



Broadcasting Decision CRTC 2015-174

PDF version

Route reference: 2014-541

Additional references: 2014-102 and 2014-541-2

Ottawa, 4 May 2015

Vista Radio Ltd.

Bolton and Caledon, Ontario

Application 2013-1218-1, received 30 August 2013

Public hearing in the National Capital Region

13 January 2015

CJFB-FM Bolton – Licence amendment and technical changes

*The Commission **approves** an application to change the frequency and authorized contours of the low-power commercial radio station CJFB-FM Bolton to increase its reach into Caledon.*

Application

1. Vista Radio Ltd. (Vista) filed an application to change the frequency of the low-power commercial radio station CJFB-FM Bolton, Ontario, from 105.5 MHz (channel 288LP) to 102.7 MHz (channel 274A). The licensee also proposed to change the station's authorized contours by increasing the average effective radiated power (ERP) from 50 to 1,565 watts (maximum ERP from 50 to 4,000 watts), changing the antenna's radiation pattern from non-directional to directional and decreasing its effective height above average terrain (EHAAT) from 15.7 to -22 metres.¹
2. The licensee stated that neither CJFB-FM Bolton nor its neighbouring low-power radio station CFGM-FM Caledon has achieved profitability since licensing due to intense competition from out-of-market stations and limited coverage in their service areas.
3. The licensee wishes to consolidate the operation of the two stations by increasing the reach of CJFB-FM Bolton into Caledon. In the event that the Commission approves the current application, the licensee has submitted a separate application to revoke the licence for CFGM-FM Caledon, which operates at 102.7 MHz.

¹ These technical parameters reflect those approved by the Department of Industry.

Interventions and applicant's reply

4. The application was initially published as part of a public process under Part 1 of the *CRTC Rules of Practice and Procedure*. It was subsequently scheduled to be heard at a hearing held on 13 May 2014 (see Broadcasting Notice of Consultation 2014-102), but was withdrawn due to its not receiving the certificate of technical acceptability from the Department of Industry (the Department). The interventions and reply filed as part of the 13 May 2014 public hearing have been added to the public record for this proceeding.
5. The Commission received interventions supporting the application. It also received opposing interventions by WhiStle Community Radio (WhiStle), licensee of the low-power community radio station CIWS-FM Whitchurch-Stouffville, and by Mr. S. Sivakkumaran, as well as comments from 105.9FM Ltd., licensee of the commercial ethnic radio station CJVF-FM Scarborough, and the Public Interest Advocacy Centre (PIAC). 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.
6. The opposing intervention by Mr. Sivakkumaran and the comment by PIAC related to the use of 102.7 MHz in Scarborough, whereas the comment by 105.9FM Ltd. related to ensuring that Vista's proposal did not interfere with CJVF-FM's proposed power increase in Scarborough.
7. WhiStle expressed concern that Vista's proposal would generate interference with the current and possibly increased signal for CIWS-FM. Specifically, given that it will be required to vacate 102.7 MHz as a result of Broadcasting Decision 2014-574 unless it can find another technical solution, WhiStle requested that Vista's application be deferred until an arrangement can be reached that may allow CIWS-FM to continue operating on 102.7 MHz and increase its power from that of a low-power station to that of a protected station under the Department's rules.
8. In response to WhiStle, Vista noted that delaying the consideration of its application was not required under the rules and procedures established by the Department or the Commission's processes. Vista added that postponing the application would also delay its vacating 105.5 MHz, which could be made available to other potential users.

Commission's analysis and decisions

9. In light of Broadcasting Decision 2014-574, in which an application for a new FM station to serve Scarborough using 102.7 MHz was approved and the application by 105.9FM Ltd. was denied, the Commission is of the view that the intervention by Mr. Sivakkumaran and the comment by PIAC are no longer relevant to its consideration of Vista's application.
10. With regard to the intervention by WhiStle, the Commission notes that Vista's application follows the Department's broadcasting procedures and rules.

