



Broadcasting Notice of Consultation CRTC 2009-615

Ottawa, 5 October 2009

Call for comments on a revised licensing framework for over-the-air digital television services

*The Commission calls for comments on a revised licensing framework for over-the-air digital television services. The deadline for submitting comments is **2 November 2009**.*

Introduction

1. In preparation for the shut down of over-the-air analog television signals on 31 August 2011,¹ the Commission is proposing to revise the licensing framework for over-the-air digital television (DTV) undertakings.
2. In Broadcasting Public Notice 2002-31, the Commission set out a policy framework for the transition from analog to digital over-the-air broadcasting. In the notice, the Commission stated that transitional DTV licences would be required for DTV undertakings, consistent with parallel provisions in the Commission's policy for digital radio.²
3. During the transition, transitional DTV transmitters may operate on an interim channel and at reduced parameters in order to accommodate the parallel operation of analog and transitional DTV transmitters. As a result, transitional DTV transmitters may offer more limited coverage than that which can be achieved after the shut down of the analog transmitters.
4. Currently, licensees of transitional DTV services are authorized to broadcast a maximum of 14 hours per week of programming on the digital service that is not duplicated on the associated analog service. This authorization was intended to encourage innovation and experimentation in the development of DTV broadcasting in Canada, promote the production of high definition (HD) digital programming and attract viewers to this content.
5. Transitional DTV licences were also intended to provide the Commission with an additional regulatory tool to require the carriage of DTV signals by broadcasting distribution undertakings on terms other than those applicable to analog signals.
6. Under the present framework, the Commission has approved 25 applications for transitional DTV licences which generally expire on 31 August 2011, which coincides with the shut down of analog transmitters.

¹ As announced in Broadcasting Public Notice 2007-53. The possible digital transition models will be considered at the 16 November 2009 hearing, as announced in Broadcasting Notice of Consultation 2009-411 and 2009-411-3.

² The digital radio policy was first set out in Public Notice 1995-184. The Commission has since revised its policy as set out in Broadcasting Public Notice 2006-160.

7. The Commission recently renewed the broadcasting licences of a number of conventional television programming undertakings beyond 31 August 2011 and imposed a condition of licence requiring those licensees to cease the transmission of analog television signals after that date.³

Proposed revisions to the licensing framework

8. The Commission considers that it is no longer necessary to issue separate transitional DTV licences. Instead, the Commission considers it appropriate to authorize the simulcast on a broadcaster's digital transmitter of the programming aired on its analog transmitter by way of an amendment to the analog service's licence.
9. Where necessary, the Commission would also consider applications for amendments to authorize the operation of DTV transmitters with more limited coverage or on an interim channel until the analog shutdown.
10. Applications that do not raise significant issues would be processed as expeditiously as possible.
11. Consequently, under the proposed framework, transitional DTV licences would not be renewed beyond 31 August 2011. Similarly, any authority to operate a transitional DTV transmitter by way of an amendment to the analog service's licence would also expire on that date since new technical parameters would be necessary after the analog shutdown.
12. The Commission would also consider applications to share a digital transmitter between the services of one or multiple broadcasters (e.g. multicasting or multiplexing) on a case-by-case basis.
13. As a result of the above, broadcasters would no longer have the authority to broadcast distinct digital programming. However, the Commission notes that the 14-hour programming allowance permitted under transitional DTV licences was intended to be an interim measure and that, generally, the programming currently broadcast by transitional DTV licensees already duplicates the programming broadcast on the associated analog service.
14. The Commission considers that any future or unresolved issues surrounding the carriage of signals can be addressed without maintaining separate licensing frameworks for analog and digital signals.
15. The Commission encourages broadcasters to provide digital coverage that matches their current analog coverage (within the constraints of the Department of Industry's DTV transition and post-transition allotment plans).

³ See, for example, Broadcasting Decision 2009-537.

Call for comments

16. The Commission invites comments that address the proposed revisions to the licensing framework set out above. The Commission will accept comments that it receives on or before **2 November 2009**.
17. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedures for filing comments

Interested parties can file their comments to the Secretary General of the Commission in **only one** of the following formats:

by using the
[\[Broadcasting interventions/comments form\]](#)

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

The Commission advises those who file and serve by electronic means to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.

Submissions longer than five pages should include a summary.

Please number each paragraph of your submission. In addition, where the comment is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Important notice

Note that all information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information

includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

Please note that the information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

Examination of documents

A list of all comments will be available on the Commission's website. An electronic version of all comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's website.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

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Secretary General

Related documents

- *CHCH-TV Hamilton and its transmitters and CHCH-DT Hamilton – Acquisition of assets*, Broadcasting Decision CRTC 2009-537, 28 August 2009
- *Policy proceeding on a group-based approach to the licensing of television services and on certain issues relating to conventional television – Notice of hearing*, Broadcasting Notice of Consultation CRTC 2009-411, 6 July 2009
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- *Digital radio policy*, Broadcasting Public Notice CRTC 2006-160, 15 December 2006
- *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
- *A policy to govern the introduction of digital radio*, Public Notice CRTC 1995-184, 29 October 1995

This document 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>.