribution is made to the creation and presentation of music programming.

Position of parties

Applications from the groups

40. Bell and Corus proposed introducing a CPE credit for expenditures on music programs, up to a maximum of 10% of the group’s CPE requirement when combined with the credits for official language minority community (OLMC) and Indigenous productions. Bell proposed that this credit be set at 25%, while Corus proposed that it be set at 50%.

41. TVA Group proposed incentive measures rather than a formal requirement. It submitted that PNI expenditure requirements already provide sufficient support measures in the French-language market. TVA Group added that it has never operated a service solely devoted to music and that the expenditure requirements to do so would disadvantage its group.

42. For its part, Groupe V argued that a music programming requirement is not necessary. It submitted that since genre protection no longer exists, services do not have to broadcast a particular type of programming. It added that if the Commission considers that such a contribution is necessary, it should come from broadcasting distribution undertakings (BDUs) or the Canada Media Fund (CMF), not from broadcasters. Groupe V also opposed the reinstatement of conditions of licence imposed on MusiquePlus and MAX prior to the 2017 licence renewal decisions.

43. Bell and Groupe V further argued that given that music video clips have migrated to digital platforms, a mandatory contribution to funds supporting video clips would be tantamount to supporting the content broadcast on other exempt services and platforms. Consequently, the licensees of regulated services would end up funding competing unlicensed platforms and encouraging consumers to leave the traditional system.

44. During the second intervention phase, Corus mentioned that the OIC did not ask the Commission to focus its review solely on the funding for music video clips but rather to ensure that contributions are made for music programming as a whole. TVA Group submitted that rather than requiring licensees to contribute to a fund, the Commission should leave the initiative to licensees. It added that the music sector needs to be stimulated through programs from all genres where music plays an important role without necessarily being its focus.

Interventions

45. The MCCQ and ADISQ/CIMA proposed requiring groups to devote part of their CPE or their PNI expenditures to the exhibition and production of music programs and music video clips and that the amounts paid be directed to existing funds, such as MUSICACTION. The MCCQ also proposed implementing incentive measures, such as a CPE credit of 25% to support music programs and music video clips. ADISQ/CIMA opposed this measure, which they considered would be ineffective to ensure support for music video clips.

46. Alternatively, ADISQ/CIMA proposed that BDUs’ contribution to local expression be increased and that the CMF or certified independent production funds (CIPFs) create a new program to support music videos. They added that the Commission should initiate a broader proceeding with a view to requiring other services devoted to music, such as Stingray and digital platforms, to contribute to the funding of music video clips.

47. The AQTIS, the SARTEC, the UDA and the ARRQ proposed that the PNI expenditure requirements not be removed as such a measure would lower the amount spent on other PNI categories.

48. Finally, the DGC proposed reinstating the individual condition of licence imposed on MusiquePlus prior to the 2017 licence renewal decisions to the effect that this service must contribute 3.4% of its revenues to the Remstar Fund. It stated that these expenditures could be counted by Groupe V towards meeting its PNI expenditure requirements. As an alternative, the DGC proposed that the Commission require each French-language group to devote 3% of its PNI expenditures to music programs and music video clips. The DGC also supported the proposal that the Commission adopt a 25% CPE credit.

Commission’s analysis and decision

Expenditure requirement

49. Under the requirements imposed prior to the 2017 licence renewal decisions, MusiquePlus and MAX were required to allocate 3.4% and 5% of their annual revenues, respectively, to the Remstar Fund. If the conditions of licence imposed on those servicesprior to the renewal decisions were still in effect, the contributions of these two services to the Remstar Fund would have amounted to $1,005,679, or 0.17% of the total gross revenues for the French-language groups for the 2017-2018 broadcast year. Considering the size of the French-language market, and more specifically the size of the music industry within this market, a loss of this magnitude in the production sector could have significant and immediate consequences for creators of this type of content.

50. The Commission recognizes the groups' preference for incentive-based measures to address this issue. However, credits might prove ineffective in addressing the issue raised in the OIC since they would merely represent an incentive and would not re-establish the predictable funding from which the music industry formerly benefitted, particularly as the programming currently broadcast by several of the groups' services is not related to music video clips or other music programs.

51. In light of the above, the Commission is of the view that an expenditure requirement would be a more appropriate means to offset the effects of the loss of funding in the music programming sector and ensure continued support for its creators. As noted by the groups, the television sector is no longer the only one to offer this type of content. Therefore, that sector should not be solely responsible for providing long-term support to the music industry. In its recent report requested by the Governor in Council entitled *Harnessing Change: The Future of Programming Distribution in Canada* (the Harnessing Change report), the Commission suggested that the principle that all players benefitting from the Canadian system should contribute in appropriate and equitable ways is essential to creating a vibrant domestic market in the future.

