



Broadcasting Decision CRTC 2010-726

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Route reference: 2010-338

Ottawa, 30 September 2010

Bayshore Broadcasting Corporation
Owen Sound, Ontario

Applications 2010-0669-3 and 2010-0671-8, received 21 April 2010

CIXK-FM and CKYC-FM Owen Sound – Technical changes

*The Commission **approves** applications by Bayshore Broadcasting Corporation to change the authorized contours of the English-language commercial radio stations CIXK-FM and CKYC-FM Owen Sound.*

The application

1. The Commission received applications by Bayshore Broadcasting Corporation (Bayshore) to change the authorized contours of the English-language commercial radio programming undertakings CIXK-FM and CKYC-FM Owen Sound by decreasing the effective radiated power (ERP) from 100,000 to 28,000 watts (non-directional antenna) for CIXK-FM and from 31,600 to 22,000 watts (non-directional antenna) for CKYC-FM, by increasing CIXK-FM's effective height of antenna above average terrain (EHAAT) from 171.7 to 189.6 metres and that of CKYC-FM from 114.1 to 214 metres, and by moving the antennas to a common site.
2. Bayshore submitted that the relocation of its FM antennas to a new and common tower in Owen Sound would significantly reduce yearly operating costs associated with the maintenance of transmitter sites.
3. The Commission received an intervention opposing the applications from Blackburn Radio Inc. (Blackburn) on behalf of CKNX Radio, its wholly-owned subsidiary. The intervention and the licensee's reply can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Interventions

4. In its intervention, Blackburn stated that with the Commission's approval of the applications Bayshore would enter the Wingham Central Market with a stronger signal and would have access to that market from several locations. Further, Blackburn submitted that Bayshore would be sacrificing service to the Bruce Peninsula in order to enter the Wingham Central Market, which would negatively affect Blackburn's market position. Finally, Blackburn indicated that approval of the applications would put Bayshore in violation of the Commission's Common

Ownership Policy for Radio since Bayshore would control three FM stations in the same market.

5. In its reply, Bayshore stated that approval of the applications would not provide a stronger signal to the Wingham Central Market, nor would it have a bearing on Blackburn's market position. Bayshore indicated that it would still serve the Bruce Peninsula, and that its proposed contours would not contravene the CRTC's Common Ownership Policy for Radio.

Commission's analysis and determinations

6. The Commission notes that the population served by CIXK-FM and CKYC-FM within each station's 3 mV/m and 0.5 mV/m contours would increase slightly. However, the Commission is satisfied that the proposed technical changes will not fundamentally alter the availability of CIXK-FM and CKYC-FM in the Owen Sound market, or in markets adjacent to Owen Sound.
7. The Commission's Common Ownership Policy for Radio set out in Public Notice 1998-41 provides that, in markets such as Owen Sound with fewer than eight commercial stations operating in a given language, a person may be permitted to own or control as many as three stations operating in that language, with a maximum of two stations in any one frequency band. In Broadcasting Information Bulletin 2010-341, "Revised guidelines for the application of the Common Ownership Policy for Radio", the Commission further notes that "in the case of an application where the population in the overlapping area in the adjacent market constitutes less than 5% of that market, the application would generally not raise concerns when examined in the light of the three factors presented above and will therefore be processed expeditiously". Based on its examination of the applications, the Commission is satisfied that the relocation of the FM antennas does not raise an issue with respect to the Common Ownership Policy for Radio.
8. Accordingly, the Commission **approves** the applications by Bayshore Broadcasting Corporation to change the authorized contours of the English-language commercial radio programming undertakings CIXK-FM and CKYC-FM Owen Sound by decreasing the ERP from 100,000 to 28,000 watts (non-directional antenna) for CIXK-FM and from 31,600 to 22,000 watts (non-directional antenna) for CKYC-FM, by increasing CIXK-FM's EHAAT from 171.7 to 189.6 metres and that of CKYC-FM from 114.1 to 214 metres, and by moving the antennas to a common site.
9. In regards to the application for CIXK-FM, the Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act* (the Act), this authority will only be effective when the Department of Industry (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 applicant will not be able to implement the technical changes approved in this decision.

10. The Department has advised the Commission that while the application for CKYC-FM 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.
11. For CKYC-FM's application, the Commission reminds the licensee that, pursuant to section 22(1) of the 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.

Secretary General

Related documents

- *Revised guidelines for the application of the Common Ownership Policy for Radio*, Broadcasting Information Bulletin CRTC 2010-341, 4 June 2010
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998

**This decision is to be appended to each licence.*