



Broadcasting Regulatory Policy CRTC 2011-198

PDF version

Route reference: 2010-927

Ottawa, 18 March 2011

Regulations for the digital television transition

1. The Commission announces the *Conversion from Analog to Digital Television Regulations* (the Conversion Regulations) appended to this policy. These regulations require licensed television broadcasters that operate stations, including rebroadcasting transmitters, in certain markets and/or on channels 52 to 69¹ to broadcast public service announcements (PSAs) relating to the conversion to digital television on 31 August 2011.
2. Specifically, the Conversion Regulations:
 - establish the content of the PSAs and the number of times they have to be broadcast; and
 - require that specific information be posted on every licensee's website.
3. The obligations that apply to the licensees under the Conversion Regulations begin on 1 May 2011.
4. The Commission notes that the Conversion Regulations that were initially registered and that will be published in the *Canada Gazette*, Part II, on 30 March 2011 inadvertently refer to 1 April 2011 as the date on which the licensees' obligations under sections 3 and 4 begin. In order to correct this date so that it reads 1 May 2011, the Commission must pre-publish an amendment to the Conversion Regulations, as required under subsection 10(3) of the *Broadcasting Act*. The Commission will shortly proceed with the pre-publication in the *Canada Gazette* and register the amending regulations prior to 1 April 2011. Today's release is meant to provide early notice of the Conversion Regulations as they will read once the appropriate corrections are made.
5. Previously, in Broadcasting Notice of Consultation 2010-927, the Commission had called for comments on proposed *Conversion from Analog to Digital Television Regulations* (proposed Regulations). The Commission has considered all comments received as part of this proceeding. The comments can be found on its website at www.crtc.gc.ca under "Public Proceedings."

¹ For a list of affected transmitters, see Broadcasting Information Bulletin 2010-719, as corrected and updated by Broadcasting Information Bulletins 2010-719-1 and 2010-719-2.

Comments on the proposed Regulations

6. Broadcasters were generally concerned that the proposed requirements were overly detailed and likely to cause confusion to consumers because of the frequency, length and detailed nature of the proposed PSAs and service loss notices (SLNs). They suggested that the PSAs be simplified, that the SLNs be eliminated or combined with the PSAs, that the six-month notice period referred to in subsections 3(1) and 4(1) and in section 5 be deleted and that the wording of the PSA provide some flexibility regarding the exact date and time that a station would cease broadcasting in analog and the exact date and time that a station would begin or began broadcasting in digital on the post-conversion channel.
7. Quebecor Media Inc. and V Interactions Inc. were opposed to the proposed Regulations and the mandatory obligations to broadcast PSAs and SLNs. They proposed much less comprehensive PSA requirements that would take into account their advertising inventories.
8. Other interveners, such as the Canadian Association of Community Television Users and Stations, the Canadian Conference of the Arts, the Canadian Media Guild, Media Access Canada and OpenMedia.ca stated that the proposed Regulations did not go far enough in informing Canadians of the transition and urged the Commission to establish a coordinated national campaign to provide information to all viewers.

Commission's analysis and determinations

9. In this section, the Commission focuses on the substantive changes between the proposed Regulations appended to Broadcasting Notice of Consultation 2010-927 and those that have been adopted, as appended to this policy.
10. The Commission agrees with those interveners who submitted that it may be difficult for a licensee to incorporate all of the information found in the proposed Regulations in a thirty-second PSA or SLN and that it may also be difficult for a viewer to absorb all the information to be included in the PSAs or SLNs as proposed. Accordingly, the Commission has reduced the level of information that has to be broadcast in the announcements but has maintained the requirement for licensees to post detailed information regarding the digital transition on their websites. Such an approach will ensure that PSAs are effective and that Canadians have access to detailed information to assist them in understanding the transition and any changes they need to make to maintain access to their local over-the-air television signals.
11. The Commission also agrees that the combination of the PSAs and the SLNs would result in the simplification of the message to the viewers and would likely reduce the possibility of consumer confusion. Accordingly, the Commission has eliminated section 4 of the proposed Regulations and combined the information requirements of the proposed PSAs and SLNs into a single PSA requirement.
12. The Commission notes that it is likely that in some markets the analog shutdown date will be earlier than 31 August 2011 and that in those cases it would be impossible for

a licensee to comply with the proposed requirements to start broadcasting PSAs and SLNs at least six months before the date on which it ceases analog transmission. The Commission has therefore eliminated this requirement.

13. The Commission notes that the proposed Regulations required that PSAs and SLNs contain the exact date and time that the station will cease broadcasting in analog and the exact date and time that the station will begin or began broadcasting in digital on the post-conversion channel. As this information will not necessarily be known at the time licensees must commence the broadcast of PSAs, the Commission considers it very likely that some licensees could find themselves in non-compliance should it not modify these requirements. Accordingly, it has revised the proposed Regulations to require licensees to post this information on their websites as soon as it is known. The Commission considers that this amendment provides the flexibility requested by broadcasters and at the same time ensures that the public can have access to this information as soon as it is available.
14. With regard to the submissions that the Commission should establish a coordinated national campaign to provide information to all viewers, the Commission notes that this issue has already been addressed in Broadcasting Regulatory Policy 2010-485. In that policy, the Commission stated that it expected broadcasters, broadcasting distribution undertakings and other licensees to actively participate in the creation and implementation of a coordinated national consumer education program.

