



## Broadcasting Decision CRTC 2013-640

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Route reference: Part 1 application posted on 12 April 2012

Ottawa, 29 November 2013

### **Cogeco Diffusion Acquisitions inc.**

Longueuil, Quebec

*Application 2012-0439-6*

### **CHMP-FM Longueuil – Technical change**

*The Commission **approves** an application by Cogeco Diffusion Acquisitions inc. to change the authorized contours of the French-language specialty commercial radio station CHMP-FM Longueuil offering a predominantly spoken word format by increasing the effective radiated power from 40,800 watts to 100,000 watts (non-directional antenna) and by decreasing the effective height of antenna above average terrain from 301.5 metres to 298.9 metres. The Commission is of the view that approval of this application will enable listeners who travel in the Montréal area to continue to tune in to their station.*

### **Background**

1. In 2003, the Department of Industry (the Department) imposed a moratorium on power increases at the Mont Royal transmission site to limit the public's exposure to radiofrequencies in accordance with the requirements set out in *Health Canada's Radiofrequency Exposure Guidelines* also known as Safety Code 6 (2009). Given that digital transmission considerably reduces radiofrequency fields, the moratorium was lifted in the fall of 2011 following the transition to digital television.
2. Cogeco Diffusion Acquisitions inc. (Cogeco) is the licensee of CHMP-FM Longueuil, a French-language specialty commercial radio station offering a predominantly spoken word format. The station signal is transmitted from the Mont Royal transmission site. On 5 April 2012, Cogeco filed an application to change the authorized contours for CHMP-FM Longueuil to increase the effective radiated power (ERP) from 40,800 watts to 100,000 watts (non-directional antenna) and to decrease the effective height of antenna above average terrain (EHAAT) from 301.5 metres to 298.9 metres.<sup>1</sup> All other parameters would remain the same. These changes represent the maximum levels that are authorized for the station's class.

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<sup>1</sup> The technical parameters reflect those approved by the Department of Industry.

3. The Commission asked the Canadian Broadcasting Corporation (CBC), in its capacity as owner and operator of the Mont Royal transmission site, to provide it with an in-depth engineering study on compliance with safety protocols, in the event that all the stations that operate from that site request to increase their existing technical parameters to the maximum technical parameters.
4. On 15 May 2013, in a letter to the Commission, the CBC stated that all FM stations that broadcast from Mont Royal could safely increase their existing technical parameters to the maximum authorized for their respective classes while still complying with the Department's requirements. The CBC also indicated that it is of the view that any authorization for an amendment to a station's technical parameters would need to be validated by on-site measurements.
5. The Commission considers that the CBC letter provided enough information to render a decision regarding Cogeco's application.

### **The application**

6. As previously indicated, Cogeco's application is to amend the authorized contours for CHMP-FM Longueuil. The licensee indicated that with the definitive lifting of the moratorium imposed by the Department on increases to stations' technical parameters, it now wishes to be authorized to increase the ERP to the maximum ERP allowed for Class C1, i.e., 100,000 watts.
7. The Commission received an intervention in opposition to the application from la Radio communautaire de Windsor et Région (la Radio communautaire), the licensee of CIAX-FM Windsor, Quebec, a protected Class A community station that operates at 98.3 MHz.
8. The Commission notes that several issues raised in the intervention, as well as the reply, were filed as part of the certification application submitted to the Department. Therefore, the Commission will not address those issues in this decision.
9. In its intervention, la Radio communautaire submitted that approving Cogeco's application would cause more interference to CIAX-FM's signal. In addition, la Radio communautaire noted that the applicant did not identify the reasons for which it proposes to increase its power. The other issues are matters that are treated by Department.
10. In reply, Cogeco indicated that it had received confirmation from the Department that the technical parameters proposed are technically acceptable. The rest of Cogeco's reply is based entirely on the Department's file.

### **Commission's analysis and decision**

11. When a licensee files an application to change its technical parameters, the Commission expects the licensee to present compelling evidence that its existing technical parameters are not adequate to provide the service as originally proposed.

In the present case, Cogeco did not cite any technical impediment or economic need to justify the proposed power increase. Instead, it stated that the purpose of the application is to take advantage of the announcement made by the Department that the moratorium on power increases for FM stations using the Mont Royal transmission tower has been lifted. Accordingly, the Commission does not consider it appropriate to assess the present application on the basis of economic or technical need.

12. After examining the public record in light of applicable policies and regulations, the Commission is of the view that the issues it needs to address are as follows:

- Do the particular circumstances of the Montréal radio market differ from those in other large markets and, if so, should the Commission adopt a different approach to dispose of this application?
- What would be the impact of approving the amendment on other stations in the market?

**Do the particular circumstances of the Montréal radio market differ from those in other large markets and, if so, should the Commission adopt a different approach to dispose of this application?**

13. In the present case, the application is in response to the lifting of the moratorium by the Department. Given that a number of stations broadcast from the Mont Royal site, the Commission may receive similar applications from other FM station licensees. However, as stated above, according to the CBC, all FM stations that broadcast from Mont Royal could safely increase their technical parameters to the maximum parameters authorized for their respective classes while still complying with the Department's requirements.

14. As part of its examination of the application, the Commission compared the Montréal radio market with other large markets, specifically the Saskatoon, Edmonton, Regina, Halifax, Toronto, Calgary, Ottawa, Winnipeg, Québec and Vancouver markets. The Commission's analysis revealed that far fewer Class C1 and Class C stations operate at their maximum allowable technical parameters in Montréal than in other large markets. The differences noted between the Montréal market and those of other large Canadian cities are possibly attributable to the moratorium imposed on the Mont Royal transmission site by the Department in 2003.

15. The Commission notes that no moratorium on increases has been imposed on other transmission sites in Canada. The Commission therefore considers that the circumstances surrounding the Montréal radio market are different from those of other large markets. Accordingly, the Commission finds it appropriate to use a different approach for reviewing this application.

### **What would be the impact of approving the amendment on other stations in the market?**

16. In its intervention, la Radio communautaire indicated that the interference that would result from the proposed increase would cause its own station irreparable harm and seriously jeopardize its survival.
17. The Commission notes that according to the Department, the risk of interference is minimal and the concerns raised by la Radio communautaire are not technically valid. Therefore, the Commission considers that approval of the present application would not harm CIAX-FM on a technical level.
18. With respect to la Radio communautaire's concerns regarding the station's survival, the Commission notes that there would only be an approximate increase of 5% to the population in CHMP-FM's primary contour. The additional revenue generated by the approval of the application would therefore be very modest.
19. In addition, the Commission notes that CHMP-FM's signal is already strong in its target market of Montréal and surrounding area and that the station is the market leader in terms of listenership. The Commission therefore considers that the additional revenue that could ensue from the approval of the application would actually come from outside its primary contour.
20. The Commission further notes that it has received only one intervention opposing the application, namely that of la Radio communautaire, which expressed technical concerns. No other licensee filed interventions regarding the technical impact of the application on their stations. The Commission therefore finds that the proposed application will not have an undue impact on the market.

### **Conclusion**

21. In light of all of the above, the Commission **approves** the application by Cogeco Diffusion Acquisitions inc. to change the authorized contours for the French-language specialty commercial radio programming undertaking CHMP-FM Longueuil offering a predominantly spoken word format by increasing the ERP from 40,800 watts to 100,000 watts (non-directional antenna) and by decreasing the EHAAT from 301.5 metres to 298.9 metres. The Commission is of the view that approval of this application will enable listeners who travel in the Montréal area to continue to tune in to their station.

Secretary General

*\*This decision is to be appended to the licence.*