



Broadcasting Decision CRTC 2005-525

Ottawa, 21 October 2005

Canadian Broadcasting Corporation
Ottawa and Toronto, Ontario

Application 2005-0149-6
Public Hearing in the National Capital Region
15 August 2005

CBOFT Ottawa – Transitional digital television with a transmitter in Toronto

*The Commission **approves** an application for a broadcasting licence to operate a transitional digital television station in association with CBOFT Ottawa with a transmitter in Toronto.*

The application

1. The Commission received an application by the Canadian Broadcasting Corporation (CBC) for a broadcasting licence to operate a transitional digital television undertaking in association with CBOFT Ottawa with a transmitter in Toronto. The applicant proposed that the station simulcast the current analog programming service of CBOFT, with the exception of up to 14 hours per week of programming that would not be duplicated on the analog service.
2. The undertaking in Ottawa would operate from Camp Fortune on channel 22VU with an average effective radiated power (ERP) of 36,300 watts. The transmitter in Toronto would operate from the CN Tower on channel 24C with an ERP of 2,500 watts.
3. The CBC stated that, upon approval of this application, it would surrender the authority granted to it in *CBLFT Toronto – transitional digital television licence*, Broadcasting Decision CRTC 2004-68, 30 January 2004 (Decision 2004-68) to operate a transitional digital television undertaking in Toronto. The CBC indicated that it plans to use this undertaking as a transmitter to broadcast the programming of the Ottawa transitional digital television undertaking.
4. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

5. 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).

6. 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 (Public Notice 2003-61). Accordingly, the Commission **approves** the application by the Canadian Broadcasting Corporation for a broadcasting licence to operate a French-language transitional digital television undertaking in association with CBOFT Ottawa with a transmitter in Toronto.

Canadian content

7. 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.

8. The new transitional digital television licence will therefore be subject to the **conditions** that are applicable to the analog television service CBOFT and to those set out in *Licences for CBC French-language television and radio renewed for a seven-year term*, Decision CRTC 2000-2, 6 January 2000, as may be amended by the Commission.

14-hour program allowance

9. The CBC made a commitment to simulcast the current programming service of CBOFT 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% 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

10. As part of this proceeding, the Commission asked the CBC 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 the CBC 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.

11. In response, the CBC 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

12. 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

13. The undertaking in Ottawa will operate on channel 22VU with an average ERP of 36,300 watts, and the transmitter in Toronto will operate on channel 24C with an ERP of 2,500 watts. The Commission is satisfied that these technical parameters will provide effective coverage within the constraints of the Department of Industry's (the Department's) *DTV Transition Allotment Plan*.

Issuance of the licence

14. The Commission will issue a transitional digital television licence to the Canadian Broadcasting Corporation, subject to the **conditions** set out in the appendix to this decision. The licence will expire 31 August 2007, coincident with the expiry of the licence for CBOFT.
15. Upon the implementation of the new Ottawa undertaking, the authority granted to the CBC in Decision 2004-68 will become null and void.
16. 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.

17. 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 21 October 2007. 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.

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 2005-525

Conditions of licence

1. The licence shall be subject to the terms and conditions applicable to the analog television station CBOFT Ottawa, as set out in *Licences for CBC French-language television and radio renewed for a seven-year term*, Decision CRTC 2000-2, 6 January 2000, as may be amended by the Commission.
2. The licensee shall ensure that all programming broadcast on the undertaking is a simulcast of the programming broadcast on CBOFT Ottawa, 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.