



Broadcasting Decision CRTC 2009-119

Route reference:

Broadcasting Notice of Public Hearing 2008-13

Additional reference:

2008-13-3

Ottawa, 5 March 2009

Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership
Calgary, Alberta

*Application 2008-1047-5, received 1 August 2008
Public Hearing in the National Capital Region
16 December 2008*

CICT-TV Calgary – Transitional digital television

*The Commission **approves** an application for a broadcasting licence to operate an English-language transitional digital television undertaking associated with CICT-TV Calgary.*

The application

1. The Commission received an application by Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership (Canwest), for a broadcasting licence to operate an English-language transitional digital television (DTV) programming undertaking associated with CICT-TV Calgary. The applicant proposed that the station simulcast the current analog programming service of CICT-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 existing CICT-TV tower on channel 41C with an average effective radiated power (ERP) of 3,200 watts. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determinations

2. The Commission set out its policy framework for the transition from analog to DTV in Broadcasting Public Notice 2002-31.

3. Based on its examination of this application, the Commission is satisfied that it is in conformity with all applicable terms and conditions announced in Broadcasting Public Notices 2002-31 and 2003-61. Accordingly, the Commission **approves** the application by Canwest Television GP Inc. (the general partner) and Canwest Media Inc.(the limited partner), carrying on business as Canwest Television Limited Partnership, for a broadcasting licence to operate an English-language transitional DTV programming undertaking associated with CICT-TV Calgary.

Conditions of licence of the analog television service

4. In Broadcasting 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, the new transitional DTV licence will be subject to the **conditions** that are applicable to the analog television service CICT-TV as of the date of this decision.
6. As a result, CICT-TV's existing conditions of licence and commitments, as set out in Decisions 2001-458-8 and 2001-458, shall apply. The conditions of licence include that relating to closed captioning. The licensee's commitment to broadcast on CICT-TV a minimum level of 33.5 hours of local programming in each broadcast week shall also apply to the transitional DTV programming undertaking.

The 14-hour program allowance

7. Canwest made a commitment to simulcast the current programming service of CICT-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

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 Broadcasting Public Notice 2002-31 relating to the simulcast of HD and wide screen programming. Specifically, the Commission asked whether Canwest 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.
9. In response, Canwest agreed to accept these conditions of licence. The Commission has imposed these **conditions of licence** on the new transitional DTV programming undertaking.

Data transmission

10. In Broadcasting 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 programming 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 41C with an average ERP of 3,200 watts. The Commission is satisfied that these technical parameters will provide effective coverage to the Calgary area within the constraints of the Department of Industry's (the Department's) *DTV Transition Allotment Plan*.¹
12. During the digital transition, digital conventional television stations are generally required by the Department to operate at lower technical parameters (ERP and/or effective height of antenna above average terrain). Digital conventional television stations are allowed to increase their coverage after the digital transition to facilitate replication of analog coverage since, after the analog shut down, they will no longer be required to protect analog stations, and may increase their technical parameters. The Department's *DTV Post-Transition Allotment Plan*², issued 20 December 2008, has provided an allotment for CICT-TV on channel 41. Therefore, it is expected that Canwest will not need to change channels in the post-transitional period, but will be encouraged to increase power to replicate the analog coverage.

Issuance of the licence

13. The Commission will issue a transitional DTV licence to Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership, subject to the **conditions** set out in the appendix to this decision. The licence will expire on 31 August 2009, coincident with the

¹ <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08394.html>

² <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09178.html>

expiry of the licence for CICT-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 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.

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 Social Development Canada, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003
- *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
- *Licence renewal for CICT-TV*, Decision CRTC 2001-458-8, 2 August 2001
- *Licence renewals for the television stations controlled by Global*, Decision CRTC 2001-458, 2 August 2001

This decision 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 2009-119

Conditions of licence

1. The licence will be subject to the terms and conditions applicable to the analog television station CICT-TV Calgary 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 CICT-TV Calgary, 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.