52. The Commission considers that an expenditure requirement imposed on television licensees should constitute a temporary measure, until the end of their current licence term, to allow the music industry to adapt. It further considers that a standard requirement for all groups would be the simplest and most appropriate measure to provide support for music programming, while ensuring regulatory parity among the groups consistent with the elimination of genre protection. Moreover, being able to count these expenditures toward their CPE requirements would provide the groups with some regulatory flexibility in implementing this requirement.

53. However, the Commission considers that a standard requirement based on PNI expenditures, as proposed by ADISQ/CIMA, poses some problems. First, as the groups have different PNI expenditure requirements, some groups would contribute more than others to support music programming. Further, the Commission has reservations regarding the amount of annual contributions proposed by ADISQ/CIMA to make up for the loss generated in the system for the remaining years of the licence term. For example, had the previous conditions of licence been reimposed in the 2017 licence renewal decisions, the contribution amounts from MusiquePlus and MAX would have declined during the current licence term since they were calculated on the

basis of those services' revenues. Consequently, contributions would be less than $1 million over the remainder of the licence term.

54. The Commission considers that it would be more appropriate to calculate the required contributions on the basis of the groups' annual revenues rather than their PNI expenditure requirements. Setting the expenditure requirement at 0.17% of the groups' previous broadcast year's revenues would reestablish the contributions relating to music programming for the 2018-2019 broadcast year. Whether broadcasters choose to present the resulting music video clips and music programs or not, this measure will ensure that the groups make significant contributions to the creation of music programming. The groups' contributions can nonetheless be counted as CPE, which includes PNI expenditures.

Recipient fund

55. The Commission is of the view that MUSICACTION is the most appropriate recipient fund to administer the contributions.

56. This fund receives contributions from both public and private funding sources. Further, MUSICACTION also has a proven delivery model and infrastructure.

57. MUSICACTION offers a program supporting the production of music video clips and a program to optimize the supply and promotion of Canadian musical content, mainly francophone, which is consistent with the objectives and the Act. In addition, MUSICACTION offers a program to support OLMCs.

58. In light of the above, in the appendix to this decision, the Commission has set out a **condition of licence** requiring the groups to contribute 0.17% of their services' previous broadcast year's gross revenues to MUSICACTION, effective from 1 September 2018 until 31 August 2022, the end of the licence term. These amounts may be counted towards fulfilling CPE, which includes PNI expenditures.

Conclusion

59. In light of the above, the Commission **confirms** Broadcasting Decisions 2017-143 to 2017-147 with the changes set out in the appendix to this decision.

Secretary General

Related documents

- *Rogers Media Inc. – Licence renewals for English-language television stations, services and network*, Broadcasting Decision CRTC 2017-151, 15 May 2017

- *Corus Entertainment Inc. – Licence renewals for English-language television stations and services*, Broadcasting Decision CRTC 2017-150, 15 May 2017

- *Bell Media Inc. – Licence renewals for English-language television stations and services*, Broadcasting Decision CRTC 2017-149, 15 May 2017
- *Renewal of licences for the television services of large English-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-148, 15 May 2017
- *Quebecor Media Inc. – Group-based licence renewals for French-language television stations and services*, Broadcasting Decision CRTC 2017-147, 15 May 2017
- *Groupe V Média inc. – Licence renewals for French-language network, television stations and services*, Broadcasting Decision CRTC 2017-146, 15 May 2017
- *Corus Entertainment Inc. – Licence renewals for French-language television services*, Broadcasting Decision CRTC 2017-145, 15 May 2017
- *Bell Media Inc. – Licence renewals for French-language television services*, Broadcasting Decision CRTC 2017-144, 15 May 2017
- *Renewal of licences for the television services of large French-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-143, 15 May 2017
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015

Appendix to Broadcasting Decision CRTC 2018-334

Amendments to Broadcasting Decisions 2017-144 to 2017-147

The Commission **confirms** Broadcasting Decisions 2017-144 to 2017-147 with the following changes.

Bell Media Group

In regard to the television services that form the Bell Media Group, for the services set out in Appendix 1 to *Bell Media Inc. – Licence renewals for French-language television services*, Broadcasting Decision CRTC 2017-144, 15 May 2017 (Broadcasting Decision 2017-144), under the section entitled “Canadian programming expenditures” set out in Appendix 2 to that decision, the Commission adds the following **condition of licence** relating to original French-language programs:

> The licensee shall devote to original French-language programs:
>
> a) at least 50% of the expenditures in condition 3 in the second year of the licence term (2018-2019 broadcast year); and
>
> b) at least 75% of the expenditures in condition 3 in the remaining years of the licence term (2019-2020 through 2021-2022 broadcast years).

In addition, the Commission adds the following **condition of licence** to those set out in Appendix 2 to Broadcasting Decision 2017-144:

> For the 2018-2019 broadcast year and until the end of the licence term, the licensee shall allocate in each broadcast year 0.17% of the previous broadcast year’s gross revenues of the undertaking to MUSICACTION. These expenditures can be counted by the licensee for the purpose of fulfilling its Canadian programming expenditure requirement, which includes expenditure on programs of national interest.

