



Broadcasting Decision CRTC 2005-175

Ottawa, 28 April 2005

3819914 Canada inc.

Saint-Pamphile and Saint-Jean-Port-Joli, Quebec

Application 2003-1883-3

Broadcasting Public Notice CRTC 2004-36

31 May 2004

CJDS-FM Saint-Pamphile – New transmitter in Saint-Jean-Port-Joli

*The Commission **denies** the application to add a transmitter of CJDS-FM Saint-Pamphile in Saint-Jean-Port-Joli.*

The application

1. The Commission received an application by 3819914 Canada inc. (3819914) to amend the broadcasting licence for the radio programming undertaking CJDS-FM Saint-Pamphile, in order to operate a transmitter in Saint-Jean-Port-Joli.
2. The new transmitter would operate at 92.9 MHz (channel 225A) with an effective radiated power of 135 watts.

Interventions

3. The Commission received a supporting intervention in addition to the letters of support filed by the applicant with the application. In addition, CIBM-FM Mont-Bleu ltée (CIBM-FM Mont-Bleu), the licensee of CHOX-FM La Pocatière, and CFEL-FM Montmagny filed interventions opposing the application.
4. The Commission notes that it received an application by CIBM-FM Mont-Bleu to amend the broadcasting licence for the radio programming undertaking CHOX-FM. CIBM-FM Mont-Bleu requested authority to operate a transmitter in Saint-Aubert in order to improve the reception of CHOX-FM's signal in Saint-Jean-Port-Joli.¹

¹ In *CHOX-FM La Pocatière – New transmitter in Saint-Aubert*, Broadcasting Decision CRTC 2005-176, also issued today, the Commission has approved CIBM-FM Mont-Bleu's application.

5. In its intervention, CIBM-FM Mont-Bleu noted that, in approving CJDS-FM in *New FM radio programming undertaking*, Decision CRTC 2001-234, 26 April 2001 (Decision 2001-234), the Commission specified that the new station would provide a truly local service in Saint-Pamphile and that it would operate in a single-station market. CIBM-FM Mont-Bleu noted that the applicant had confirmed in its initial application for a new radio station in Saint-Pamphile that the area it intended to serve was the southern part of Islet County.
6. According to CIBM-FM Mont-Bleu, the current application is in fact an application for a new station because it is clear that the proposed transmitter would be located outside CJDS-FM's current contours. In addition, CIBM-FM Mont-Bleu stated that the proposed transmitter would penetrate CHOX-FM's primary contour and be five to six times more powerful than the primary transmitter. Accordingly, CIBM-FM Mont-Bleu is of the view that the applicant's proposal does not meet the definition of a single-station market as set out in *Local programming policy for FM radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993.
7. Finally, CIBM-FM Mont-Bleu stated that approval of this application would cause fragmentation of advertising revenues in a market of less than 5,000 inhabitants.
8. According to CFEL-FM, the applicant wants to extend its service area into territory already served by CFEL-FM, including Saint-Jean-Port-Joli. The intervener maintained that CJDS-FM's entry into this town would further fragment the advertising market, and that CFEL-FM is already suffering from the increasingly fragile economy in Montmagny buffeted by the closing of several businesses. According to the intervener, approval of the application would constitute [Translation] "a barrier to CFEL-FM's development opportunities" at a time when such development is [Translation] "a major imperative."

The applicant's replies

9. The applicant pointed out that, in Decision 2001-234, the Commission specified that it was granting a licence for a radio programming undertaking to serve the regional municipality of Islet County. According to the applicant, the current transmitter does not allow for such coverage. The new transmitter located on Mount Fournier would correct the situation.
10. The applicant stated that the significant support it has received demonstrates that the application would meet the needs of the population.

The Commission's analysis and determination

11. The Commission notes that Decision 2001-234 approved the low-power FM radio programming undertaking with an effective radiated power of 24 watts to "provide a truly local service at Saint-Pamphile."

12. In *An FM policy for the nineties*, Public Notice CRTC 1990-111, 17 December 1990, the Commission defined the market of an FM station to be “any area within either the 3 mV/m signal contour or the Central Area of the community served by the station as defined by BBM whichever is smaller.” According to this definition, and given the effective radiated power proposed in 3819914’s original application, CJDS-FM’s current market is limited to Saint-Pamphile and its surrounding area, and does not include the entire Islet County.
13. The Commission took into consideration the potential negative impact of the proposed transmitter on the stations currently serving Saint-Jean-Port-Joli and its surrounding area.
14. The Commission also notes that CJDS-FM is a low-power unprotected station, while the proposed transmitter would be a full-power transmitter.
15. Although the applicant is not requesting to change the status of its low-power station to that of a protected undertaking, the addition of a full-power transmitter of CJDS-FM to serve an additional area would give it access to a coverage area that, as a whole, would be similar to that of a full-power station.
16. Furthermore, the Commission notes that the applicant would occupy two frequencies in a very small area. The Commission therefore considers that the application does not represent the best use of the 92.9 MHz frequency.
17. In light of all of the above, the Commission **denies** the application by 3819914 Canada inc. to amend the broadcasting licence for the radio programming undertaking CJDS-FM Saint-Pamphile in order to operate a transmitter in Saint-Jean-Port-Joli.

Secretary General

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