



## Broadcasting Decision CRTC 2020-266

PDF version

Reference: Part 1 licence renewal applications posted on 31 January 2020

Ottawa, 14 August 2020

### **ZoomerMedia Limited**

Winnipeg, Manitoba, and Fraser Valley and Victoria, British Columbia

*Public record for these applications: 2019-1023-2 and 2019-1024-0*

### **CIIT-DT Winnipeg, and CHNU-DT Fraser Valley and its transmitter CHNU-DT-1 Victoria – Licence renewals**

*The Commission **renews** the broadcasting licences for the English-language, independent conventional religious television stations CIIT-DT Winnipeg, and CHNU-DT Fraser Valley and its transmitter CHNU-DT-1 Victoria, from 1 September 2020 to 31 August 2025.*

### **Applications**

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), 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 deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act.
2. On 3 June 2019, the Commission issued Broadcasting Notice of Consultation 2019-192, which listed the television services for which the broadcasting licences would expire 31 August 2020 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those services submit renewal applications for their broadcasting licences.
3. In response, ZoomerMedia Limited (ZoomerMedia) filed applications to renew the broadcasting licences for the English-language, independent conventional religious television stations CIIT-DT Winnipeg, Manitoba (2019-1023-2), and CHNU-DT Fraser Valley, British Columbia and its transmitter CHNU-DT-1 Victoria (2019-1024-0). ZoomerMedia requested a five-year licence term for each station.
4. The licensee stated that, for both stations, it would adhere to the standard conditions of licence for television stations set out in Appendix 1 to Broadcasting Regulatory Policy 2016-436, with the exception of condition of licence 2 relating to affiliations with network operators.

5. ZoomerMedia requested that both CIIT-DT and CHNU-DT be granted an exception from Canadian programming expenditure (CPE) requirements, but added that should the Commission consider it appropriate to impose such requirements on the stations, it would adhere to a 1% combined CPE requirement for the stations. Although both CIIT-DT and CHNU-DT make expenditures on Canadian programming, neither is currently subject to a requirement in this regard.
6. The licensee also requested an exemption for both stations from all exhibition and expenditure requirements relating to the broadcast of locally reflective news programming. Neither CIIT-DT nor CHNU-DT is currently subject to such requirements.
7. In addition, ZoomerMedia requested amendments to each station's condition of licence relating to the broadcast of balance programming in order to reduce the required number of hours of such programming and to remove the obligation to broadcast original locally-produced Canadian programs from a faith-specific non-Christian perspective. The licensee indicated that the proposed amendment would harmonize the balance programming requirement imposed on its two stations, and reflect the requirements imposed on other religious conventional television stations when their broadcasting licences were last renewed.
8. Finally, the licensee requested the deletion of the following condition of licence for both stations, set out in Appendices 7 (CIIT-DT) and 8 (CHNU-DT) to Broadcasting Decision 2013-467:
  4. Not less than 50% of all programming broadcast in peak time (7:00 p.m. to 11:00 p.m.) shall be Canadian programs.
9. The Commission received an intervention from an individual in regard to the application for CHNU-DT, to which the licensee did not reply. This individual expressed concerns regarding the nature of the service being offered by CHNU-DT, on the basis that ZoomerMedia is not a religious organization.
10. As set out in Broadcasting Regulatory Policy 2015-86, in order to grant greater flexibility to broadcasters to create and acquire programming that they consider will best suit their audiences, the Commission no longer enforces conditions of licence relating to nature of service, with the exception of services that benefit from mandatory distribution under section 9(1)(h) of the Act. Accordingly, in regard to its examination of the present licence renewal applications, the Commission has not taken into consideration the intervener's concerns relating to the nature of the service being offered by CHNU-DT.

