



Broadcasting Decision CRTC 2014-524

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My Broadcasting Corporation
Brighton, Ontario

Application 2013-0274-4

CIYM-FM Brighton – Technical changes

*The Commission **denies** an application to change the authorized contours of the English-language commercial radio station CIYM-FM Brighton.*

Application

1. My Broadcasting Corporation (MBC) filed an application to change the authorized contours of the English-language commercial radio station CIYM-FM Brighton by changing its operating class from A to B1, increasing the effective radiated power (ERP) from 316 to 2,680 watts (non-directional to directional antenna with a maximum ERP of 5,000 watts) and decreasing its antenna's effective height above average terrain (EHAAT) from 154.5 to 146.5 metres.
2. MBC stated that these changes were aimed at alleviating the station's reception problems in Brighton, as well as accommodating the addition of an HD Radio service.

Background

3. In Broadcasting Decision 2009-277, MBC was granted a licence to operate an English-language commercial FM radio station in Brighton with an average ERP of 650 watts. Subsequently, after a structural analysis of the proposed transmitter tower, the licensee found that any addition to the tower would require that it be upgraded to meet the guidelines of the Department of Industry (the Department). Given the higher than expected costs of the upgrade, MBC requested a technical change to move its transmitter site approximately 4.5 km to the north, to increase the antenna's EHAAT from 147 to 154.5 metres and to reduce the station's average ERP from 650 to 316 watts. Based on the submitted estimated coverage contour maps, which showed minimal change to the station's contours, the Commission approved these changes administratively in November 2009 (see Broadcasting Information Bulletin 2010-70), and the station launched in December 2009.

Interventions and applicant's replies

4. The Commission received opposing interventions by Haliburton County Community Radio Association (Haliburton), licensee of CKHA-FM Haliburton, and Pineridge Broadcasting Inc. (Pineridge), licensee of CHUC-FM and CKSG-FM Cobourg and CJWV-FM Peterborough. The Commission also received a joint opposing intervention by Quinte Broadcasting Company Limited (Quinte), licensee of CIGL-FM and CJBQ Belleville and CJTN-FM Quinte West, and Starboard Communication Ltd. (Starboard), licensee of CHCQ-FM and CJOJ-FM Belleville. The public record for this application can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.
5. Haliburton expressed concern over the potential risk of interference for its station as a result of the proposed technical changes, while Pineridge questioned the applicant's technical rationale given that most stations experience coverage issues in parts of their markets and that the applicant's technical solution would double CIYM-FM's primary (3 mV/m) contour.
6. For their part, Quinte and Starboard expressed concern that the applicant was seeking to serve markets outside its authorized service area and the Belleville-Trenton market in particular. They further submitted that the solution proposed by MBC went well beyond what was necessary to resolve the signal deficiency.
7. All the interveners expressed doubt regarding the applicant's plans to implement the HD Radio service, noting that HD Radio had made little progress in Canada, in part because it shrinks coverage area and because Internet Protocol (IP) radio may overtake HD Radio.
8. In reply, MBC noted that its proposal would protect CKHA-FM's signal to the maximum extent required by the Department, would improve the quality of CIYM-FM's signal in its core market and would not make it a new entrant in the Belleville central market area as it would not attain the signal strength to be anything more than a "fringe" signal in that market. MBC also provided realistic contour maps for its original and currently proposed parameters and submitted that these maps showed that its current proposal would result in more or less the same coverage as that originally approved for CIYM-FM.
9. Finally, the applicant stressed that it was serious about implementing the HD Radio service, submitting a quotation for transmission equipment in support. It also noted that HD Radio was free while any form of IP radio would not be and that HD Radio had seen wide-scale implementation in other countries.

Commission's analysis and decision

10. The Commission generally assesses the merits of applications for technical changes on the basis of economic need or technical evidence that a station's existing technical parameters are not adequate to provide the service as originally proposed.
11. The Commission notes that the licensee did not initially cite any economic need to justify the requested changes, but instead stated that the application was made on the basis of technical need. Nonetheless, in its reply to Quinte and Starboard, MBC indicated that the technical

issue it was experiencing was a serious issue that needed to be resolved for the long-term financial sustainability of CIYM-FM.

12. With respect to economic need, while the station has not delivered the expected results in terms of profitability, its revenues to date are not far from the applicant's initial projections. Further, it is not unusual for a new station to record low profitability or financial losses in its first few years of operation, which suggests that MBC might have been optimistic in that regard when it first applied for the service. Accordingly, the Commission considers that the applicant has not made a compelling case that there is an economic need for the technical changes.
13. With regard to technical need, the Commission notes that MBC submitted letters from community members expressing reception difficulties in Brighton, as well as an engineering signal deficiency study with terrain analysis and realistic contours showing that CIYM-FM's primary contour does not fully encompass Brighton, especially the downtown area. The study also showed that the antenna's EHAAT at the tower site is actually 8 meters lower than originally determined and that a topographical ridge between the tower site and the community further exacerbates the signal problems in Brighton.
14. Based on the above, the Commission is of the view that the applicant has demonstrated a compelling technical need for the proposed amendment. However, while acknowledging this technical need, the Commission notes that the requested power increase would extend CIYM-FM's primary coverage area well beyond Brighton into the Belleville/Trenton market, a market it is not licensed to serve. Moreover, the proposal would not completely address the station's reception issues in its own market of Brighton due to terrain obstruction which would result in gaps in the realistic primary coverage close to Brighton's core. The Commission also notes that the applicant did not consider alternative solutions, such as a change of transmission site, which would better mitigate these signal deficiencies.
15. Finally, with respect to MBC's claim that the realistic contour maps provided as part of the current proceeding show that its proposal would result in more or less the same coverage as that originally approved, the Commission considers that the onus was on the applicant to submit appropriate contour maps with its original licence and amendment applications in 2008 and 2009. In particular, the Commission notes that it approved MBC's technical change application based on evidence (i.e. supporting maps) filed by the applicant showing that the technical changes would provide adequate coverage of the Brighton market without increasing CIYM-FM's coverage towards adjacent markets such as Trenton.
16. Given the preceding, the Commission considers that the applicant has not proposed an appropriate technical solution.
17. Further, while the Commission is generally supportive of efforts to implement the HD Radio service, it is of the view that such efforts are not sufficient to justify an increase to the service area of a station's main analogue signal. The Commission also notes that MBC did not request authorization from the Commission to test HD Radio in any of its markets.

18. In light of all of the above, the Commission **denies** the application by My Broadcasting Corporation to change the authorized contours of the English-language commercial radio programming undertaking CIYM-FM Brighton.

Secretary General

Related documents

- *Applications processed pursuant to streamlined procedures*, Broadcasting Information Bulletin CRTC 2010-70, 10 February 2010
- *English-language FM radio station in Brighton*, Broadcasting Decision CRTC 2009-277, 15 May 2009