



## Broadcasting Decision CRTC 2012-413

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Route reference: Part I application posted on 21 June 2012

Ottawa, 27 July 2012

**Ontario French Language Educational Communications Authority**  
Toronto, Ontario

*Application 2012-0739-0*

### **TFO (CHLF-TV Toronto) – Licence amendment to remove a number of analog transmitters**

*The Commission approves the application to amend the broadcasting licence for TFO (CHLF-TV Toronto), which is operated by the Ontario French Language Educational Communications Authority (OFLECA), in order to delete reference to four analog transmitters, effective 1 August 2012. The OFLECA plans to cease operation of these transmitters on 31 July 2012.*

#### **The application**

1. The Ontario French Language Educational Communications Authority (OFLECA) filed an application requesting that reference to four analog transmitters (listed in the appendix to this decision as per the OFLECA's application posted on 21 June 2012) be removed from the TFO licence. The OFLECA plans to cease operation of these transmitters on 31 July 2012, while continuing operation of its remaining analog transmitters.

#### **Interventions**

2. The Commission received interventions from individuals that either opposed or commented on the OFLECA's plans to cease transmitting TFO's signal in analog.
3. Intervenors described the importance of the station's programming in providing quality French-language programming to the population of Ontario. They also submitted that cable, satellite or Internet services were either not available or not affordable for many residents of the communities where TFO's analog transmitters would be shut down. Some intervenors also expressed the view that it was inequitable to deny free public access to TFO when taxpaying citizens already contribute to its funding.
4. Some intervenors proposed alternative solutions to avert either the shutdown of the analog transmitters or the loss of TFO's signal in affected communities, including the

availability of sub-channel carriage arrangements with licensees of digital transmitters currently serving these communities.

#### **Applicant's reply**

5. The OFLECA indicated that the transmitters that are the subject of this application were at the end of their service lives and were located on TVO-owned transmission towers that would be dismantled on 31 July 2012.
6. The OFLECA noted that several interveners proposed the use of a sub-channel on TVO's digital transmitters to broadcast the TFO signal. The OFLECA indicated that TVO's digital transmitters were not located in areas where TFO was seeking to dismantle its transmitters and that in any case it would not have the means to carry out such a project.
7. The OFLECA further noted that TFO remained available as part of the basic service of satellite and cable operators serving Ontario and that a significant percentage of its programming was available on the Internet.

#### **Commission's analysis and decision**

8. The Commission has considered the interventions submitted in response to this application and notes the concerns expressed by the parties regarding the availability of TFO.
9. The Commission also notes that licences, such as the one held by the OFLECA, are authorizations to broadcast, but do not convey an obligation to do so. In other words, while the Commission has the discretion to refuse to amend broadcasting licences, even on application from a licensee, it cannot direct the OFLECA or any other broadcaster to continue to operate its station or transmitters. The Commission also notes that although they are not free, alternative solutions exist in order to continue to receive the TFO signal.
10. In light of the above, the Commission **approves** the application by the Ontario French Language Educational Communications Authority to amend TFO's broadcasting licence in order to delete reference to four analog transmitters. This amendment is effective 1 August 2012.

Secretary General

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

## **Appendix to Broadcasting Decision CRTC 2012-413**

Sudbury, Ontario	CHLF-TV-1
Hawkesbury, Ontario	CHLF-TV-2
Lac Ste-Thérèse, Ontario	CHLF-TV-6
Pembroke, Ontario	CHLF-TV-13