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

11. After examining the applications in light of applicable policies and regulations, the Commission considers that the issues it must address relate to the following:

- the licensee's request to be granted an exception from CPE requirements for the stations;
- the licensee's requested amendments to the stations' conditions of licence relating to the broadcast of balance programming;
- the licensee's request to be exempt from exhibition and expenditure requirements relating to locally reflective news;
- the licensee's requested amendment to the stations' conditions of licence relating to the broadcast of Canadian programming in peak time (i.e., from 7:00 p.m. to 11:00 p.m.);
- the licensee's request for an exception from the requirement relating to affiliations with network operators; and
- the licensee's apparent non-compliance with requirements relating to the filing of annual returns.

### **Canadian programming expenditures**

12. Sections 3(1)(e) and (s)(i) of the Act declare that each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming and that private networks and programming undertakings should, to an extent consistent with the financial and other resources available to them, contribute significantly to the creation and presentation of Canadian programming. In accordance with this aspect of the broadcasting policy and pursuant to its authority in section 9(1), the Commission has imposed conditions of licence requiring programming undertakings to contribute in various ways to the creation of Canadian programming, including imposing CPE requirements.
13. In Broadcasting Regulatory Policy 2015-86, the Commission announced that it would impose CPE requirements on all independent over-the-air television stations operating in English-language markets, and that it would set the appropriate CPE levels at the time of licence renewal, based on historical expenditure levels.

### **Licensee's proposal**

14. Although ZoomerMedia currently makes expenditures on Canadian programming for CIIT-DT and CHNU-DT, it is currently not subject to CPE requirements for these stations. The licensee requested that CIIT-DT and CHNU-DT be exempt from CPE requirements given that neither station fits within the rationale for imposing such requirements on conventional commercial television stations operated by the national vertically-integrated group licensees.
15. Should the Commission find it appropriate to impose a CPE requirement on the stations, ZoomerMedia stated that it could accept a minimal CPE obligation for the stations. Specifically, based on the stations' recent historical expenditures, it proposed

for CIIT-DT and CHNU-DT a combined CPE requirement of 1% of the stations' previous broadcast year's gross revenues. In support of this proposal, the licensee submitted that this level of spending is on par with the stations' recent historical expenditures on Canadian programming. It further submitted that the majority of the "niche" programming (i.e., programming drawn from program category 4 (Religion)<sup>1</sup>) that the stations are required to provide is produced by faith groups and a mosaic of producers who purchase airtime from the stations to have their programs broadcast, which results in a business model for the stations that is completely different from that of other conventional television services.

16. Finally, ZoomerMedia submitted that imposing policy requirements stemming from Broadcasting Regulatory Policy 2015-86 on religious television stations that operate under a completely different policy (i.e., the Religious Broadcasting Policy set out in Public Notice 1993-78) serves no valid regulatory or public interest purpose.

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

17. Religious services have restrictions concerning the types of programming they may broadcast. For such services, including CIIT-DT and CHNU-DT, a large proportion of the programming broadcast must be drawn from content category 4 (Religion). Further, as noted by ZoomerMedia for its stations, it is common for religious services to sell airtime to different faith groups or similar organizations to fulfill their programming schedules. This method of acquiring programming for CIIT-DT and CHNU-DT has an obvious impact on the business model for the stations and, consequently, on the CPE level that can be imposed on them. In this regard, the Commission notes that both stations reported very low CPE levels in the last two years as a percentage of their gross annual revenues.
18. In regard to the approach announced in Broadcasting Regulatory Policy 2015-86 whereby CPE levels would be based on historical expenditures, the Commission notes that this approach was used in setting the CPE levels for the conventional religious television stations owned and operated by Crossroads Television System (Crossroads) (see Broadcasting Decision 2018-479), which operate under a business model similar to that of ZoomerMedia and thus face the same kind of constraints regarding spending on programming. The Commission further notes the licensee's indication that it would adhere to a lower, combined CPE requirement for the services should the Commission find it appropriate to impose a CPE requirement on CIIT-DT and CHNU-DT.
19. In light of the above, and in light of the Commission's announcement in Broadcasting Regulatory Policy 2015-86 regarding the imposition of CPE requirements on all