Secretary General

Related documents

- *Over-the-air television service in Whitehorse, Yellowknife and Iqaluit*, Broadcasting Regulatory Policy CRTC 2011-184, 14 March 2011.
- *Call for comments on proposed regulations for the digital television transition*, Broadcasting Notice of Consultation CRTC 2010-927, 9 December 2010
- *Analog transmitters mandated for digital conversion, or operating on channels 52 to 69 in non-mandatory markets*, Broadcasting Information Bulletin CRTC 2010-719, 28 September 2010, as corrected and updated by Broadcasting Information Bulletin CRTC 2010-719-1, 4 October 2010 and Broadcasting Information Bulletin CRTC 2010-719-2, 14 March 2011
- *Issues related to the digital television transition*, Broadcasting Regulatory Policy CRTC 2010-485, 16 July 2010

Appendix to Broadcasting Regulatory Policy CRTC 2011-198

CONVERSION FROM ANALOG TO DIGITAL TELEVISION REGULATIONS

INTERPRETATION

1. The following definitions apply in these Regulations.

“broadcast day,” in respect of a licensee, means the period of up to 18 consecutive hours, beginning each day not earlier than six o’clock in the morning and ending not later than one o’clock in the morning of the following day, as selected by the licensee. (*journée de radiodiffusion*)

“licensed” means licensed by the Commission under paragraph 9(1)(b) of the *Broadcasting Act*. (*autorisé*)

“licensee” means a station operator or network operator who is authorized to operate an analog transmitter with a power greater than 50 watts on the VHF band or greater than 500 watts on the UHF band. (*titulaire*)

“network operator” means a person who is licensed to operate a television network. (*exploitant de réseau*)

“programming” means anything that is broadcast but does not include visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text. (*programmation*)

“station” means a television programming undertaking that transmits sounds and images or a broadcasting transmitting undertaking that transmits sounds and images but does not include a broadcasting undertaking that only rebroadcasts the radiocommunications of another licensed broadcasting undertaking. (*station*)

“station operator” means a person who is licensed to operate a station. (*exploitant de station*)

APPLICATION

2. These Regulations apply to every licensee

- (a) that operates in markets that have populations of 300,000 persons or more;
- (a.1) that operates in markets that include the national capital or a provincial capital;
- (b) that operates in markets that are served by more than one television station; or
- (c) whose programming is broadcast on channels 52 to 69 in any market.

PUBLIC SERVICE ANNOUNCEMENTS

3. (1) Except as otherwise provided under a licensee's condition of licence, every licensee must, beginning no later than May 1, 2011, broadcast a public service announcement at least six times per broadcast day, increasing to eight times per broadcast day beginning on August 1, 2011 or one month before the licensee ceases to broadcast in analog or changes channel, whichever is sooner.

(2) At least 25% of the required announcements per broadcast day must be broadcast between 7:00 p.m. and 11:00 p.m.

(3) The broadcast announcements must

- (a) have a duration of at least 30 consecutive seconds;
- (b) contain the information set out in the schedule; and
- (c) be closed captioned and contain audio description of on-screen information.

(4) A licensee may use a crawl to fulfil up to 25% of their obligations under this section.

(5) A crawl must not be used during the broadcast of programming that contains audio description of on-screen information or described video.

OTHER MEANS OF INFORMATION

4. Except as otherwise provided under a licensee's condition of licence, every licensee must, beginning no later than May 1, 2011, post and keep posted on their website

- (a) the information regarding the conversion that is set out in the schedule;
- (b) a description of the steps that an over-the-air viewer may need to take to continue receiving and viewing the station's over-the-air programming after the conversion;
- (c) the channel on which the station will broadcast after the conversion;
- (d) as soon as they are known, the date and time that the station will cease broadcasting in analog;
- (e) as soon as they are known, the date and time that the station will begin or began broadcasting on the post-conversion channel referred to in paragraph (c); and
- (f) if applicable, a description of the discrete geographic areas where a loss of service is likely to occur.

CESSATION OF OBLIGATION

5. A licensee's obligation to broadcast and post public service announcements ceases when the licensee completes their conversion and shuts off their analog transmitter.

COMING INTO FORCE

6. These Regulations come into force on April 1, 2011.

SCHEDULE

(Paragraphs 3(3)(b) and 4(a))

PUBLIC SERVICE ANNOUNCEMENTS

A public service announcement must contain the following information:

- (a) a statement to the effect that the Canadian television system is in the process of converting its over-the-air transmitters from analog to digital;
- (b) if applicable, a statement to the effect that some viewers may experience a loss of service following the conversion;
- (c) a statement to the effect that only those viewers who receive the signal directly over the air may be impacted by the conversion;
- (d) a statement to the effect that an over-the-air viewer may need to take steps to continue receiving and viewing the station's over-the-air programming after the conversion and an indication of where further information on those steps can be found; and
- (e) the licensee's contact information and website address.