



Broadcasting Decision CRTC 2008-25

Ottawa, 6 February 2008

Bayshore Broadcasting Corporation

Owen Sound, Ontario

Application 2007-0840-7, received 1 June 2007

Public Hearing in London, Ontario

10 December 2007

CFOS Owen Sound – New transmitter in Owen Sound

*The Commission **denies** the application by Bayshore Broadcasting Corporation to amend the broadcasting licence for the radio programming undertaking CFOS Owen Sound in order to operate an FM transmitter in Owen Sound.*

Introduction

1. The Commission received an application by Bayshore Broadcasting Corporation (Bayshore) to amend the broadcasting licence for the English-language AM radio programming undertaking CFOS Owen Sound in order to operate an FM transmitter in Owen Sound.
2. The new transmitter would operate at 96.1 MHz (channel 241A) with an effective radiated power of 5,450 watts.
3. The licensee stated that adding an FM transmitter to broadcast the programming of CFOS would allow the station to address certain signal deficiencies encountered in its main market of Owen Sound from October to March. The transmitter would also fill in coverage gaps in the Grey Bruce Region of Ontario.
4. The Commission received several interventions in support of and in opposition to the Bayshore application. Among those submitting interventions in opposition were Blackburn Radio Inc., Larche Communications Inc. and Evanov Communications Inc. The interventions and the replies to the interventions are available on the Commission's Web site at www.crtc.gc.ca under "Public Proceedings."
5. After reviewing the application and interventions, the Commission is of the view that there are two primary issues to be considered:
 - How does the Bayshore application compare to previous similar applications?
 - Would approval of the Bayshore application violate the common ownership policy?

How does the Bayshore application compare to previous similar applications?

6. In the past, the Commission has considered on a case-by-case basis applications for FM transmitters to be located within the coverage contours of the originating AM station. These transmitters serve to supplement coverage to areas experiencing reduced signal quality of the AM station due to any number of sources of interference typically found in urban environments. For example, in Broadcasting Decision 2006-84, the Commission approved applications by the Canadian Broadcasting Corporation (CBC) for the addition of lower power FM transmitters to supplement coverage of AM stations in various urban areas. The CBC noted that such transmitters would mitigate signal deficiencies caused by interference related to urban development.
7. The Commission notes that the type of signal deficiency identified by Bayshore is not a new or unique issue, but is a problem associated with broadcasting in the AM band that all AM broadcasters face.
8. The Bayshore application seeks to address the apparent daytime and night-time signal deficiencies of CFOS and proposes a FM transmitter which would provide listeners with consistent reception in Owen Sound and throughout the Grey Bruce region. In this case, however, the Commission notes that the area to be covered by the proposed 3 mV/m contour of the FM transmitter would exceed the area covered at present by the 15 mV/m daytime contour of the CFOS transmitter. This application is therefore different from applications that the Commission has approved where applicants proposed a lower power FM retransmitter that would broadcast within the 15 mV/m daytime contour of the associated AM station in order to address problems of signal deficiency in a part of their existing coverage area. The Commission notes that it denied an application similar to that of Bayshore's in Broadcasting Decision 2007-350 wherein Corus Premium Television Ltd. (Corus) proposed to establish an FM transmitter in Winnipeg to rebroadcast the programming of CJOB (the CJOB decision).

Would approval of the Bayshore application violate the common ownership policy?

9. The Commission's common ownership policy for radio set out in Public Notice 1998-41 permits a licensee in a market with less than eight commercial stations operating in a given language to own or control as many as three stations in that language, with a maximum of two stations in any one frequency.
10. Bayshore currently owns and operates one AM and two FM stations in the Owen Sound market. While the Commission recognizes that the station would continue broadcasting as an AM service, it agrees with opposing interveners and considers that the addition of the proposed transmitter under the technical parameters proposed would result in Bayshore having three FM presences in Owen Sound, as was the case for Corus in Winnipeg in the CJOB decision cited above. This additional presence would give the licensee an advantage in the market and could limit the future diversity of voices in the market.

Conclusion

11. The Commission is of the view that the addition of FM transmitters to deal with coverage difficulties experienced by AM stations in their licensed areas is sometimes appropriate. However, based on the above, the Commission does not consider that it is appropriate in this case. Accordingly, the Commission **denies** the application by Bayshore Broadcasting Corporation to amend the broadcasting licence for the English-language AM radio programming undertaking CFOS Owen Sound in order to operate an FM transmitter in Owen Sound.

Secretary General

Related documents

- *CJOB Winnipeg – New FM transmitter in Winnipeg*, Broadcasting Decision CRTC 2007-350, 7 September 2007
- *CBK Regina, CHFA and CBX Edmonton, CKSB St-Boniface and CBW Winnipeg, and CBR Calgary – Addition of FM transmitters*, Broadcasting Decision CRTC 2006-84, 16 March 2006
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998

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>.