



Broadcasting Decision CRTC 2023-343

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Reference: Part 1 licence renewal application posted on 24 January 2023

Ottawa, 17 October 2023

The Ontario Educational Communications Authority

Various locations in Ontario

Public record: 2022-0743-0

CICA-DT Toronto and its transmitters (collectively known as TVO) – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the English-language educational television station CICA-DT Toronto, Ontario, and its transmitters CICO-DT-9 Thunder Bay, CICO-DT-18 London, CICO-DT-24 Ottawa, CICO-DT-28 Kitchener, CICO-DT-32 Windsor, CICO-DT-53 Belleville, CICO-DT-59 Chatham and CICO-DT-92 Cloyne (collectively known as TVO), from 1 January 2024 to 31 August 2030.

Application

1. The Commission has the authority, pursuant to subsections 9(1), 9.1(1) and 11.1(2) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*, and to make orders respecting expenditures.
2. The Ontario Educational Communications Authority filed an application to renew the broadcasting licence for the English-language educational television station CICA-DT Toronto, Ontario, and its transmitters CICO-DT-9 Thunder Bay, CICO-DT-18 London, CICO-DT-24 Ottawa, CICO-DT-28 Kitchener, CICO-DT-32 Windsor, CICO-DT-53 Belleville, CICO-DT-59 Chatham and CICO-DT-92 Cloyne (collectively known as TVO), which expires 31 December 2023.¹ The Commission did not receive any interventions in regard to this application.

¹ The original licence expiry date for the station was 31 August 2022. The licence was administratively renewed until 31 August 2023 as a result of Broadcasting Decision 2022-178 and until 31 December 2023 as a result of Broadcasting Decision 2023-299.

Standard requirements

3. When the licensee submitted this application, it requested that the Commission update the standard conditions of licence² to which it is subject by imposing the standard conditions, expectations and encouragements for television stations set out in Appendix 1 to Broadcasting Regulatory Policy 2016-436. These would replace the previous standard conditions for television stations, set out in the appendix to Broadcasting Regulatory Policy 2011-442, to which the licensee is currently subject.
4. The licensee also requested that it maintain its exception to local programming requirements. In particular, it requested an exception to standard conditions 5 and 6.
5. The Commission considers that it would be appropriate, and in line with its general policy for over-the-air television programming, for the licensee to adhere to the revised standard conditions. With respect to the standard conditions related to local programming, the Commission maintains the view it expressed in Broadcasting Decision 2015-405, that is, that the imposition of those conditions would be inconsistent with the licensee's mandate to provide educational programming for the province of Ontario.³
6. In light of the above, the Commission **approves** the licensee's request to update the standard conditions of service to which it is subject. Accordingly, the Commission deletes the condition requiring adherence to the conditions set out in the appendix to Broadcasting Regulatory Policy 2011-442 and, pursuant to subsection 9.1(1), **orders** The Ontario Educational Communications Authority, by **condition of service** to adhere to the standard conditions for television stations set out in Appendix 1 to Broadcasting Regulatory Policy 2016-436, with the exception of conditions 5 and 6 relating to local programming.

Conclusion

7. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language educational television programming undertaking CICA-DT Toronto, Ontario, and its transmitters CICO-DT-9 Thunder Bay, CICO-DT-18 London, CICO-DT-24 Ottawa, CICO-DT-28 Kitchener, CICO-DT-32 Windsor, CICO-DT-53 Belleville, CICO-DT-59 Chatham and CICO-DT-92 Cloyne (collectively known as TVO) from 1 January 2024 to 31 August 2030. This licence renewal term is consistent with the Commission's general practices in respect of educational services that have complied with their regulatory obligations.
8. Pursuant to subsections 49(1) and 50(2) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be

² The licensee filed its application prior to the coming into force of the *Online Streaming Act*. Under that Act, what were formerly known as conditions of licence are now deemed to be conditions of service imposed under the new *Broadcasting Act*.

³ For the Commission's view, see paragraph 19 in Broadcasting Decision 2015-405. For the exception to local programming requirements, see condition 1 in the appendix to that decision.

conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*, or subsection 11.1(2) in the case of expenditure requirements. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee, except as otherwise noted in this decision.

9. In light of paragraphs 1 and 8 of this decision, the Commission has set out **conditions of service** for this licensee in the appendix to this decision. Further, the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.
10. With respect to the condition of service imposed at paragraph 6, given that this renewal application was filed and processed prior to the coming into force of the new *Broadcasting Act*, and that interested parties had an opportunity to comment on the licensee's proposal to adhere to the revised standard conditions with an exception for local programming requirements as part of that process, the Commission considers the public proceeding sufficient to achieve the purposes of the publication and consultation requirement set out in subsection 9.1(4) of the new *Broadcasting Act* in this case. The specifics of this condition of service are set out in the appendix to this decision.

Reminder

11. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificates issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapse.

Secretary General

Related documents

- *Various conventional and educational television programming undertakings, community programming services, discretionary services, on-demand services and terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2023-299, 29 August 2023
- *Various independent television programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2022-178, 4 July 2022
- *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016
- *TVO – Licence renewal*, Broadcasting Decision CRTC 2015-405, 27 August 2015

- *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-343

Terms, conditions of service, expectations and encouragements for the English-language educational television programming undertaking CICA-DT Toronto, Ontario, and its transmitters CICO-DT-9 Thunder Bay, CICO-DT-18 London, CICO-DT-24 Ottawa, CICO-DT-28 Kitchener, CICO-DT-32 Windsor, CICO-DT-53 Belleville, CICO-DT-59 Chatham and CICO-DT-92 Cloyne (collectively known as TVO)

Terms

The licence will expire 31 August 2030.

Conditions of service

1. The licensee shall adhere to the conditions of service set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, with the exception of conditions 5 and 6. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Television Broadcasting Regulations, 1987*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.⁴
3. The licensee shall devote at least 55% of the broadcast year and of any six-month period specified in a condition of service to the broadcast of Canadian programs.
4. The licensee shall devote at least 50% of the evening broadcast period to the broadcast of Canadian programs.

Definitions

For the purposes of these conditions of service:

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

⁴ Pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*.

Expectations

Standard expectations

The standard expectations applicable to this licensee are set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

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.