



Broadcasting Decision CRTC 2011-494

PDF version

Route reference: Part 1 applications posted on 20, 21, 22 and 25 July 2011

Ottawa, 16 August 2011

Canadian Broadcasting Corporation

St. John's, Newfoundland and Labrador; Charlottetown, Prince Edward Island; Fredericton, Moncton and Saint John, New Brunswick; Halifax, Nova Scotia; Chicoutimi, Québec, Sherbrooke and Trois-Rivières, Quebec; London, Kitchener, Paris, Thunder Bay and Windsor, Ontario; Saskatoon, Saskatchewan; Calgary and Lethbridge, Alberta

Applications 2011-1089-0, 2011-1090-8, 2011-1099-9, 2011-1107-0, 2011-1109-6, 2011-1111-1, 2011-1112-9, 2011-1115-3 and 2011-1116-1

Continued operation of analog television rebroadcasting transmitters in mandatory markets and associated technical changes

*The Commission **approves** applications by the Canadian Broadcasting Corporation to continue to operate 22 analog television rebroadcasting transmitters until 31 August 2012 in markets that the Commission has identified as mandatory for conversion to digital transmission, and to make associated technical changes.*

The applications

1. The Commission received an application by the Canadian Broadcasting Corporation (CBC) to continue to operate 22 analog television rebroadcasting transmitters until 31 August 2012. The markets in which these transmitters operate have been designated by the Commission as mandatory for conversion to digital transmission (mandatory markets). As such, the transmitters in question would otherwise have been required to cease operations on 31 August 2011.
2. The transmitters are as follows:

English-language television

CBRT-6 Lethbridge, Alberta
CBAT-TV Saint John, New Brunswick
CBAT-TV-2 Moncton, New Brunswick
CBLN-TV London, Ontario
CBLN-TV-1 Paris, Ontario (serving Kitchener-Waterloo)
CBMT-3 Sherbrooke, Quebec
CBJET Chicoutimi, Quebec
CBVE-TV Québec, Quebec

CBMT-1 Trois-Rivières, Quebec
CBKST Saskatoon, Saskatchewan

French-language television

CBRFT Calgary, Alberta
CBXFT-3 Lethbridge, Alberta
CBAFT-1 Saint John, New Brunswick
CBAFT-10 Fredericton, New Brunswick
CBHFT Halifax, Nova Scotia
CBAFT-5 Charlottetown, Prince Edward Island
CBFJ-TV St. John's, Newfoundland and Labrador
CBLFT-9 London, Ontario
CBLFT-8 Kitchener, Ontario
CBLFT-18 Thunder Bay, Ontario
CBEFT Windsor, Ontario
CBKFT-1 Saskatoon, Saskatchewan

3. In addition, to maximize coverage while avoiding interference to protected services, the CBC also applied to change the channel and make associated technical changes to CBEFT Windsor, CBLN-TV-1 Paris, CBLN-TV London, CBMT-1 Trois-Rivières and CBVE-TV Québec.
4. The CBC further applied to reduce the power of the following stations so that they would change in status from protected to low-power unprotected while continuing to operate on the same channels: CBLFT-8 Kitchener, CBLFT-9 London and CBJET Chicoutimi.

Interventions

5. The Commission received interventions in support and in opposition to this application. The complete record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
6. Several members of the public, while supporting the continuation of over-the-air service, expressed concern that service would not be provided in digital.
7. Bell Media Inc. (Bell Media) opposed the applications for CBLN-TV London, CBLN-TV-1 Paris and CBEFT Windsor. Bell Media submitted that the applications should not be approved in light of the significant investments that other over-the-air broadcasters have made in order to meet the 31 August 2011 deadline for conversion to digital in mandatory markets. Bell Media also raised procedural concerns related to the timing of the filing of these applications and with respect to the Commission's *Rules of Practice and Procedure* (the Rules). Specifically, Bell Media considered that it should have been identified as a respondent to this proceeding and been served with a copy of the applications.

8. In reply to Bell Media's intervention, the CBC stated that it has been transparent regarding its financial constraints and plans for the transition to digital television. The CBC submitted that approval of these technical amendments would enable Canadians in London, Kitchener and Windsor to maintain access to its programming, as these transmitters would otherwise be shut down. Further, the CBC stated that Bell Media had erroneously interpreted the Commission's Rules.

