



## Broadcasting Decision CRTC 2007-392

Ottawa, 24 October 2007

**Burlingham Communications Inc.**  
Hamilton and Meaford, Ontario

*Application 2007-0858-9, received 4 June 2007  
Broadcasting Public Notice CRTC 2007-68  
27 June 2007*

### **CIWV-FM Hamilton – New transmitter at Meaford**

*The Commission denies an application to amend the broadcasting licence for commercial radio station CIWV-FM Hamilton, Ontario, in order to operate a transmitter at Meaford, Ontario.*

#### **The application**

1. The Commission received an application by Burlingham Communications Inc. (Burlingham) to amend the broadcasting licence for the English-language commercial radio programming undertaking CIWV-FM Hamilton, Ontario, in order to operate a transmitter at Meaford, Ontario. Meaford is located near Owen Sound in the Georgian Bay region, approximately 175 kilometres from Hamilton.
2. The new transmitter would operate at 102.9 MHz (channel 275B1) with an average effective radiated power of 9,900 watts.
3. CIWV-FM offers a New Adult Contemporary/Smooth Jazz (NAC Smooth Jazz) music service targetted to listeners in Hamilton and the surrounding area.
4. In support of its application, Burlingham stated CIWV-FM's listeners frequently indicate a desire to receive the station's programming while at their seasonal residences in the Georgian Bay area. The applicant indicated that it would not solicit local advertising or provide local programming to the Meaford area in the short term, although it stated that within three years it might apply for a broadcasting licence to serve the local Meaford community with an originating station.

#### **Interventions**

5. The Commission received numerous interventions in support of this application, and six interventions in opposition to it.

6. Interventions in opposition were submitted by Central Ontario Broadcasting (Rock 95), Corus Entertainment Inc., Bayshore Broadcasting Corporation, Larche Communications Inc., Evanov Communications Inc. and Blackburn Radio Inc. Each of the opposing interveners is the licensee of at least one radio programming undertaking in the Georgian Bay region.
7. The opposing interveners were of the view that the applicant has provided no evidence of market demand for its service in Meaford, and that approval of Burlingham's application would set a negative precedent that would compromise the Commission's process of licensing local broadcasters.
8. It was also noted by the interveners that Burlingham would not provide any local content, and that Hamilton programming has no apparent logical appeal for the distant Meaford audience. Further, the proposed service would provide no Canadian content development (CCD) investment in the local community.
9. In the opinion of the interveners, allowing larger market broadcasters to establish transmitters in smaller markets would certainly result in harm to the originating stations in those markets. The interveners noted that, while Burlingham indicated that the proposed service would not have an impact on the revenues of the incumbent stations in the market, this ignores the potential impact of audience fragmentation on advertising rates.

#### **Applicant's reply**

10. Burlingham observed that the opposing interveners concerns broadly fall into two areas:
  - concerns about an "out of market" rebroadcaster and its effect on the market; and
  - the "dangerous precedent" that licensing the rebroadcaster would create.
11. In response to concerns about the negative effects of establishing a transmitter of CIWV-FM in Meaford, Burlingham argued that the effects would actually be of benefit to the broadcasting system. Moreover, the applicant contended that the extension of its signal would increase the diversity of music formats available in the Meaford area.
12. With respect to the "dangerous precedent" concern, Burlingham noted that transmitters are a fundamental and integral part of the Canadian broadcasting system, and that the Commission has, on several occasions, approved applications to establish transmitters of commercial radio stations.

## **Commission's analysis and determination**

13. In most cases where it authorizes the addition of a transmitter to broadcast the programming of an originating station, the Commission does so in order to either correct technical deficiencies in the signal of the originating station within its authorized service area, or extend the originating station's signal into neighbouring communities, where the programming broadcast by those transmitters provides local reflection of the communities served by airing local news and promoting local community activities.
14. In the present case, Meaford is located approximately 175 kilometers from Hamilton and the proposed transmitter to broadcast programming originating in Hamilton would provide virtually no local reflection of the Meaford community. While the Commission recognizes that the NAC Smooth Jazz format currently offered by CIWV-FM would add to the musical diversity available in the Meaford area, Burlingham is not bound to that format by any condition of CIWV-FM's licence, and could elect to alter that format with no notice.
15. In light of all of the above, the Commission **denies** the application by Burlingham Communications Inc. to amend the broadcasting licence for the radio programming undertaking CIWV-FM Hamilton, in order to add a transmitter at Meaford, Ontario, to rebroadcast the programming of CIWV-FM Hamilton to the residents of Meaford.

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>*