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<sup>1</sup> As set out in Appendices 7 and 8, respectively, to Broadcasting Decision 2013-467, both CIIT-DT and CHNU-DT are required by condition of licence to ensure that not less than 75% of all programming broadcast during the broadcast day and that not less than 50% of the programming broadcast during peak time hours (i.e., 7:00 p.m. to 11:00 p.m.) is devoted to programs drawn from category 4 (Religion). This and other programming categories are set out in Item 6 of Schedule I to the Regulations.

independent over-the-air television stations operating in English-language markets, the Commission does not consider it appropriate to grant CIIT-DT and CHNU-DT exemptions to CPE requirements. Consequently, the Commission **denies** ZoomerMedia's request in this regard. Instead, the Commission finds that it would be appropriate to calculate the CPE requirements for these stations based on the historical average spending on Canadian programming.

20. Based on an analysis of each station's historical spending over a five-year period, the Commission notes that the average CPE expressed as a percentage of the previous year's total revenues for each station was 2% for CIIT-DT and 5% for CHNU-DT. Accordingly, the Commission finds it appropriate to impose a CPE requirement of 2% of the previous broadcast year's gross revenues for CIIT-DT, and a CPE requirement of 5% of the previous broadcast year's gross revenues for CHNU-DT. **Conditions of licence** to that effect for the stations are set out in the appendices to this decision.
21. The broadcasting policy set out in section 3(1) of the Act also provides that the Canadian broadcasting system should reflect the linguistic duality of Canada and the special place of Indigenous peoples within Canadian society (section 3(1)(d)(iii)).
22. The Commission considers it appropriate to adopt an incentive to encourage the reflection of Indigenous peoples within the broadcasting system. Specifically, for each of their stations, licensees will receive a 50% credit towards their CPE requirements for expenditures on Canadian programming produced by Indigenous producers, up to a maximum (expenses plus credit) of 10% of each licensee's overall CPE requirement when combined with the credit discussed below regarding official language minority community (OLMC) reflection. Only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit.
23. The Commission is also of the view that a similar credit could encourage greater onscreen reflection of OLMCs in the broadcasting system. Consequently, for each of their stations, the licensees will receive a 25% credit against their CPE requirements for expenditures on Canadian programming produced by OLMC producers, up to a maximum (expenses plus credit) of 10% of each licensee's overall CPE requirement when combined with the credit on Indigenous reflection. Once again, only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit. Further, the OLMC producer must be an independent producer as defined by the Commission and (i) if in the province of Quebec, the original language of the production must be English or (ii) if outside of the province of Quebec, the original language of the production must be French.
24. **Conditions of licence** reflecting these determinations are set out in the appendices to this decision.

## **Broadcast of balance programming**

25. Among other things, section 3(1) of the Act declares that the Canadian broadcasting system should serve the needs and interests and reflect the circumstances and aspirations of all Canadians (section 3(1)(d)(iii)) as well as provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern (section 3(1)(i)(iv)). In accordance with these aspects of the broadcasting policy, the Commission developed its Religious Broadcasting Policy, which includes requirements relating to the broadcast of balance programming. Pursuant to its authority in section 9(1), the Commission has imposed conditions of licence relating to these requirements.

26. CIIT-DT and CHNU-DT are subject to the following conditions of licence relating to the broadcast of balance programming:

- CIIT-DT (set out in Appendix 7 to Broadcasting Decision 2013-467):

3. The licensee shall broadcast a minimum of 18 hours per week of balance programming, of which 12 hours shall be original Canadian programs. At least 2.5 hours of weekly balance programming shall be original locally-produced Canadian programs from a faith-specific non-Christian perspective.

(a) At least 7.5 hours of the 18 hours of balance programming referred to above shall be broadcast between 6 p.m. and 11 p.m. and shall be original Canadian programs.

(b) The licensee shall submit, within 60 days of the end of each broadcast year, a report for each week in the broadcast year that includes the title, the broadcast day, broadcast time and duration of its balance programs, along with a brief description of each balance program that describes how the program served to fulfil the terms of this condition.