Finally, in the section entitled “Definitions” in Appendix 2 to Broadcasting Decision 2017-144, the Commission adds the following definition:

> For the purposes of this decision, “original French-language program” means a Canadian program produced in French and broadcast for the first time in the French-language market, which excludes dubbed Canadian programs that are dubbed.

Corus Group

In regard to the television services that form the Corus Group, for the services set out in Appendix 1 to *Corus Entertainment Inc. – Licence renewals for French-language television services*, Broadcasting Decision CRTC 2017-145, 15 May 2017

(Broadcasting Decision 2017-145), under the section entitled “Canadian programming expenditures” set out in Appendix 2 to that decision, the Commission adds the following **condition of licence** relating to original French-language programs:

> The licensee shall devote to original French-language programs:
>
> a) at least 50% of the expenditures in condition 3 in the second year of the licence term (2018-2019 broadcast year); and
>
> b) at least 75% of the expenditures in condition 3 in the remaining years of the licence term (2019-2020 through 2021-2022 broadcast years).

In addition, the Commission adds the following **condition of licence** to those set out in Appendix 2 to Broadcasting Decision 2017-145:

> For the 2018-2019 broadcast year and until the end of the licence term, the licensee shall allocate in each broadcast year 0.17% of the previous broadcast year’s gross revenues of the undertaking to MUSICACTION. These expenditures can be counted by the licensee for the purpose of fulfilling its Canadian programming expenditure requirement, which includes expenditure on programs of national interest.

Finally, in the section entitled “Definitions” in Appendix 2 to Broadcasting Decision 2017-145, the Commission adds the following definition:

> For the purposes of this decision, “original French-language program” means a Canadian program produced in French and broadcast for the first time in the French-language market, which excludes dubbed Canadian programs.

Groupe V

In regard to the television services that form the Groupe V Group of services, for the services set out in Appendix 1 to *Groupe V Média inc. – Licence renewals for French-language network, television stations and services*, Broadcasting Decision CRTC 2017-146, 15 May 2017 (Broadcasting Decision 2017-146), under the section entitled “Canadian programming expenditures” set out in Appendix 2 to that decision, the Commission adds the following **condition of licence** relating to original French-language programs:

> The licensee shall devote to original French-language programs:
>
> a) at least 50% of the expenditures in condition 2 in the second year of the licence term (2018-2019 broadcast year); and
>
> b) at least 75% of the expenditures in condition 2 in the remaining years of the licence term (2019-2020 through 2021-2022 broadcast years).

In addition, the Commission adds the following **condition of licence** to those set out in Appendix 2 to Broadcasting Decision 2017-146:

> For the 2018-2019 broadcast year and until the end of the licence term, the licensee shall allocate in each broadcast year 0.17% of the previous broadcast year's gross revenues of the undertaking to MUSICACTION. These expenditures can be counted by the licensee for the purpose of fulfilling its Canadian programming expenditure requirement, which includes expenditure on programs of national interest.

Finally, in the section entitled "Definitions" in Appendix 2 to Broadcasting Decision 2017-146, the Commission adds the following definition:

> For the purposes of this decision, "original French-language program" means a Canadian program produced in French and broadcast for the first time in the French-language market, which excludes dubbed Canadian programs.

TVA Group

In regard to the television services that form the TVA Group of services, for the services set out in Appendix 1 to *Quebecor Media Inc. – Group-based licence renewals for French-language television stations and services*, Broadcasting Decision CRTC 2017-147, 15 May 2017 (Broadcasting Decision 2017-147), under the section entitled "Canadian programming expenditures" set out in Appendix 2 to that decision, the Commission adds the following **condition of licence** relating to original French-language programs:

> The licensee shall devote to original French-language programs:
>
> a) at least 50% of the expenditures in condition 2 in the second year of the licence term (2018-2019 broadcast year); and
>
> b) at least 75% of the expenditures in condition 2 in the remaining years of the licence term (2019-2020 through 2021-2022 broadcast years).

In addition, the Commission adds the following **condition of licence** to those set out in Appendix 2 to Broadcasting Decision 2017-147:

> For the 2018-2019 broadcast year and until the end of the licence term, the licensee shall allocate in each broadcast year 0.17% of the previous broadcast year's gross revenues of the undertaking to MUSICACTION. These expenditures can be counted by the licensee for the purpose of fulfilling its Canadian programming expenditure requirement, which includes expenditure on programs of national interest.

Finally, in the section entitled "Definitions" in Appendix 2 to Broadcasting Decision 2017-147, the Commission adds the following definition:

For the purposes of this decision, “original French-language program” means a Canadian program produced in French and broadcast for the first time in the French-language market, which excludes dubbed Canadian programs.