



Broadcasting Decision CRTC 2010-239

Route reference: 2009-632

Additional references: 2009-632-1 and 2009-632-2

Ottawa, 28 April 2010

Canadian Broadcasting Corporation

Ottawa and Toronto, Ontario

*Applications 2009-0956-7, 2009-0958-3 and 2009-0957-5, received 23 June 2009
Public Hearing in the National Capital Region
14 December 2009*

CBLFT-TV Toronto – new regional television station

CBOFT-TV Ottawa – licence amendment

CBOFT-DT Ottawa – licence amendment

*In this decision, the Commission **approves** an application by the Canadian Broadcasting Corporation (CBC) to operate a new regional television station in Toronto.*

*CBLFT-TV Toronto must broadcast a minimum of five hours per week, on average on an annual basis, of local programming intended for television viewers in Toronto and a large part of Ontario. The licence will be subject to the terms and **conditions** set out in the appendix to this decision. At the CBC's request, a short-term licence will be issued to the new station so that the licence renewal coincides with the licence renewal for the CBC's French-language television network. Accordingly, the licence will expire on 31 August 2010.*

*The Commission also **approves** an application by the CBC to amend the broadcasting licence for CBOFT-TV Ottawa in order to transfer the following transmitters to the new regional television station CBLFT-TV Toronto: CBLFT-1-TV Sturgeon Falls, CBLFT-2-TV Sudbury, CBLFT-3-TV Timmins, CBLFT-4-TV Kapuskasing, CBLFT-5-TV Hearst, CBLFT-6-TV Elliot Lake, CBLFT-7-TV Espanola, CBLFT-8-TV Kitchener, CBLFT-9-TV London, CBLFT-10-TV Chatham, CBLFT-11-TV Barrie, CBLFT-12-TV Peterborough, CBLFT-13-TV Belleville, CBLFT-14-TV Kingston, CBLFT-15-TV Penetanguishene, CBLFT-17-TV Sarnia, CBLFT-18-TV Thunder Bay, CBLFT-19-TV Nipigon, CBLFT-20-TV Sault Ste. Marie, CBLFT-21-TV Gogama, CBLFT-22-TV Chapleau, CBLFT-23-TV Wawa, CBLFT-24-TV Dubreuilville, CBLFT-25-TV Manitouwadge, CBLFT-26-TV Geraldton, CBLFT-27-TV Mattawa, CBEFT Windsor and CBFST-2-TV Témiscamingue.*

*The Commission also **approves** the CBC's application to amend the broadcasting licence for CBOFT-DT Ottawa in order to transfer the transmitter CBLFT-DT Toronto to the new regional television station CBLFT-TV Toronto.*

Introduction

1. At a public hearing held on 14 December 2009, the Commission considered three applications from the Canadian Broadcasting Corporation (CBC). In the first application, the CBC requested a broadcasting licence to operate a new regional French-language television broadcasting undertaking in Toronto (CBLFT-TV Toronto). In the second, it requested the transfer of certain analog transmitters assigned to CBOFT-TV Ottawa to CBLFT-TV Toronto and in the third, the transfer of the digital transmitter CBLFT-DT Toronto from CBOFT-DT Ottawa to CBLFT-TV Toronto.
2. The CBC also requested that the new licence be issued for a short term so that the licence renewal would coincide with the licence renewal for the CBC's French-language television network. Given that the network licence expires on 31 August 2010, the new licence would also expire on 31 August 2010.
3. The CBC stated that its applications to amend the licences for CBOFT-TV and CBOFT-DT Ottawa are conditional on approval of the CBC's application for a broadcasting licence to operate a new regional television station in Toronto.
4. The licensee indicated that until 1991 it had operated CBLFT-TV, a regional French-language television station in Toronto. This station was closed at the licensee's request and converted to a rebroadcasting transmitter for CBOFT-TV Ottawa.
5. The CBC now wishes to convert the transmitter CBLFT-TV to a regional station in order to offer local and regional programming to the population of the Toronto region on a regular basis. The CBC stated that it currently offered local programming during station breakaways from CBOFT-TV Ottawa. However, this local programming offering is not the result of a regulatory requirement or a particular condition of licence. The CBC indicated that it wished to increase its commitments to the production of local and regional programming for the Toronto region.
6. In addition, the CBC requested authorization to solicit local advertising in the area served by the regional station and its transmitters.
7. Finally, according to the CBC, approval of its application for a new regional station would contribute to the fulfillment of the Commission's objectives regarding local news and diversity of voices. In addition, the Toronto region would benefit from an increase in the CBC's overall commitment to local and regional programming.
8. The Commission received a number of interventions in connection with these applications. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

9. After reviewing the applications, the interventions and the applicant's reply to the interventions, the Commission considers that the primary issues to be considered are:
- the issuance of a broadcasting licence to operate a new regional station in Toronto (CBLFT-TV); and
 - the transfer of some of CBOFT-TV Ottawa and CBOFT-DT Ottawa's transmitters to CBLFT-TV Toronto.