Commission's analysis and determinations

9. With respect to Bell Media's procedural concerns, the Commission recognizes that the deadline to file interventions was considerably shorter than the timelines normally accorded to interveners under the Rules. Nevertheless, Bell Media did file an intervention in response to the applications filed by the CBC, thereby availing itself of the opportunity to make its views known to the Commission. Moreover, the Commission considers that the CBC was not required to serve Bell Media as a respondent. In this regard, Broadcasting and Telecom Information Bulletin 2010-959 provides guidance as to who is considered a respondent. Generally speaking, a respondent is a person who is "adverse in interest" to the applicant. The Information Bulletin goes on to explain that the interest must be "direct." As set out in paragraph 59, "It is not enough that a decision could set a precedent that might be applied in a future decision concerning the person, nor is it enough that the person could hypothetically be affected by the decision." The Commission considers that, while Bell Media certainly has interest in the outcome of the proceeding, the interest is not specific to Bell Media and as such did not require that the CBC serve Bell Media with a copy of the applications.
10. The Commission notes that, as the national public broadcaster, the CBC has a mandate to make its programming available throughout the country. Approval of the CBC's proposal, and related technical amendments, would provide additional time for affected households that rely on over-the-air service in mandatory markets to find other means to access the CBC's television services. Approval of the proposal would also provide an opportunity for the Commission to discuss the CBC's plans for its over-the-air transmitter system at the time of the CBC's licence renewal hearing, now scheduled for June 2012.
11. Accordingly, the Commission **approves** the application by the Canadian Broadcasting Corporation to continue to operate the 22 analog television rebroadcasting transmitters listed above until 31 August 2012. It further approves the technical changes for various transmitters as set out below.

Application	Call letters and location	Technical parameters
2011-1099-9	CBEFT Windsor, Ontario	Channel: 35 Average effective radiated power (ERP): 12,000 watts Type of antenna: Directional Maximum ERP: 36,000 watts Effective height of antenna above average terrain (EHAAT): 206.8 metres
2011-1115-3	CBLFT-8 Kitchener, Ontario	Channel 61 Average ERP: 334 watts Type of antenna: Directional Maximum ERP: 635 watts EHAAT: 198.1 metres (Reflects parameters approved by the Department of Industry)
2011-1109-6	CBLN-TV-1 Paris, Ontario (serving Kitchener-Waterloo)	Channel 29 Average ERP: 14,000 watts Type of antenna: Directional Maximum ERP: 60,000 watts Effective EHAAT : 259.9 metres
2011-1116-1	CBLFT-9 London, Ontario	Channel : 53 Average ERP: 181 watts Type of antenna: Directional Maximum ERP : 340 watts EHAAT: 306.5 metres
2011-1107-0	CBLN-TV London, Ontario	Channel: 23 Average ERP: 16,000 watts Type of antenna: Directional Maximum ERP: 24,000 watts EHAAT: 262.9 metres
2011-1090-8	CBJET Saguenay, Quebec	Channel : 58 Average ERP: 496 watts Type of antenna: Directional Maximum ERP: 595 watts EHAAT: 183.7 metres (Reflects parameters approved by the Department of Industry)

2011-1111-1	CBMT-1 Trois-Rivières, Quebec	Channel : 13 Average ERP: 47,000 watts Type of antenna: Directional Maximum ERP 90,000 watts EHAAT: 377.8 metres
2011-1112-9	CBVE-TV Québec, Quebec	Channel: 11 Average ERP: 33,000 watts Type of antenna: Directional maximum ERP: 84,000 watts EHAAT: 500.1 metres

12. The Commission addresses technical changes to CBAT Fredericton in Broadcasting Decision 2011-495, also issued today.
13. Given that the some of the technical parameters approved in this decision are for a low-power unprotected television service, the Commission reminds the applicant that it will have to select another channel if ever the Department of Industry (the Department) so requires. The Commission also reminds the Corporation that the operation of an analog transmitter may not prevent a digital transmitter from being implemented.
14. The Commission further reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, the changes will only be effective when the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
15. The Commission notes that, at the time of publication of this decision, it has not yet received confirmation from the Department that all applications are technically acceptable. Given that the Commission and the Department have different responsibilities with respect to such files, the decisions of either organization should not, in any case, be construed as having any effect on the responsibility of the other organization to reach a decision as it carries out its own unique responsibilities according to its enabling legislation.

Secretary General

Related documents

- *CBAT Fredericton – Licence amendments*, Broadcasting Decision CRTC 2011-495, 16 August 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010

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