- CHNU-DT (set out in Appendix 8 to Broadcasting Decision 2013-467):

3. The licensee shall broadcast a minimum of 18 hours per week of balance programming, of which 12 hours shall be Canadian programs broadcast between 6 p.m. and 11 p.m. At least 15.5 hours of weekly balance programming shall be original first-run programming.

a) At least 7.5 hours of the 18 hours of balance programming referred to above shall be faith-specific programming produced by individual non-Christian groups. This programming will include presentations from the Buddhist, Hindu, Jewish, Muslim and Sikh perspectives and be broadcast between 7 p.m. and 11 p.m. and on Saturdays from 8:30 a.m. and 1:30 p.m.

### **Licensee's proposal**

27. ZoomerMedia requested that these conditions of licence be replaced with the following harmonized condition of licence for the two stations:

The licensee shall broadcast a minimum of 18 hours per week of balance programming, of which 5 hours shall be original Canadian programs broadcast between 6:00 p.m. and 11:00 p.m.

28. The licensee submitted that in the digital world, a mandated scheduling of balance programming does not guarantee significant viewership. It argued that this condition of licence represents a failed attempt to draw various viewers at specific time periods, and actually resulted in very small viewership in those time periods.
29. ZoomerMedia noted that CIIT-DT and CHNU-DT are small market stations that have either lost money or been marginally profitable throughout their history. In its view, replacing the above conditions of licence with the requested harmonized condition of licence would reflect its capacity to acquire and sustain programming in Winnipeg and in the Fraser Valley, both of which are small television markets.
30. The licensee added that the reference to scheduling particular programs reflective of different faiths is unique to CHNU-DT and was not imposed on other religious conventional stations at their licence renewal, including those operated by Crossroads. In ZoomerMedia's view, the flexibility to broadcast programming from various faith groups in order to respect balance programming obligations that was granted to Crossroads' stations would be appropriate for CIIT-DT and CHNU-DT as well.
31. Finally, the licensee submitted that given the similarities between CIIT-DT and CHNU-DT, being subject to different conditions of licence relating to balance programming hampers its ability to operate the stations.

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

32. In the Religious Broadcasting Policy, the Commission stated that its balance policy seeks to ensure that a reasonably consistent viewer would be exposed to a spectrum of differing views on issues of public concern within a reasonable period of time. The Commission also stated that it would continue to view religious matters to be of public concern, and considered that local religious broadcasters could work within the existing flexible guidelines of the current balance policy in order to keep their audiences informed of different perspectives on issues of importance, including religion itself, while addressing the particular needs of the communities they serve.
33. In Broadcasting Decision 2013-467, in which the broadcasting licences for CIIT-DT and CHNU-DT were last renewed, the Commission denied the licensee's request to reduce the requirement to broadcast balance programming in peak time. In that decision, the Commission expressed the view that the provision of balance programming during the evening broadcast period was an important part of its

approach to religious broadcasting by conventional television stations given that it ensures that balance programming is available at times when the potential audience is the greatest.