Application to operate a new regional station in Toronto

10. In its application to operate a new regional station in Toronto, the CBC stated that it would commit, by condition of licence, to produce a minimum of five hours per week, on average on an annual basis, of local programming intended for television viewers in Toronto and a large part of Ontario.
11. In addition, regarding the Canadian content broadcast by the new station in Toronto, the CBC proposed the same commitments as for its French-language television network, namely 75% Canadian content during the broadcast day and 80% during prime time (7 p.m. to 11 p.m.).
12. The licensee stated that the programs broadcast as part of network programming from the CBC's French-language television network would be closed captioned. Regarding the remainder of the programming, the licensee committed to caption all local programs, including local news, broadcast by CBLFT-TV Toronto.

Commission's analysis and determinations

13. The Commission notes that the interveners supporting the CBC's application were of the view that the return of local and regional CBC programming in Toronto would serve to strengthen the vitality of the region's Francophone community.
14. In Broadcasting Regulatory Policy 2009-406, the Commission defined "local programming" as follows:
- Local programming is defined as programming produced by local stations with local personnel or programming produced by locally-based independent producers that reflects the particular needs and interests of the market's residents.
15. The Commission notes that the CBC's commitment to produce a minimum of five hours per week, on average on an annual basis, of local programming intended for television viewers in Toronto and a large part of Ontario represents a higher level than the average of other regional French-language CBC stations.
16. The Commission notes that to be eligible for the Local Programming Improvement Fund, the CBC must produce a minimum of five hours of local programming each week.

17. In its regulatory policy on diversity of voices set out in Broadcasting Public Notice 2008-4, the Commission stated:

It is from the local media that most Canadians receive the information that is critical to their understanding of local, regional, national and international issues. Local media help to shape Canadians' views and to equip them to be active participants in the democratic life of the country.

18. In this instance, the Commission notes that residents of Toronto are currently served by two French-language radio stations, CJBC-FM, a station owned by CBC, and CHOQ-FM, owned by the Coopérative radiophonique de Toronto. The Commission is of the view that the addition of the new CBC station in the Toronto region will have a positive impact on the services provided to this Francophone community, which lives in a minority environment in Ontario. Also, the new station would offer local merchants an opportunity to advertise on a French-language television station.
19. In addition, the Commission considers that approval of the present application for a new station that would increase the diversity of voices for television viewers served by this station meets the objectives set out in section 3(1)(d) of the *Broadcasting Act*, which states that the Canadian broadcasting system should encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity.
20. In Public Notice 1999-97, the Commission clearly reaffirmed the link between access to local advertising for over-the-air broadcasters and service to local residents. Paragraph 47 of the Commission's policy reads in part: "licensees may not solicit local advertising in a market unless they provide local news or other local programming."
21. In this instance, given that the CBC is committed to broadcasting local programming, it would be allowed to solicit local and regional advertising in the Toronto market if its application were approved.
22. In light of the supporting interventions received, the Commission is of the view that the new regional station in Toronto is something the Francophone population in Ontario wants. Several interveners stated that this new station would permit French-language viewers served by this station to express their local realities and to promote the wealth of their artistic, academic, professional and social activities.
23. Finally, the Commission notes that network programs provided by the CBC's French-language television network will already be closed captioned and that the licensee committed to captioning all local and regional programs broadcast by CBLFT-TV Toronto.
24. Based on the foregoing, the Commission **approves** the application by the Canadian Broadcasting Corporation for a broadcasting licence to operate a new regional television programming undertaking in Toronto until 31 August 2010. The terms and **conditions of licence** are set out in the appendix to this decision.

25. The Commission also considers that the CBC's commitment for its Toronto television station to produce a minimum of five hours per week, on average on an annual basis, of local programming intended for television viewers of Toronto and a large part of Ontario represents an acceptable level for this market. A **condition of licence** to this effect is set out in the appendix to this decision.

