



Broadcasting Decision CRTC 2006-357

Ottawa, 11 August 2006

Tillsonburg Broadcasting Company Limited
Tillsonburg, Ontario

Application 2006-0107-2
Broadcasting Public Notice CRTC 2006-32
16 March 2006

Use of frequency 107.3 MHz by the new FM radio station in Tillsonburg

*The Commission **approves** the application by Tillsonburg Broadcasting Company Limited to operate its new FM radio station in Tillsonburg, Ontario at 107.3 MHz (channel 297B) with an average effective radiated power of 4,500 watts. The Commission authorizes the licensee, by **condition of licence**, to simulcast, during the daytime only, the programming of the new FM station on the licensee's AM transmitter at 1510 kHz with a transmitter power of 10,000 watts.*

Background

1. In *CKOT Tillsonburg – Conversion to FM band*, Broadcasting Decision CRTC 2005-432, 25 August 2005 (Decision 2005-432), the Commission approved in part an application by Tillsonburg Broadcasting Company Limited (TBCL) to operate a new English-language, commercial FM radio programming undertaking in Tillsonburg, Ontario to replace its AM station CKOT. The purpose of that application was to allow CKOT to correct its longstanding technical limitations, which restricted its broadcast to daytime, and enable the station to offer its programming on a full-time basis. TBCL had proposed to operate its new FM radio station at 104.7 MHz (channel 284B1) with an average effective radiated power (ERP) of 2,300 watts. However, TBCL's proposal was technically mutually exclusive with five other applications for the use of the same frequency in Woodstock, Ontario.
2. After considering all six applications at the 6 June 2005 Public Hearing in Niagara Falls, Ontario, the Commission awarded 104.7 MHz to Byrnes Communications Inc. (Byrnes) in *English-language FM radio station in Woodstock*, Broadcasting Decision CRTC 2005-431, 25 August 2005. At the same time, the Commission, in Decision 2005-432, directed TBCL to file an application proposing the use of another frequency and technical parameters that would be acceptable to both the Commission and the Department of Industry (the Department).

3. In Decision 2005-432, the Commission noted several approaches that TBCL could use to convert CKOT to the FM band, including operating the new FM radio station at 107.3 MHz while continuing to operate a transmitter, during the daytime only, at AM frequency 1510 kHz to simulcast the programming of the new FM radio station. This approach would make the radio station's programming available on both the AM and FM bands during the day, and only on the FM band at night. The Commission stated that this approach seemed to be the "most promising" because it could be implemented using the existing transmitter site and would provide a reliable signal at night when the AM signal was not available.

The application

4. In response to the Commission's direction in Decision 2005-432, TBCL filed an application to operate its new FM radio station in Tillsonburg at 107.3 MHz (channel 297B) with an average ERP of 4,500 watts. TBCL also proposed to continue operating its AM transmitter, during the daytime only, at 1510 kHz with a transmitter power of 10,000 watts, in order to simulcast the programming of the new FM radio station. As noted in Decision 2005-432, this proposal would make CKOT's programming available on the AM and FM bands during the day, and on the FM band at night.

Interventions

5. The Commission received an intervention in support of this application by CHCD Inc., the licensee of CHCD-FM Simcoe, Ontario, as well as an intervention in opposition by Byrnes.
6. Byrnes expressed concern that TBCL's proposed FM radio station would have a negative impact on the intervener's new FM radio station in Woodstock, which has been in operation for less than a year. Byrnes contended that approval of the present application would not represent the best use of the frequency, would result in a significant overlap between its radio station's 3 mV/m contours and those of TBCL's proposed radio station as well as a significant shift in CKOT's coverage, extending its signal to Woodstock, Ingersoll and parts of London. In addition, Byrnes claimed that allowing TBCL to simulcast the proposed FM radio station's programming on the AM band would be contrary to the Commission's policy in this regard.

Applicant's reply

7. In response, TBCL noted that Byrnes' intervention to the present application reiterated the arguments presented in its previous opposing intervention to TBCL's original licence application, which was approved in part in Decision 2005-432. TBCL acknowledged that approval of the present application would result in some overlap between the 3 mV/m contours of its proposed FM radio station and those of Byrnes' radio station, but pointed

out that Woodstock, Ingersol and Oxford are part of CKOT's market. TBCL also acknowledged that moving CKOT to the FM band would result in a shift in the radio station's overall contour coverage, but maintained that the shifting would reduce CKOT's signal reach towards Woodstock. In TBCL's view, its proposal represents the best use of the frequency in order to correct CKOT's technical limitations.

Commission's analysis and determination

8. Based on its examination of the record of this proceeding, the Commission remains convinced that, as stated in Decision 2005-432, approval of TBCL's proposal to convert CKOT to the FM band "is in the public interest." Further, the Commission still considers that, as stated in Decision 2005-432, "the conversion of CKOT to the FM band will provide a solution to the station's longstanding technical limitations that permit it to operate only during daytime hours, will increase the technical quality of the station's sound, and will strengthen TBCL's competitive position."
9. With respect to the concerns raised by Byrnes regarding the impact that approval of the present application might have on the intervenor's new FM radio station in Woodstock, the Commission notes that, at the June 2005 public hearing in Niagara Falls, TBCL confirmed that it would maintain CKOT's current Traditional Country format on its new FM radio station. CKOT currently garners a relatively small amount of tuning in the Woodstock radio market. Given the nature of the Traditional Country format, the Commission expects tuning by listeners in the Woodstock market to CKOT on the FM band would increase slightly. Accordingly, in the Commission's view, TBCL's proposed FM radio station would have a minimal impact on Byrnes' new radio station, which offers an Adult Contemporary format. Moreover, the Commission considers that the conversion of CKOT to the FM band may help TBCL to repatriate listeners in CKOT's market who are currently tuning to out-of-market radio stations in London, Kitchener and Hamilton that offer a Country format.
10. With respect to concerns raised by Byrnes regarding the technical parameters proposed in the present application, the Commission notes that the proposed contours for 107.3 MHz would be smaller than those for 104.7 MHz, as proposed in TBCL original's licence application. Further, under TBCL's original proposal, the 104.7 MHz primary contour would have reached Woodstock. Under the present proposal, the 107.3 MHz signal would be reduced in the direction of Woodstock.
11. The Commission's general approach is to restrict the amount of simulcasting by a licensee on AM and FM transmitters serving the same community to ensure the most efficient use of frequency spectrum. Given the particular circumstances of the present case, however, the Commission is satisfied that approval of TBCL's proposal to continue operating its AM transmitter during the daytime only in order to simulcast the programming of the new FM radio station is appropriate.

12. In light of the above, the Commission **approves** the application by Tillsonburg Broadcasting Company Limited to operate its new English-language, commercial FM radio programming undertaking in Tillsonburg at 107.3 MHz (channel 297B) with an average ERP of 4,500 watts. The Commission authorizes the licensee, by **condition of licence**, to simulcast, during the daytime only, the programming of the new FM station on the licensee's AM transmitter at 1510 kHz with a transmitter power of 10,000 watts.
13. The Department has advised the Commission that, while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.
14. The Commission reminds the applicant that, pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department notifies the Commission that its technical requirements have been met, and that a broadcasting certificate will be issued.
15. Furthermore, the licence for this undertaking will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 11 August 2008. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Secretary General

This decision is to be appended to the 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>