



Broadcasting Decision CRTC 2016-72

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Reference: Part 1 application posted on 28 May 2015

Ottawa, 25 February 2016

9015-2018 Québec inc.
Montréal, Quebec

Application 2015-0489-5

CHOU Montréal – New low-power FM transmitter in Saint-Léonard

*The Commission **approves** an application to amend the broadcasting licence for the ethnic AM radio station CHOU Montréal to add a low-power FM rebroadcasting transmitter in the Montréal borough of Saint-Léonard, Quebec.*

Arabic-speaking listeners in Saint-Léonard will therefore be able to receive CHOU's programming.

Application

1. 9015-2018 Québec inc. filed an application to amend the broadcasting licence for the ethnic AM radio station CHOU Montréal to add a low-power FM rebroadcasting transmitter in the Montréal borough of Saint-Léonard, Quebec.
2. The transmitter would operate at 104.5 MHz (channel 283LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 22.3 metres).
3. The licensee indicated that it had received several complaints from Arabic-speaking residents of Saint-Léonard regarding CHOU's poor signal reception. It therefore wishes to extend the AM station's primary service area by adding an FM transmitter to allow the Arabic-speaking community of Saint-Léonard, which is located outside of the station's primary service area, to receive CHOU's ethnic programming. It also indicated that adding a transmitter would ensure the station's financial viability.

Background

4. In 2013, the licensee filed a similar application, citing technical reasons to justify the addition of a rebroadcasting transmitter. In *CHOU Montréal – New low-power FM transmitter in Montréal*, Broadcasting Decision CRTC 2014-522, 7 October 2014 (Broadcasting Decision 2014-522), the Commission denied the application, concluding that the licensee had not demonstrated that its technical difficulties were situated inside its licensed service area and that the application

seemed to increase the station's primary service area rather than mitigate its technical issues, as has been suggested by the licensee

Interventions and reply

5. The Commission received an intervention in opposition to the application from Groupe CHCR Inc. (CHCR). 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. In its intervention, CHCR alleged that the present application does not raise any new issues when compared to the previous application, and that the signal of its station CKDG-FM Montréal would experience significant harmful interference should this application be approved. According to CHCR, the addition of CHOU on the FM band could have a significant impact on the other ethnic stations, which already compete for limited advertising revenues.
7. The applicant explained that, despite the scarcity of frequencies in the Montréal radio market, it has proposed the use of a low-power frequency that no one has proposed to use since its previous application was denied. It added that its application does not propose the use of the "top-quality spectrum" targeted by other broadcasters, and that it is merely seeking to correct its AM transmitter's deficiencies. The applicant noted that the possible interference with CKDG-FM was not an issue raised by the Commission in Broadcasting Decision 2014-522, but it nevertheless made a commitment to CHCR to remedy any interference problems that might affect its stations.

Commission's analysis and decisions

8. The Commission generally assesses the merits of applications for technical changes, including the addition of transmitters, on the basis of compelling economic need or technical evidence justifying the proposed technical changes.
9. Although the applicant cited an economical need as justification for its application, an analysis of CHOU's financial performance reveals that the station has been profitable since 2010. In the Commission's view, there is nothing to indicate that denying this application would threaten the station's financial viability.
10. However, the Commission considers that this application particularly reflects the licensee's desire to serve an ethnic community residing in the borough of Saint-Léonard, outside CHOU's primary service area but still within the city of Montréal. Further, as explained below, the proposed frequency is limited since it requires a coordination agreement with the Canadian Broadcasting Corporation (CBC), and no other applicants have expressed an interest in using the frequency.

11. Given the particular circumstances of the present case, the Commission considers that the issues it must address are the following:

- Would the proposed transmitter have an undue economic impact on incumbent radio stations in the market?
- Is the applicant proposing an appropriate technical solution?
- Does the application represent an appropriate use of spectrum?

Economic impact

12. The Commission considers that approving the present application would not have an undue economic impact on incumbent radio stations in the Montréal radio market, for the following reasons:

- CHOU already serves the Montréal radio market;
- part of the community included within the contours of the proposed transmitter is already served by CHOU; and
- even with the addition of the proposed transmitter, CHOU's contours would still be the smallest among those of all of the ethnic stations currently serving the Montréal radio market.

Appropriate technical solution

13. The licensee indicated that the new transmitter would target the population interested in CHOU's current programming, that is, the Muslim and North-African communities in the following federal ridings: Saint-Léonard—Saint-Michel, Honoré-Mercier (Anjou), Bourassa (Montréal-Nord) and Papineau (Parc-Extension, Villeray and Petit Maghreb).

14. In the Commission's view, the new transmitter would allow approximately 14,000 Arabic speakers to receive CHOU's ethnic programming, mainly in Saint-Léonard. However, coverage may not be adequate in all of the targeted neighbourhoods because the proposed low-power transmitter would experience interference in most of its secondary service area.

15. The Commission is therefore of the view that the technical solution proposed is appropriate for enabling the licensee to extend CHOU's licensed service area in order to serve primarily the borough of Saint-Léonard.

Appropriate use of the spectrum

16. Since the licensee's last application in 2013, no other applicant has shown interest in using the proposed low-power frequency. In addition, since that frequency is first adjacent to that of CBME-FM-1 Montréal, a rebroadcasting transmitter of

CBME-FM Montréal, a CBC station, pursuant to the rules and procedures set out by the Department of Industry (the Department), the CBC must consent to the use of the frequency. The applicant confirmed it has reached a coordination agreement with the CBC for the use of that frequency.

17. Accordingly, the Commission considers that the applicant's proposal represents an appropriate use of the spectrum.

Conclusion

18. In light of all of the above, the Commission **approves** the application by 9015-2018 Québec inc. to amend the broadcasting licence for the ethnic AM radio programming undertaking CHOU Montréal to add a low-power FM rebroadcasting transmitter in the Montréal borough of Saint-Léonard.
19. 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.
20. Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission also reminds the licensee that it will have to select another frequency if the Department so requires.
21. The new transmitter must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **25 February 2018**. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

Secretary General

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