Other issues

26. In Broadcasting Public Notice 2007-53, the Commission stated that effective 31 August 2011, most television licensees will be authorized to broadcast only digital over-the-air signals. The Commission notes that the licence for CBLFT-TV and its transmitters will expire close to the date on which the station and its transmitters will have to stop broadcasting analog television signals, unless they qualify for an exemption.
27. The Commission notes that the licensee requested a short licence term so that the renewal of CBLFT-TV's licence will coincide with the renewal of the licence for the CBC's French-language television network. The Commission will therefore inform the licensee at a later date of the approach it will take in granting licences following the transition to digital.
28. In Broadcasting Public Notice 2002-31, the Commission announced a framework for the transition from analog to digital television. The Commission has since set out a new policy in Broadcasting Regulatory Policy 2010-69. In that policy, the Commission indicated that it would no longer licence transitional digital television undertakings but would rather favour the simultaneous broadcast of a service's programming using a digital transmitter by amending the licence of the existing service.
29. Moreover, the Commission reminds the applicant that it must meet the Department of Industry's technical requirements throughout the licence term.
30. Finally, the Commission notes that approval of this application has no technical implications because no transmitters will be moved. In fact, no transmitters will be added or taken away, and no changes in the official contours are planned.

Implementation of the Accessibility Policy

31. In Broadcasting and Telecom Regulatory Policy 2009-430, the Commission stated its intention to impose on television broadcasters and broadcasting distribution undertakings, at the time of their licence renewals, conditions of licence relating to accessibility provisions. Accordingly, the Commission will consider imposing such conditions of licence on CBLFT-TV Toronto and its transmitters at the time of the licence renewal on 31 August 2010. In the meantime, the Commission expects the station to adhere, as soon as possible, to the applicable accessibility requirements specified in Broadcasting and Telecom Regulatory Policy 2009-430.

Employment equity

32. Because the licensee is subject to the *Employment Equity Act* and reports to the Department of Human Resources and Skills Development, the Commission does not examine its employment equity practices.
33. With respect to on-air presence, the Commission expects the licensee to ensure that its programming is reflective of Canadian society and that members of the four designated groups (women, Aboriginal persons, persons with disabilities and members of visible minorities) are presented fairly and accurately.

Application to amend the licences for CBOFT-TV and CBOFT-DT Ottawa

34. The CBC also asked the Commission to amend the broadcasting licences for the television stations CBOFT-TV and CBOFT-DT Ottawa in order to transfer some of the transmitters that are currently assigned to these stations to CBLFT-TV Toronto. The transmitters in question are listed below.
35. Taking into account the approval above and given that CBLFT-TV will serve residents of Toronto, the Commission considers it appropriate to transfer the transmitters that are geographically connected to this region to the new regional station. Consequently, the Commission **approves** the CBC's application to amend the broadcasting licences for CBOFT-TV and CBOFT-DT Ottawa in order to transfer the following transmitters to the new television station CBLFT-TV Toronto:

- CBLFT-TV Toronto
- CBLFT-DT Toronto
- CBLFT-1-TV Sturgeon Falls
- CBLFT-2-TV Sudbury
- CBLFT-3-TV Timmins
- CBLFT-4-TV Kapuskasing
- CBLFT-5-TV Hearst
- CBLFT-6-TV Elliot Lake
- CBLFT-7-TV Espanola
- CBLFT-8-TV Kitchener
- CBLFT-9-TV London
- CBLFT-10-TV Chatham
- CBLFT-11-TV Barrie
- CBLFT-12-TV Peterborough
- CBLFT-13-TV Belleville
- CBLFT-14-TV Kingston
- CBLFT-15-TV Penetanguishene
- CBLFT-17-TV Sarnia
- CBLFT-18-TV Thunder Bay
- CBLFT-19-TV Nipigon
- CBLFT-20-TV Sault Ste. Marie
- CBLFT-21-TV Gogama

CBLFT-22-TV Chapleau
CBLFT-23-TV Wawa
CBLFT-24-TV Dubreuilville
CBLFT-25-TV Manitouwadge
CBLFT-26-TV Geraldton
CBLFT-27-TV Mattawa
CBEFT-TV Windsor
CBFST-2-TV Témiscamingue

36. The only amendment to the licence for CBOFT-TV Ottawa is the transfer of the above-mentioned transmitters from CBOFT-TV and CBOFT-DT Ottawa to CBLFT-TV Toronto. The transmitters CBOFT-1-TV Chapeau, CBOFT-2-TV Rapides-des-Joachims and CBOFT-3-TV Notre-Dame-du-Laus remain assigned to CBOFT-TV Ottawa.