11. After examining the public record for this application in light of applicable policies and regulations, the Commission considers that the issues it must address are the following:

- whether the licensee has demonstrated a technical or economic need justifying the proposed technical changes;
- whether approval of the proposal would result in an undue impact on the market; and
- whether additional requirements regarding the broadcast of Canadian popular music and contributions to Canadian content development (CCD) should be imposed on CJFB-FM Bolton.

Compelling technical or economic need

12. When a licensee files an application to change its authorized contours, the Commission expects it to present compelling technical or economic evidence justifying the proposed technical changes.

13. In this case, the licensee submitted that CJFB-FM and CFGM-FM were serving only a portion of the population in their service areas and that the stations were not financially sustainable.

14. Considering CJFB-FM's financial performance and its financial projections, the Commission is of the view that CJFB-FM has demonstrated a financial need to justify its application.

Market impact

15. The Commission notes that CJFB-FM and CFGM-FM are the only local radio stations licensed in Bolton/Caledon and that the proposed contours would allow CJFB-FM to increase the population served in Caledon without encompassing larger neighboring markets. The Commission therefore considers that approval of the application would not have an undue negative economic or technical impact on the market.

Programming commitments and imposition of additional requirements for CJFB-FM

16. Vista stated that CJFB-FM would continue to provide at least 100 hours of local programming each broadcast week, including 2 hours and 45 minutes of pure news.² Of these newscasts, 33% would be devoted to news about issues, events and people in the municipality of Caledon.

² As set out in Broadcasting Regulatory Policy 2010-819, "news" excludes related surveillance material, such as weather, traffic, sports and entertainment reports.

17. In addition, Vista stated that it was prepared to adhere to a condition of licence requiring it to devote 40% of category 2 (Popular Music) selections each week and between 6 a.m. and 6 p.m. from Monday to Friday to Canadian selections, which exceeds the levels set out in section 2.2 of the *Radio Regulations, 1986* (the Regulations). The Commission considers it appropriate to impose a condition of licence to this effect.
18. Further, should the application be approved, the licensee indicated that CJFB-FM would assume CFGM-FM's CCD requirements by condition of licence until the end of the current licence term on 31 August 2019. Specifically, in Broadcasting Decision 2012-577, CFGM-FM was required to make an annual CCD contribution of \$300 (\$2,100 over seven consecutive broadcast years) to eligible initiatives. However, while noting the licensee's commitment, the Commission does not consider it necessary to impose a condition of licence in this regard.
19. The Commission reminds the licensee that it must adhere to the requirements relating to CCD contributions set out in section 15 of the Regulations, as amended from time to time. The Commission notes that according to Vista's financial projections, the station would generate annual revenues below the \$1.25 million threshold set out in the Regulations throughout its licence term and therefore may not be required to make any basic CCD contributions.

Conclusion

20. In light of all of the above, the Commission **approves** the application by Vista Radio Ltd. to amend the broadcasting licence for the low-power commercial radio programming undertaking CJFB-FM Bolton to change its frequency from 105.5 MHz (channel 288LP) to 102.7 MHz (channel 274A) and to change its authorized contours by increasing the average ERP from 50 to 1,565 watts (maximum ERP from 50 to 4,000 watts), changing the antenna's radiation pattern from non-directional to directional and decreasing its EHAAT from 15.7 to -22 metres.
21. Further, the Commission imposes the following additional **condition of licence** on CJFB-FM Bolton:
 2. As an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall devote at least 40% of its musical selections from content category 2 (Popular Music) in each broadcast week and between 6 a.m. and 6 p.m. from Monday to Friday to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms "broadcast week," "Canadian selection," "content category" and "musical selection" shall have the same meaning as that set out in the Regulations.

Secretary General

Related documents

- *Licensing of new radio stations to serve Scarborough and technical changes for existing radio stations serving Scarborough, Toronto and Whitchurch-Stouffville*, Broadcasting Decision CRTC 2014-574, 5 November 2014
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2014-102, 6 March 2014
- *Various radio programming undertakings – Acquisition of assets*, Broadcasting Decision CRTC 2012-577, 19 October 2012
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy 2010-819, 5 November 2010

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