



Broadcasting Decision CRTC 2005-50

Ottawa, 14 February 2005

591989 B.C. Ltd.
Kingston, Ontario

Application 2004-0323-8
Broadcasting Public Notice CRTC 2004-43
7 July 2004

CFFX Kingston – Technical change

*The Commission **denies** the application by 591989 B.C. Ltd. to amend the broadcasting licence for the radio programming undertaking CFFX Kingston, in order to add a low-power FM transmitter in Kingston.*

The application

1. The Commission received an application from 591989 B.C. Ltd., a subsidiary of Corus Entertainment Inc. (Corus), to amend the broadcasting licence for the radio programming undertaking CFFX Kingston, in order to operate a low-power FM transmitter in Kingston. The proposed transmitter would operate at 93.7 MHz (channel 229LP) with an effective radiated power of 50 watts.
2. The applicant indicated that approval of its proposal would improve the quality of CFFX's signal in Kingston's downtown core.

Intervention

3. The Commission received one intervention in opposition to Corus' proposal, submitted by K-ROCK 1057 Inc. (K-ROCK, the intervener). The intervener is the licensee of CIKR-FM Kingston.
4. K-ROCK stated that the Corus application sought to rectify alleged deficiencies in its AM coverage in the Kingston city core, but that K-ROCK had conducted its own testing of CFFX's signal in downtown Kingston that failed to show any signal problems other than those experienced by all broadcasters in such an environment. K-ROCK argued that Corus' proposal would merely duplicate CFFX on the FM band, which would be an inefficient use of scarce FM frequencies, and contrary to Commission policy. The intervener further stated that, if the Commission were to approve a new FM frequency for use in Kingston, it should be as a result of a call for applications to serve that community.

The applicant's reply

5. In reply, the applicant submitted that CFFX's signal does not reach its audience adequately, that low-power FM frequencies are not scarce in the Kingston market, and that Corus is committed to AM radio in Kingston.
6. With respect to signal quality, Corus maintained that in the central core area of Kingston, the CFFX signal "drops significantly in volume" and that it is weak, or very weak, in shopping centres. Corus also argued that, while the intervener's assessment demonstrated that the signals of all the stations it tested were poor, the tests do not refute the fact that CFFX's signal was significantly reduced, as was shown by Corus' own testing. Further, the applicant stated that while both AM and FM signals would experience signal degradation in downtown areas, AM signals are significantly more susceptible to electrical noise and interference from computers and similar devices.
7. Corus stated, with respect to the use of the FM spectrum, that it had evaluated the availability of low-power FM frequencies, and found that numerous channels of that type are available for use in Kingston. For this reason, Corus expressed the view that there is no reason that its application should trigger a call for applications to serve Kingston.

The Commission's analysis and determination

8. In considering this application, the Commission has taken into account three factors: whether or not CFFX's signal is deficient, whether the licensee's proposal would alleviate such an alleged deficiency, and whether the use of the proposed frequency would constitute its best use.
9. With respect to the signal deficiency, the Commission notes that Corus has not provided any professional engineering test results to validate its position, or evidence of a significant number of public complaints with regard to the signal strength of CFFX within its licensed area. The Commission acknowledges that reduced signal levels inside shopping malls can be a problem, but notes that this concern is a common one, affecting all licensed radio services, both AM and FM.
10. With regard to whether the licensee's proposal would alleviate any alleged signal deficiency, the Commission notes that two of the areas of concern identified by Corus, namely the Cataraqui Town Centre and the Frontenac Mall are actually located outside of the primary 3 mV/m contour of the proposed low-power FM transmitter. The Commission therefore concludes that the use of the proposed frequency in the specified location would not resolve Corus' concern with regard to these areas.

11. While the applicant indicated that “approximately 10 available frequencies” are available for use in the area concerned, it did not identify those frequencies, nor provide any technical analysis related to whether those frequencies would be viable. As to the question of the best use of the proposed frequency, according to information available to the Commission, only three low-power frequencies are available for use in Kingston. Given the scarcity of available low-power frequencies in the area, and the fact that Corus’ proposal would merely duplicate the CFFX programming on the FM band, the Commission is of the view that the proposed use of 93.7 MHz (channel 229LP) would not be the best use of this frequency.
12. For all the reasons above, the Commission **denies** the application by 591989 B.C. Ltd. to amend the broadcasting licence for the radio programming undertaking CFFX Kingston, in order to operate a low-power FM transmitter in Kingston at 93.7 MHz (channel 229LP) with an effective radiated power of 50 watts.

Secretary General

This decision 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>