



Broadcasting Decision CRTC 2012-125

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Ottawa, 1 March 2012

Newfoundland Broadcasting Corporation

St. John's, Newfoundland and Labrador

Application 2011-1233-3

CJON-DT St. John's – Technical change

*The Commission **approves** the application by Newfoundland Broadcasting Corporation for authority to multicast the English-language commercial radio station CHOZ-FM on a sub-channel of its English-language conventional television station CJON-DT.*

The application

1. The Commission received an application by Newfoundland Broadcasting Corporation (Newfoundland Broadcasting) relating to the broadcasting licence of the English-language television programming undertaking CJON-DT St. John's. Newfoundland Broadcasting requested authority to multicast its English-language radio programming undertaking CHOZ-FM St. John's on a sub-channel of CJON-DT.
2. The applicant explained that, following the set-up of the transmission facilities for CJON-DT, CHOZ-FM inadvertently appeared on a sub-channel of the television signal. Newfoundland Broadcasting indicated that it has now determined how to remove the FM signal from the television channel but considers that having the signal of CHOZ-FM on the sub-channel is beneficial because it provides a further technical means to broadcast the radio signal. It would therefore like to continue to offer CHOZ-FM in this manner.
3. The Commission did not receive any interventions with respect to this application.

Commission's analysis and decisions

4. After examining this application in light of applicable policies and regulations, the Commission considers that the issue that it must determine is whether the distribution of CHOZ-FM as part of the CJON-DT signal would be appropriate and not result in significant harm to other licensees.
5. 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, the Commission set out an approach to multicast programming services.

However, that approach did not address the possibility of using digital television sub-channels for the broadcast of radio signals.

6. In this case, the Commission considers that making the CHOZ-FM signal available on a sub-channel of CJON-DT would be of benefit to radio listeners in that they would be provided with an additional means to access the station. As well, no radio station or broadcasting distribution undertaking (BDU) licensee that would be affected by the application intervened in this proceeding. In the Commission's view, inclusion of CHOZ-FM as part of the CJON-DT signal is unlikely to have an appreciable impact on stations in the St. John's market. Consequently, the Commission considers that approval of the application is unlikely to result in harm to other licensees.
7. In light of the above, the Commission **approves** the application by Newfoundland Broadcasting Corporation for authority to multicast its English-language commercial radio station CHOZ-FM on a sub-channel of its English-language conventional television station CJON-DT.

Distribution by broadcasting distribution undertakings

8. Section 7(f) of the *Broadcasting Distribution Regulations* permits a BDU to delete a subsidiary signal unless the signal is, itself, a programming service, or is related to the service being distributed. Given that CHOZ-FM is a programming service, BDUs carrying CJON-DT would also be obligated to distribute the sub-channel carrying CHOZ-FM as a result of approval of this application. Given that Newfoundland Broadcasting did not state that it was seeking BDU distribution of CHOZ-FM, and that it indicated that it could remove the CHOZ-FM signal from that of CJON-DT if necessary, the Commission requires Newfoundland Broadcasting to provide BDUs with a version of the CJON-DT signal that does not include CHOZ-FM should it be requested to do so.

Secretary General

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