



**Canadian
Association of
Broadcasters**

**L'Association
canadienne des
radiodiffuseurs**

August 25, 2005

Via e-mail

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Ms. Rhéaume:

**Re: Broadcasting Public Notice CRTC 2005-69 – Canadian
Broadcasting Corporation Request for Nested FM Transmitters –
Applications # 2005-0567-0, 2005-0565-4 and 2005-0568-8**

1. The Canadian Association of Broadcasters (CAB) – the national voice of Canada’s private broadcasters, representing the vast majority of Canadian programming services, including private television and radio stations, and specialty, pay and pay-per-view services – is pleased to submit comments relating to the above-noted applications.
2. The Canadian Broadcasting Corporation (CBC) has filed applications to amend the licences of CBK Regina, CHFA Edmonton and CBX Edmonton by adding “nested” FM repeater transmitters at Saskatoon and Edmonton.
3. The CAB has the following policy concerns related to the above-noted applications:
 - There is no established CRTC policy outlining the conditions that warrant the use of nested FM repeaters of AM stations; and
 - The CRTC has not established a process for ensuring that available FM frequencies are apportioned fairly for this purpose in each radio market.
4. The CAB submits that, in the absence of a formal policy, authorization of nested transmitters on a case by case basis is both inappropriate and inequitable given the limited availability of FM spectrum particularly in Canada’s urban areas.

5. Accordingly, the CAB **urges the Commission to defer consideration of the above-noted applications until a policy has been established** on the appropriate use of nested FM transmitters.

A Policy on FM Nesting Operations is Needed

6. In its applications, the CBC has cited urban growth, the construction of high-rise concrete and steel buildings, increased electrical noise from overhead wires, large and small appliances and portable radio transmitters as impeding its current AM transmitters' delivery of reliable and high quality signals. The CBC also notes in its applications that "...the migration of tuning away from AM to FM threatens to orphan our AM stations in the long term as our audience ages and younger adult Canadians reject AM altogether as a destination." The CBC believes these factors necessitate the use of drop-in FM transmitters to provide effective coverage for the CBC Radio One service in the downtown core of Saskatoon and surrounding areas and Edmonton.
7. Moreover, the CBC has indicated that it plans to apply for nested FM repeaters for its AM stations in a number of markets across the country. In fact, just recently the Commission gazetted three more CBC applications for nested FM repeaters for two of its AM stations in Winnipeg and one in Calgary (Broadcasting Public Notice CRTC 2005-84). The CAB notes that CBC's Winnipeg and Calgary applications combined with the two applications in question have the potential to impact as many as six FM frequencies in these four markets.
8. Few urban areas in Canada currently have a plethora of unused FM frequencies. When one is used for a nested 100% repeater of an AM station that already covers that market, it reduces the number of frequencies available for new services.
9. Notwithstanding, the CAB recognizes that in some markets AM stations may require the use of additional FM frequencies to augment services within their city-grade AM coverage contours. Like the public broadcaster, Canada's private radio broadcasters also want to ensure their ability to deliver reliable and high quality signals in urban centers is not impaired.
10. However, given the CBC's national plan to use drop-in FM transmitters for its AM stations in markets across the country, the CAB believes that in order to ensure fair and equitable use of spectrum it is imperative that the Commission first establish a policy on FM nesting operations prior to considering the CBC's applications.
11. Accordingly, the CAB submits that, because there are a finite number of FM frequencies available in any market, the **CRTC must initiate a public process on FM nesting operations** in order to allow both private and

public broadcasters to provide their views on the circumstances under which this technical option is warranted.

Considerations for CRTC Process on Nested FM Transmitters

12. The CAB urges the Commission to initiate a policy proceeding on FM nesting operations as soon as possible and invite public input on:
- The evidence required to establish that an AM station has a technical need for a nested FM repeater; and
 - The appropriate process for ensuring that available FM frequencies are apportioned fairly for this purpose in each market.

Conclusion

13. For the reasons outlined above, the CAB submits that it would be both inappropriate and inequitable for the Commission to authorize any new CBC FM nesting proposals on a case by case basis. Any such consideration should be withheld until a general policy on FM nesting operations has been determined.
14. Accordingly, **the CAB requests that consideration of the above-noted CBC applications be deferred** until after the Commission:
- a) Issues guidelines concerning the evidence that must be presented when applications for FM nesting operations are made; and
 - b) Outlines a process that allows both public and private AM radio licensees to apply, on an equal footing, for the frequencies available for nested repeaters within their principal market areas.
15. The CAB urges the Commission to give swift and favourable consideration to this request.

Sincerely,



David Keeble
Senior Vice-President, Policy and Regulatory Affairs

cc: Canadian Broadcasting Corporation
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