34. In the present case, the Commission finds that the requested reduction in the number of hours of original and Canadian balance programming to be broadcast by CIIT-DT and CHNU-DT would not align with the principles of the Religious Broadcasting Policy. As noted above, the expression of differing views on matters of public concern is an important principle of that policy. In the Commission's view, the licensee has not demonstrated that reducing its requirements relating to the broadcast of balance programming would be in the public interest. Rather, the amount of original balance programming broadcast by the licensee on each station should remain the same and should not be reduced simply to match the amounts broadcast on other stations. The Commission notes that other religious services are subject to similar requirements or were denied similar flexibilities in the past.<sup>2</sup>
35. In regard to the licensee's arguments for identical conditions of licence for the two stations, the Commission finds that the specific situation of a station can make it appropriate to impose conditions of licence that are distinct from those for a similar station.
36. In light of the above, the Commission **denies** the licensee's request to amend CIIT-DT's and CHNU-DT's conditions of licence relating to the broadcast of original and Canadian balance programming so as to reduce the number of hours of such programming broadcast.
37. In regard to ZoomerMedia's request to streamline CIIT-DT's and CHNU-DT's balance programming requirements by deleting specific requirements relating to programming produced from non-Christian perspectives and to annual reporting of programs broadcast, the Commission is of the view that approval of this request would offer the licensee some flexibility and would harmonize its requirements with those of other religious services.
38. In this regard, the Commission notes that Crossroads' stations are not subject to such requirements.<sup>3</sup> It further notes that no specific faith groups intervened in the present proceeding to raise issues regarding the broadcast of balance programming by these stations. Accordingly, the Commission **approves** the licensee's request to delete specific requirements relating to programming produced from non-Christian perspectives and to annual reporting of programs broadcast.
39. In light of the above, the Commission determines that for CIIT-DT, the licensee will be required over the next licence term to broadcast a minimum of 18 hours of balance

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<sup>2</sup> See, for example, Broadcasting Decision 2012-88, in which the Commission denied an application by Crossroads to amend the broadcasting licences for its stations CITS-DT Hamilton, CKCS-DT Calgary and CKES-DT Edmonton in regard to requirements relating to balance programming.

<sup>3</sup> See Broadcasting Decision 2018-479.

programming each broadcast week, of which 12 hours must be original Canadian balance programming and of which at least 7.5 hours must be broadcast between 6:00 p.m. and 11:00 p.m. and be original Canadian programs.

40. For CHNU-DT, the licensee will be required over the next licence term to broadcast a minimum of 18 hours of balance programming each broadcast week, of which 12 hours must be Canadian balance programs broadcast between 6:00 p.m. and 11:00 p.m., and of which at least 15.5 hours must be original first-run programming.
41. **Conditions of licence** in regard to the above are set out in the appendices to this decision.

#### **Exhibition and expenditure requirements relating to locally reflective news**

42. In addition to the requirements to contribute to the creation and presentation of Canadian programming identified above, section 3(1) of the Act requires programming provided by the Canadian broadcasting system to be drawn from local, regional, national and international sources (section 3(1)(i)(ii)), be reflective of Canadian attitudes, opinions, ideas and values (section 3(1)(d)(ii)), and serve the needs and interests, and reflect the circumstances and aspirations, of all Canadians (section 3(1)(d)(iii)). In accordance with these aspects of the broadcasting policy for Canada and pursuant to its authority in section 9(1), the Commission has imposed conditions of licence relating to local programming, including locally reflective news on television stations.
43. In Broadcasting Regulatory Policy 2016-224, the Commission stated that all television station licensees would be required to broadcast a minimum level of local news and to allocate a percentage of their previous broadcast year's gross revenues to such programming. It further noted that the exhibition and expenditure levels would be determined at licence renewal based on historical levels.
44. Neither CIIT-DT nor CHNU-DT is currently subject to requirements in this regard. In its application, ZoomerMedia indicated that it does not wish to adhere to an exhibition or an expenditure requirement in regard to locally reflective news, and, therefore, requested that its stations be exempt from any such requirements. In support of its request, the licensee noted that the Commission has never required religious television broadcasters to produce and broadcast news programming given their religious mandate. It added that its request is consistent with the Commission's treatment of other religious broadcasters, such as Crossroads in Broadcasting Decision 2018-479.
45. As noted by the licensee, the Commission has historically not required religious stations to broadcast news programming given their religious mandate. Accordingly, the Commission **approves** the licensee's request.
46. As independent services, CIIT-DT and CHNU-DT would qualify for funding under the Independent Local News Fund (ILNF). However, as was the case for Crossroad's stations in Broadcasting Decision 2018-479, since CIIT-DT and CHNU-DT will not

be making any expenditures on locally reflective news programming and will not be exhibiting such programming, based on the eligibility criteria relating to the ILNF set out in Broadcasting Regulatory Policy 2016-224, they will not be eligible for funding support through that fund.