Secretary General

Related documents

- *Revised licensing framework for over-the-air digital television services*, Broadcasting Regulatory Policy CRTC 2010-69, 10 February 2010
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Policy determinations resulting from the 27 April 2009 public hearing*, Broadcasting Regulatory Policy CRTC 2009-406, 6 July 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-264, 12 May 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2008-59, 5 March 2008
- *Diversity of voices – Regulatory Policy*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- *Administrative renewals*, Broadcasting Decision CRTC 2006-308, 21 July 2006
- *CBOFT Ottawa – Transitional digital television with a transmitter in Toronto*, Broadcasting Decision CRTC 2005-525, 21 October 2005

- *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
- *Licences for CBC French-language television and radio renewed for a seven-year term*, Decision CRTC 2000-2 , 6 January 2000
- *Building on Success – A Policy Framework for Canadian Television*, Public Notice CRTC 1999-97, 11 June 1999

This decision is to be appended to each licence. It 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>.

Appendix to Broadcasting Decision CRTC 2010-239

**Terms and conditions of licence for CBLFT-TV Toronto and its transmitters
CBLFT-DT Toronto, CBLFT-1-TV Sturgeon Falls, CBLFT-2-TV Sudbury,
CBLFT-3-TV Timmins, CBLFT-4-TV Kapuskasing, CBLFT-5-TV Hearst,
CBLFT-6-TV Elliot Lake, CBLFT-7-TV Espanola, CBLFT-8-TV Kitchener,
CBLFT-9-TV London, CBLFT-10-TV Chatham, CBLFT-11-TV Barrie,
CBLFT-12-TV Peterborough, CBLFT-13-TV Belleville,
CBLFT-14-TV Kingston, CBLFT-15-TV Penetanguishene,
CBLFT-17-TV Sarnia, CBLFT-18-TV Thunder Bay, CBLFT-19-TV Nipigon,
CBLFT-20-TV Sault Ste. Marie, CBLFT-21-TV Gogama,
CBLFT-22-TV Chapleau, CBLFT-23-TV Wawa, CBLFT-24-TV Dubreuilville,
CBLFT-25-TV Manitouwadge, CBLFT-26-TV Geraldton,
CBLFT-27-TV Mattawa, CBEFT-TV Windsor and
CBFST-2-TV Témiscamingue**

Terms

Issuance of the broadcasting licence to operate a French-language television programming undertaking and its transmitters to serve the city of Toronto

The licence will expire on 31 August 2010.

Conditions of licence

1. The licensee shall broadcast a minimum of five hours per week, on average on an annual basis, of local programming intended for television viewers in Toronto and a large part of Ontario.

For the purposes of this condition of licence, “local programming” means “programming produced by local stations with local personnel or programming produced by locally-based independent producers that reflects the particular needs and interests of residents in the Toronto market and surrounding areas.”

2. The licensee shall adhere to its standards with respect to violence on television set out in CBC/Radio-Canada’s *Corporate Policies* and more specifically in section 1.1 entitled *Program Policies*. At a minimum, the licensee shall adhere to the Canadian Association of Broadcasters’ *CAB Violence Code*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to its standards with respect to on-the-air sex-role portrayals set out in CBC/Radio-Canada’s *Corporate Policies* and more specifically in section 1.1 entitled *Program Policies*. At a minimum, the licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.

4. The licensee shall adhere to the standards for advertising to children under 12 years of age set out in CBC/Radio-Canada's *Corporate Policies* and more specifically in section 1.3 entitled *Advertising Standards*. At a minimum, the licensee shall adhere to the standards set out in the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
5. The licensee shall not broadcast any advertising during children's programs and shall not broadcast any advertising directed to children between programs for pre-school aged children.

For the purposes of this condition of licence, children's programs scheduled before noon on school days are considered to be programs for pre-school aged children.

6. The licensee shall caption 100% of its local programs, including local news, beginning in the first year of its licence term.

Expectations

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

The Commission expects the licensee to adhere, as soon as possible, to the applicable requirements set out in *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009.

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

With respect to on-air presence, the Commission expects the licensee to ensure that its programming is reflective of Canadian society and that members of the four designated groups (women, Aboriginal persons, persons with disabilities and members of visible minorities) are presented fairly and accurately.

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.