



Broadcasting Decision CRTC 2009-692

Route reference: 2009-339

Ottawa, 5 November 2009

Canadian Hellenic Toronto Radio Inc.

Toronto, Ontario

Application 2009-0785-0, received 21 May 2009

CHTO Toronto – Technical change

*The Commission **approves** the application by Canadian Hellenic Toronto Radio Inc. to change the authorized contours of the ethnic commercial radio station CHTO Toronto by increasing the daytime transmitter power from 1,000 watts to 3,000 watts.*

The application

1. The Commission received an application by Canadian Hellenic Toronto Radio Inc. (Canadian Hellenic) to change the authorized contours of the ethnic commercial radio programming undertaking CHTO Toronto by increasing the daytime transmitter power from 1,000 watts to 3,000 watts. All other technical parameters would remain unchanged.
2. According to the licensee, the proposed changes would result in better signal quality within its licensed area and, more specifically, for its listeners located in Mississauga and Brampton who are currently experiencing poor signal reception.
3. The Commission notes that the proposed change would increase the daytime population within the station's 15mV/m contour from 468,000 to 672,000, and within its 5mV/m contour from 850,000 to 1,442,000.
4. The Commission received interventions in opposition to this application from the Canadian Multicultural Alliance (CMA) and CINA 1650 AM Radio, Mississauga, (CINA), as well as an intervention from the Hellenic Canadian Distribution offering general comments. The licensee replied to each of the interventions. The interventions and the licensee's replies can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. After examining the application in light of applicable regulations and policies and taking into consideration the interventions received and the licensee's replies to the interventions, the Commission considers that the issues to be addressed in its determinations are the following:

- justification for the proposed technical change; and
- the licensee's compliance with its conditions of licence relating to programming broadcast.

Justification for the proposed technical change

6. The Commission expects that, when a licensee files an application to change its authorized technical parameters, it should present compelling economic or technical evidence that its existing technical parameters are not adequate to provide the service as originally proposed. In evaluating such applications, the Commission also considers the impact that the proposed technical change would have on the radio market in question.
7. The Commission notes that Canadian Hellenic based its application for the technical amendment on the final proof of performance undertaken in November 2007, which showed that the conductivity fell short of the predicted contour and that many parts of CHTO's intended markets are not adequately served. The Commission is satisfied that the technical amendment will improve reception in CHTO's intended markets.
8. Further, based on the submitted contour maps, the Commission is of the view that approval of the proposed technical changes to CHTO, which serves mostly the eastern part of Toronto, would not have a negative impact on CINA, which serves the western part of Toronto, Mississauga and Brampton.

Licensee's compliance with its conditions of licence relating to programming broadcast

9. In their interventions, both CMA and CINA expressed a concern regarding CHTO's past airing of South Asian programming. CINA noted that CHTO aired 20 hours per week of South Asian programming during prime time in 2008 and 2009. In its comment, the Hellenic Canadian Distribution, which publishes the Hellenic Canadian News, was critical of the quality of service provided by CHTO and the poor quality of the CHTO signal, which can only be received at random locations around the city. The intervener also pointed out the introduction of programming in other languages in the past several months.
10. In its replies, Canadian Hellenic indicated that it had broadcast no more than 10 hours of South Asian programming for several months ending in July 2009. It reiterated that the purpose of the present application is to address its listeners' concerns within CHTO's primary authorized contour area and that it is not interested in serving the South Asian market in Mississauga and Brampton. In addition, Canadian Hellenic defended its role in the Greek community and the quality of its service by indicating that the entertainment and informative programming produced by the station is live-to-air and that only one of its programs is repeated in the early morning on the following day.

11. The Commission notes the interveners' comments regarding CHTO's programming directed to the South Asian community. In *Ethnic AM radio station in Toronto*, Broadcasting Decision CRTC 2006-117, 4 April 2006, the Commission noted that the primary focus of Canadian Hellenic's new AM station would be to provide an over-the-air radio service to the Toronto area Greek-speaking community, with 70% of its programming in Greek. The Commission did not impose a condition of licence prohibiting programming directed to any specific ethnic group and language but rather imposed a minimum amount of cultural groups and languages to be served. Therefore, based on the available evidence, the Commission is unable to conclude that the licensee has failed to comply with any of its conditions of licence.
12. The Commission notes that, in reply to the interventions received for its application, Canadian Hellenic stated that it no longer broadcasts South Asian programming and that the programs in Punjabi and Urdu have been discontinued. The licensee further stated that the airing of South Asian programming was an oversight on CHTO's part, which occurred under unusual circumstances.

Conclusion

13. In light of the above, the Commission **approves** the application by Canadian Hellenic Toronto Radio Inc. to change the authorized contours of the ethnic commercial radio programming undertaking CHTO Toronto by increasing the daytime transmitter power from 1,000 watts to 3,000 watts. The implementation is subject to the notification by the Department of Industry (the Department) discussed in paragraph 14.
14. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued. Therefore, in the absence of the notification by the Department, the licensee will not be able to implement the new technical parameters approved in this decision.

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>.