### **Broadcast of Canadian programming in peak time**

47. Pursuant to section 9(1) of the Act and in accordance with the many provisions in section 3(1) of the Act relating to the reflection of Canadians, the requirements for the broadcasting system to contribute to the creation and presentation of Canadian programming (section 3(1)(e)) and to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada (section 3(1)(d)(i)), the Commission has imposed requirements on licensees relating to the broadcast of Canadian programs.

48. Both CIIT-DT and CHNU-DT are subject to the following condition of licence relating to Canadian programming, set out in Appendices 7 and 8, respectively, to Broadcasting Decision 2013-467:

4. Not less than 50% of all programming broadcast in peak time (7:00 p.m. to 11:00 p.m.) shall be Canadian programs.

49. ZoomerMedia requested that the above condition of licence be replaced by the following condition of licence:

Not less than 50% of all programming broadcast in the evening broadcast period shall be Canadian programs.

50. In support of its request, the licensee indicated that in the *Television Broadcasting Regulations, 1987* (the Regulations), the requirements for Canadian programming broadcast during the broadcast day and the evening period were changed for licensees holding a private licence.

51. In Broadcasting Regulatory Policy 2015-86, the Commission stated that it would modify its exhibition requirement levels in the Regulations and that the new levels would be applied to services at their next licence renewal. In the Commission's view, the goal of the licensee's request is to harmonize its stations' standard requirements by applying the definition of "evening broadcast period" set out in the Regulations.

52. In light of the above, the Commission **approves** the licensee's request. **Conditions of licence** in this regard for CIIT-DT and for CHNU-DT are set out in the appendices to this decision.

### **Exception from the requirement relating to affiliations with network operators**

53. In order to maintain its ability to regulate and supervise the Canadian broadcasting system and implement the policy set out in section 3(1) of the Act as required under

section 5(1) of the Act, the Commission also imposes conditions of licence that require Commission approval for certain changes to an undertaking's operations.

54. The Commission imposed the following standard condition of licence on television stations in the appendix to Broadcasting Regulatory Policy 2011-422, and maintained that condition of licence in Appendix 1 to Broadcasting Regulatory Policy 2016-436:

The licensee shall not affiliate with or disaffiliate from any network operator without the prior written approval of the Commission.

55. In Broadcasting Decision 2013-467, the Commission considered that it was appropriate to grant CIIT-DT and CHNU-DT an exception to that condition of licence as it was clearly intended for general interest conventional stations, and as there was little opportunity for these religious conventional television stations to affiliate with a network operator without first changing substantially the nature of their programming.

56. In regard to the present applications, ZoomerMedia requested that this exception continue into the new licence term, given that CIIT-DT and CHNU-DT would continue to operate as religious conventional television stations. In this regard, the Commission notes that the current situation for these stations has not changed in that there continues to be little opportunity for them to affiliate with a network operator without requiring a substantial change in the nature of their programming. Further, unlike most independent stations, both CIIT-DT and CHNU-DT continue to be subject to conditions of licence relating to the types of programming to be broadcast, which guarantee that they maintain the nature of their services. Accordingly, the Commission **approves** the licensee's requests. **Conditions of licence** to that effect for CIIT-DT and CHNU-DT are set out in the appendices to this decision.

### **Non-compliance with annual returns**

57. Section 10(1)(i) of the Act authorizes the Commission to make regulations in furtherance of its objectives requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.
58. Consistent with this authority, the Commission made section 12(1) of the Regulations, which requires licensees to file an annual return, including financial statements, by 30 November of each year for the broadcast year ending the previous 31 August.
59. According to Commission records, for the 2015-2016 broadcast year, the financial statements that were to be included with each station's annual return were not filed in time. Consequently, the Commission finds the licensee in non-compliance with section 12(1) of the Regulations, for both CIIT-DT and CHNU-DT.
60. The Commission notes, however, that ZoomerMedia, after being informed of the apparent non-compliance, promptly filed the missing financial statements. In

addition, the Commission is satisfied with the corrective measures and remedies put in place by the licensee. Accordingly, the Commission finds that no further corrective measures are required.

