



Broadcasting Decision CRTC 2004-299

Ottawa, 29 July 2004

Rogers Broadcasting Limited
Toronto, Ontario

*Application 2003-1649-9
Public Hearing in the National Capital Region
17 May 2004*

CFMT-TV (OMNI.1) Toronto – Transitional digital television licence

*The Commission **approves** the application by Rogers Broadcasting Limited for a broadcasting licence to operate a transitional digital television undertaking in association with CFMT-TV (OMNI.1) Toronto.*

The application

1. The Commission received an application by Rogers Broadcasting Limited (Rogers) for a broadcasting licence to operate a transitional digital television undertaking in association with CFMT-TV (OMNI.1) Toronto. The applicant proposed that the station simulcast the current analog programming service of CFMT-TV, with the exception of up to 14 hours per week of programming that would not be duplicated on the analog service. The digital undertaking would operate from the First Canadian Place on channel 64VL¹ with an effective radiated power (ERP) of 15,000 watts.
2. The Commission did not receive any interventions in connection with this application.

The Commission's analysis and determination

3. The Commission set out its policy framework for the transition from analog to digital television in *A licensing policy to oversee the transition from analog to digital, over-the-air television broadcasting*, Broadcasting Public Notice CRTC 2002-31, 12 June 2002 (Public Notice 2002-31). Based on its examination of this application, the Commission is satisfied that it is in conformity with all applicable terms and conditions announced in Public Notice 2002-31 and in *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003. Accordingly, the Commission **approves** the application by Rogers Broadcasting Limited for a broadcasting licence to operate a transitional digital television undertaking in association with CFMT-TV (OMNI.1) Toronto.

¹ The Department of Industry has advised that the undertaking will operate on channel 64VL, rather than on channel 64C as indicated in Broadcasting Notice of Public Hearing CRTC 2004-2, 17 March 2004.

Canadian content

4. In Public Notice 2002-31, the Commission stated that:

[its] existing policies and regulations, as well as the conditions of licence currently applicable to a broadcaster in respect of its analog television service will also apply to any transitional digital programming service the broadcaster may be licensed to provide.

5. Accordingly, CFMT-TV's existing condition of licence set out in *Licence renewal for ethnic television station CFMT-TV*, Decision CRTC 2000-772, 21 December 2000, which provides for increases in the required Canadian content levels phased in over five years, will apply. CFMT-TV's conditions of licence regarding ethnic and third-language programming will also apply to the transitional digital television undertaking. The station is not subject to a condition of licence requiring priority programming.

The 14-hour program allowance

6. Rogers made a commitment to simulcast the current programming service of CFMT-TV with the exception of up to 14 hours per week of supplementary programming that would not be duplicated on the analog service. The applicant further committed to ensure that all unduplicated, supplementary programming broadcast on the undertaking is broadcast in a wide screen, high definition (HD) format and that a minimum of 50% of such programming is Canadian. Consistent with the applicant's commitments, the Commission has imposed **conditions of licence**, set out in the appendix to this decision.

Simulcast of high definition and wide screen programming

7. As part of this proceeding, the Commission asked the applicant to comment on the possible imposition of conditions of licence reflecting, among other things, the two key principles set out in Public Notice 2002-31 relating to the simulcast of HD and wide screen programming. Specifically, the Commission asked whether Rogers would adhere to conditions of licence requiring that:
 - all simulcast programming on the undertaking produced in the wide screen format (16:9 aspect ratio) be broadcast in that format; and
 - all simulcast programming on the undertaking aired during the evening broadcast period produced in HD be broadcast in HD.

8. In response, Rogers agreed to accept these conditions of licence. Accordingly, the Commission has imposed these **conditions of licence** on the new transitional digital television undertaking.

Data transmission

9. In Public Notice 2002-31, the Commission expressed the view that HD television (HDTV) should be used to promote the development of new Canadian programming of high quality, and to make this available to viewers in a picture format that is superior to the current analog National Television Standards Committee (NTSC) format. To that end, the Commission emphasized that broadcasters should ensure that the HD programming they purchase or produce is transmitted to viewers without loss of signal quality. Consistent with that aim, the Commission requires, by **condition of licence**, that the licensee ensure that the transmission of data does not affect the quality or quantity of HD programming.

Technical considerations

10. The undertaking will operate on channel 64VL with an ERP of 15,000 watts. The Commission is satisfied that these technical parameters will provide effective coverage to the Toronto area within the constraints of the Department of Industry's (the Department's) *DTV Transition Allotment Plan*.

Issuance of the licence

11. The Commission will issue a transitional digital television licence to Rogers, subject to the conditions set out in the appendix to this decision. The licence will expire on 31 August 2007, coincident with the expiry of the licence for CFMT-TV.
12. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department notifies the Commission that its technical requirements have been met, and that a broadcasting certificate will be issued.
13. Furthermore, the licence for this undertaking will be issued once the licensee has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 29 July 2006. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Employment equity

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

Secretary General

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

Appendix to Broadcasting Decision CRTC 2004-299

Conditions of licence

1. In addition to the conditions set out below, the licence is subject to the terms and **conditions** applicable to the analog television station CFMT-TV (OMNI.1) Toronto, as set out in *Licence renewal for ethnic television station CFMT-TV*, Decision CRTC 2000-772, 21 December 2000.
2. The licensee shall ensure that all programming broadcast by the undertaking is a simulcast of the programming broadcast on CFMT-TV, with the exception of up to 14 hours per week of unduplicated, supplementary programming.
3. The licensee shall ensure that at least 50% of the unduplicated, supplementary programming broadcast by the undertaking is Canadian.
4. The licensee shall ensure that all unduplicated, supplementary programming broadcast by the undertaking is broadcast in a wide screen (16:9 aspect ratio), high definition format.
5. The licensee shall ensure that all programs that are simulcast by the undertaking, and that are available to the licensee in a wide screen (16:9 aspect ratio) format, are also broadcast in that format.
6. The licensee shall ensure that all programs that are simulcast by the undertaking during the evening broadcast period, and that are available to the licensee in high definition are also broadcast in high definition.
7. The licensee shall ensure that the transmission of data does not affect the quality or quantity of high definition programming.