



**Canadian  
Association of  
Broadcasters**

**L'Association  
canadienne des  
radiodiffuseurs**

September 28<sup>th</sup>, 2005

*Via e-mail: [procedure@crtc.gc.ca](mailto:procedure@crtc.gc.ca)*

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

Dear Ms. Rhéaume:

**Re: Broadcasting Public Notice CRTC 2005-84 – Canadian  
Broadcasting Corporation Request for Nested FM Transmitters –  
Applications # 2005-0566-2 and 2005-0569-6**

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 CBW Winnipeg and CBR Calgary by adding “nested” FM repeater transmitters at Winnipeg and Calgary.
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 Winnipeg and surrounding areas and Calgary.
7. Moreover, the CBC has made it clear that it plans to apply for nested FM repeaters for its AM stations in a number of markets across the country. The CAB notes that CBC's Winnipeg and Calgary applications combined with its applications for nesting repeaters in Saskatoon and Edmonton (already under review in public process PN 2005-69) have the potential to impact as many 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. In this regards, the CAB further notes that in response to a call for applications for new radio stations to serve the Calgary market, the Commission has received 16 applications.
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. The CAB notes that in response to our intervention in a separate public proceeding (PN 2005-69) the CBC indicated that notwithstanding the above-mentioned applications, and "...unless new circumstances arise, CBC\Radio-Canada has no plans for more nested FM transmitters". If that is the case, the CAB submits that the CBC should, at the very least, indicate in their technical long term plan their intentions with respect to the use of drop-in FM transmitters for their AM stations and under which technical circumstances and criteria would it consider applying for a nested FM transmitter. At this point however, the CAB has reason to believe that the CBC has a national plan to use drop-in FM transmitters for its AM stations in markets across the country. This is why the CAB considers that in order to ensure fair regulation 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 favorable consideration to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Keeble". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke extending to the right.

David Keeble  
Senior Vice-President, Policy and Regulatory Affairs

cc: CBC – [regulatoryaffairs@cbc.ca](mailto:regulatoryaffairs@cbc.ca)