## Conclusion

61. Since 2010, it has been the Commission's general practice to grant five-year licence renewal terms for television services.<sup>4</sup> As noted above, ZoomerMedia requested a five-year licence term for CIIT-DT and for CHNU-DT. In accordance with its practice, the Commission finds that such a term is appropriate in the present case.
62. In light of all of the above, the Commission **renews** the broadcast licences for the English-language independent conventional religious television programming undertakings CIIT-DT Winnipeg, and CHNU-DT Fraser Valley and its transmitter CHNU-DT-1 Victoria, from 1 September 2020 to 31 August 2025. The terms and **conditions of licence** for CIIT-DT are set out in Appendix 1 to this decision. The terms and **conditions of licence** for CHNU-DT and its transmitter CHNU-DT-1 are set out in Appendix 2.

## Reminder

63. Licensees are responsible for filing complete annual returns on time. It is the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns, and to contact the Commission if further clarification is required.

Secretary General

## Related documents

- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-192, 3 June 2019
- *Various conventional religious television stations – Licence renewals*, Broadcasting Decision CRTC 2018-479, 18 December 2018
- *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016
- *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

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<sup>4</sup> See Broadcasting Regulatory Policy 2010-167.

- *Various independent conventional and community-based television programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-467, 30 August 2013
- *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011
- *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010
- *The reporting of Canadian programming expenses*, Public Notice CRTC 1993-93, 22 June 1993
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993

*This decision is to be appended to each licence.*

## Appendix 1 to Broadcasting Decision CRTC 2020-266

### Terms, conditions of licence, expectations and encouragements for the conventional religious television programming undertaking CIIT-DT Winnipeg, Manitoba

#### Terms

The licence will expire 31 August 2025.

#### Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in the broadcasting licence for the undertaking, as well as to the standard conditions of licence for television stations 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 condition of licence 2 (affiliation to a network), and condition of licence 14 (described video), which is replaced by the following:

The licensee shall provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7:00 p.m. to 11:00 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).

2. The licensee shall, in each broadcast year, devote not less than 2% of the previous year's gross annual revenues of the undertaking to the acquisition of or investment in Canadian programming.
3. Subject to condition 4, the licensee may claim, in addition to its expenditures on Canadian programming:
  - a) a 50% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year;
  - b) a 25% credit against its Canadian programming expenditure requirements 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; or

- ii) the programming is produced outside the province of Quebec and the original language of production is French.
4. The licensee may claim the credits calculated in accordance with condition 3 until the expenditures made on Canadian programming produced by Indigenous producers and by official language minority community producers, including credits, reach a combined maximum of 10% of the Canadian programming expenditure requirement for the undertaking.
5. In regard to expenditures on Canadian programming:
  - 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 licence 2; 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 licence 2.
6. In the two years following the end of the licence term ending 31 August 2020, the licensee shall report and respond to any Commission enquiries relating to the expenditures on Canadian programming made by the licensee for that term.
7. The licensee is responsible for any failure to comply with the requirements relating to expenditures on Canadian programming that occurred during the licence term ending 31 August 2020.
8. Not less than 75% of all programming broadcast by the licensee during the broadcast day and not less than 50% of the programming broadcast during peak time hours (7:00 p.m. to 11:00 p.m.) shall be devoted to programs drawn from Category 4 – Religion, as set out in Item 6 of Schedule 1 to the *Television Broadcasting Regulations, 1987*.
9. The licensee shall broadcast a minimum of 18 hours of balance programming each broadcast week, of which 12 hours shall be original Canadian balance programming. Of the 18 hours of balance programming, 7.5 hours must be broadcast between 6:00 p.m. and 11:00 p.m.

10. The licensee shall adhere to the guidelines on ethics and the provision of balance in religious programming as set out in sections III.B.2a) and IV of the Commission's *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993.

