



## Broadcasting Decision CRTC 2006-78

Ottawa, 15 March 2006

**TVA Group Inc.**  
Montréal, Quebec

*Application 2005-0362-4*  
*Public Hearing in the National Capital Region*  
*19 December 2005*

### **CFTM-TV Montréal – Transitional digital television**

*The Commission **approves** an application for a broadcasting licence to operate a transitional digital television undertaking in association with CFTM-TV Montréal.*

#### **The application**

1. The Commission received an application by TVA Group Inc. (TVA Group) for a broadcasting licence to operate a transitional digital television undertaking in association with CFTM-TV Montréal. The applicant proposed that the station simulcast the current analog programming service of CFTM-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 a tower on the roof of CFTM-TV's studio on channel 59VU with an average effective radiated power (ERP) of 6,140 watts.
2. The Commission did not receive any interventions in connection with this application.

#### **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).
4. Based on its examination of this application, the Commission is satisfied that the application 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 TVA Group Inc. for a broadcasting licence to operate a transitional digital television undertaking in association with CFTM-TV Montréal.

### Conditions of licence of the analog television service

5. 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.

6. The Commission renewed the licence for CFTM-TV in *Licence renewals for the French-language national television network TVA and for the French-language television programming undertaking CFTM-TV Montréal*, Decision CRTC 2001-385, 5 July 2001. The new licence for the transitional digital television undertaking will be subject to the **conditions** applicable to CFTM-TV, as of the date of the present decision.

### The 14-hour program allowance

7. TVA Group made a commitment to simulcast the current programming service of CFTM-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 widescreen 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 widescreen programming

8. 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 widescreen programming. Specifically, the Commission asked whether TVA Group would adhere to conditions of licence requiring that:
- all simulcast programming on the undertaking produced in the widescreen 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.
9. In response, TVA Group agreed to accept these conditions of licence. The Commission has imposed these **conditions of licence** on the new transitional digital television undertaking.

### **Data transmission**

10. 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**

11. The undertaking will operate on channel 59VU with an average ERP of 6,140 watts. The Commission notes that TVA Group Inc. will provide digital television coverage to only part of the greater Montréal area, within the constraints of the Department of Industry's (the Department's) *DTV Transition Allotment Plan*. The applicant indicated that the choice of these parameters is temporary and motivated, on the one hand, by the proportion of the audience served by cable by Videotron Ltd. and, on the other hand, by the technical difficulties and enormous cost of the installation on Mount Royal.
12. The applicant indicated that after the transition period it fully intends to transfer its digital television service to the channel and location currently used by the NTSC service and to achieve equivalency in the areas served.

### **Issuance of the licence**

13. The Commission will issue a transitional digital television licence to TVA Group Inc., subject to the **conditions** set out in the appendix to this decision. The licence will expire 31 August 2008, coincident with the expiry of the licence for CFTM-TV.
14. 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.
15. Furthermore, the licence for this undertaking will be issued only 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 15 March 2008. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

## **Employment equity**

16. 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 in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*

## **Appendix to Broadcasting Decision CRTC 2006-78**

### **Conditions of licence**

1. The licence will be subject to the terms and conditions applicable to the analog television station CFTM-TV Montréal, as of the date of this decision.
2. The licensee shall ensure that all programming broadcast on the undertaking is a simulcast of the programming broadcast on CFTM-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 widescreen (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 widescreen (16:9 aspect ratio) format, are in fact 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 in fact 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.