



Broadcasting Decision CRTC 2012-446

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Ottawa, 17 August 2012

Southshore Broadcasting Inc.
Leamington, Ontario

Application 2012-0220-0

CFTV-TV Leamington – Licence amendment

*The Commission **approves** an application by Southshore Broadcasting Inc. to amend the broadcasting licence for the low-power, primarily English-language community-based television station CFTV-TV Leamington to add a digital transmitter to serve the area of Leamington, Ontario.*

*The Commission also **approves** the licensee's request for authorization to multiplex its digital television signal in order to provide four separate programming services offering various types of local programming.*

The application

1. The Commission received an application by Southshore Broadcasting Inc. (Southshore) to amend the broadcasting licence for the low-power, primarily English-language community-based television programming undertaking CFTV-TV Leamington in order to add a digital transmitter to serve the area of Leamington, Ontario.
2. The new transmitter CFTV-DT Leamington would operate on channel 34 with an average effective radiated power (ERP) of 356 watts (maximum ERP of 621 watts with an effective height of antenna above average terrain of 56 meters).
3. Southshore also requested authorization to multiplex¹ its digital television signal in order to provide services that offer the following types of local programming:
 - local community programming as required under its current broadcasting licence;

¹ Multiplexing (also known as multicasting) is the use of one digital transmitter by one or more broadcasters to transmit several programming services at the same time, using the same spectrum resources.

- local French-language content from 6:00 a.m. to 6:00 p.m., and Spanish-language programming for the Hispanic community from 6:00 p.m. to 6:00 a.m.;
 - local programming specifically produced for people with intellectual, mobility, hearing and visual disabilities, as well as Aboriginal programming from the local Caldwell First Nation; and
 - local municipal programming (council meetings, town halls, events, public service announcements, emergencies and notices).
4. Southshore indicated that the licence amendment and authorization to multiplex are necessary for the viability of this undertaking.
 5. The Commission received several interventions in support of this application.

Commission's analysis and decisions

6. In Broadcasting Public Notice 2002-31 (the digital transition policy), the Commission concluded that its policy regarding the transition from analog to digital would allow for the licensing of multicast programming services on the following basis:
 - Multicast services should make a positive contribution to the Canadian broadcasting system during the transition period.
 - Each multicast programming service will be considered on a case-by-case basis and will be licensed by the Commission separately from the main [digital television] service. A multicast service will generally be subject to the same Canadian content, logging and other regulatory requirements that apply to existing television services.
 - The Commission's predisposition will be to license new and innovative multicast services, in preference to those that duplicate existing over-the-air, pay or specialty services.
 - The delivery of a multicast service may not take precedence over the broadcast of the [high definition television] version of a program whenever such a version is available.
7. After examining the application in light of the digital transition policy and other applicable regulations and policies, the Commission considers that the issues it must address are the following:
 - whether the proposed multicast services would make a positive contribution to the Canadian broadcasting system; and
 - whether the licensee should obtain a broadcasting licence for each proposed multicast service.

Would the proposed multicast services make a positive contribution to the Canadian broadcasting system?

8. The Commission notes that CFTV-TV is a small community television station serving the Leamington market, and that Southshore has a proven record of establishing community partnerships through various activities. In the Commission's view, the new and innovative multicast services proposed by the licensee could bring considerably more local programming to the service area and to underserved audiences within the community, thereby making a positive contribution to the community of Leamington and, by extension, to the Canadian broadcasting system as a whole.

Should the licensee obtain a broadcasting licence for each proposed multicast service?

9. Since the issuance of the digital transition policy, the Commission has granted pay and specialty services the authority to add new multiplexes of their services, at their discretion, through standard conditions of licence applicable to all such services and without requiring that the licensee obtain a separate broadcasting licence for each multicast service. However, each service must individually meet all regulatory obligations (that is, regulatory obligations cannot be spread across the multicast services).
10. The Commission notes that, as set out in Broadcasting Decision 2003-581, Southshore is required, by condition of licence, to devote not less than 80% of the broadcast year to the broadcast of Canadian programming and not less than 60% of the broadcast year to the broadcast of local programming.
11. In light of the above, the Commission does not consider it necessary to require Southshore to obtain a separate broadcasting licence for each proposed multicast service. However, in accordance with the digital transition policy, the Commission considers that each multicast service should be individually subject to the same programming requirements imposed on CFTV-TV regarding the broadcast of Canadian and local programming.

Conclusion

12. In light of the above, the Commission **approves** the application by Southshore Broadcasting Inc. to amend the broadcasting licence for the low-power, primarily English-language community-based television programming undertaking CFTV-TV Leamington in order to add a digital transmitter to serve the area of Leamington. The new transmitter CFTV-DT Leamington will operate on channel 34 with an average ERP of 356 watts (maximum ERP of 621 watts with an effective height of antenna above average terrain of 56 meters).
13. The Commission also **approves** the licensee's request for authorization to multiplex its digital television signal in order to provide services that offer the types of local programming described in paragraph 3 above.

14. Accordingly, the Commission imposes the following **condition of licence**:

The licensee is authorized to multiplex its digital television signal in order to provide up to four separate programming services offering the following: local community programming, French- and Spanish-language programming, programming for people with intellectual, mobility, hearing and visual disabilities, Aboriginal programming from the local Caldwell First Nation, and local municipal programming.

The licensee shall, for each of these programming services, devote not less than 80% of the broadcast year to the broadcast of Canadian programs.

Further, the licensee shall, for each of these programming services, devote not less than 60% of the broadcast year to the broadcast of local programming, as defined in *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010.

15. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, the authorities granted in this decision will only be effective when the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Other matters

Case-by-case consideration of requests to multiplex

16. As noted above, the Commission stated in the digital transition policy that the licensing of multicast programming services would be considered on a case-by-case basis. In regard to the present application, the authorization for Southshore to distribute four separate signals under one broadcasting licence has been granted based on the specific circumstances and aspects of its request. Future requests for authorization to multiplex a digital signal will continue to be considered by the Commission on a case-by-case basis in accordance with the specific circumstances and aspects of those requests.

Public service announcements

17. The Commission expects the licensee to broadcast public service announcements and to inform viewers of the existence of the new transmitter by way of its website in a manner consistent with the requirements set out in section 3 of the appendix to Broadcasting Regulatory Policy 2011-198. Furthermore, the Commission expects the licensee to do this for a period of at least three months from the day this authorization is issued, and before the licensee ceases to broadcast in analog or changes channel, whichever is sooner.

Secretary General

Related documents

- *Regulations for the digital television transition*, Broadcasting Regulatory Policy CRTC 2011-198, 18 March 2011
- *New low-power community television station in Leamington*, Broadcasting Decision CRTC 2003-581, 19 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

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