### **Definitions**

For the purpose of these conditions of licence:

“Balance programming” is defined as programming devoted to providing differing views on issues and events presented during the station's primary programming and include the presentation of different religions.

“Broadcast day” means a period of 18 consecutive hours, beginning each day at six o'clock in the morning.

“Broadcasting month,” “broadcast year” and “evening broadcast period” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.

“Indigenous producer” means an individual who self-identifies as Indigenous, which includes First Nations, Métis or 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. In regard to the definition of “independent production company,” “Canadian” includes a person who self-identifies as Indigenous and resides in Canada, whereas “Canadian company” includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

“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 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:

- a. if it produces original programs in English, have its head office in Quebec and be owned and operated by a resident of Quebec;
- b. if it produces original programs in French, have its head office outside Quebec and be owned and operated by a resident outside Quebec.

### **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.

## **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.

## Appendix 2 to Broadcasting Decision CRTC 2020-266

### Terms, conditions of licence, expectations and encouragements for the conventional religious television programming undertaking CHNU-DT Fraser Valley, British Columbia, and its transmitter CHNU-DT-1 Victoria

#### Terms

The licence will expire 31 August 2025.

#### Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in the broadcasting licence for the undertaking, as well as to the standard conditions of licence for television stations 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 condition of licence 2 (affiliation to a network), and condition of licence 14 (described video), which is replaced by the following:

The licensee shall provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7:00 p.m. to 11:00 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).

2. The licensee shall, in each broadcast year, devote not less than 5% of the previous year's gross annual revenues of the undertaking to the acquisition of or investment in Canadian programming.
3. Subject to condition 4, the licensee may claim, in addition to its expenditures on Canadian programming:
  - a) a 50% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year;
  - b) a 25% credit against its Canadian programming expenditure requirements 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; or

- ii) the programming is produced outside the province of Quebec and the original language of production is French.
4. The licensee may claim the credits calculated in accordance with condition 3 until the expenditures made on Canadian programming produced by Indigenous producers and by official language minority community producers, including credits, reach a combined maximum of 10% of the Canadian programming expenditure requirement for the undertaking.
  5. In regard to expenditures on Canadian programming:
    - 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 licence 2; 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 licence 2.
  6. In the two years following the end of the licence term ending 31 August 2020, the licensee shall report and respond to any Commission enquiries relating to the expenditures on Canadian programming made by the licensee for that term.
  7. The licensee is responsible for any failure to comply with the requirements relating to expenditures on Canadian programming that occurred during the licence term ending 31 August 2020.
  8. Not less than 75% of all programming broadcast by the licensee during the broadcast day and not less than 50% of the programming broadcast during peak time hours (7:00 p.m. to 11:00 p.m.) shall be devoted to programs drawn from Category 4 – Religion, as set out in Item 6 of Schedule 1 to the *Television Broadcasting Regulations, 1987*.
  9. The licensee shall broadcast a minimum of 18 hours of balance programming each broadcast week, of which 12 hours shall be Canadian balance programs broadcast between 6:00 p.m. and 11:00 p.m. At least 15.5 hours of weekly balance programming shall be original first-run programming.

10. The licensee shall adhere to the guidelines on ethics and the provision of balance in religious programming as set out in sections III.B.2a) and IV of the Commission's *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993.

### **Definitions**

For the purpose of these conditions of licence:

“Balance programming” is defined as programming devoted to providing differing views on issues and events presented during the station's primary programming and include the presentation of different religions.

“Broadcast day” means a period of 18 consecutive hours, beginning each day at six o'clock in the morning.

“Broadcasting month,” “broadcast year” and “evening broadcast period” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.

“Indigenous producer” means an individual who self-identifies as Indigenous, which includes First Nations, Métis or 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. In regard to the definition of “independent production company,” “Canadian” includes a person who self-identifies as Indigenous and resides in Canada, whereas “Canadian company” includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

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### **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.

**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.