



Broadcasting Decision CRTC 2021-383

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Reference: Part 1 application posted on 22 June 2021

Ottawa, 15 November 2021

Coastal Community Radio Co-operative Limited
Glace Bay, Nova Scotia

Public record for this application: 2021-0353-9

CKOA-FM Glace Bay – Technical changes

The Commission **denies** an application to relocate the broadcasting transmitter of the English-language community radio station CKOA-FM Glace Bay, Nova Scotia, to a new site in Sydney, Nova Scotia, and to increase the effective height of the antenna above average terrain.

Application

1. Coastal Community Radio Co-operative Limited (CCRC) filed an application relating to the English-language community radio station CKOA-FM Glace Bay, Nova Scotia. Specifically, the licensee requested Commission approval to relocate the station's transmitter from the current site in Glace Bay to a new site in Sydney, Nova Scotia, and to increase the effective height of the antenna above average terrain (EHAAT) from 48.5 to 79.8 metres. All other technical parameters (including the station's average and maximum effective radiated power and its use of a non-directional antenna) would remain unchanged.
2. CCRC stated that at the current location for CKOA-FM's transmitter tower, the antenna is only accessible by crane, and the field conditions are poorly suited to the operation of heavy equipment, especially during the winter months. The licensee added that the transmitter building is degrading, and that tropospheric ducting¹ at the site has caused serious interference with the station's signal. CCRC also noted that a newer, larger building cannot be built on the current site because the Cape Breton Regional Municipality (CBRM) has begun exploring the possibility of reworking that site.

¹ "Tropospheric ducting" refers to how, during certain weather conditions, the lost portion of a radio signal (i.e., the portion of the signal that disappears upwards into space and is lost) can be bent back towards the Earth and received much further away than normal. This phenomenon has the potential to cause distortion or prevent radio reception. This phenomenon is relatively common during summer months and especially during evenings in periods of stable and fine weather. Tropospheric ducting tends to occur on very hot days followed by rapid cooling at night, which is why it is common near coastlines.

3. CCRC proposed to relocate its transmission site by leasing tower space from the Canadian Broadcasting Corporation (CBC) at its transmitter facility at Sydney, approximately 17 kilometres southwest of the current location. It indicated that updating the coordinates of its transmission site would allow for the construction of a larger building to house the transmitter and a fully paved entrance, thereby enabling regular maintenance throughout the year. The licensee argued that this solution would ensure it is able to stabilize CKOA-FM's signal and continue to provide a quality local community radio service to its listeners.
4. CCRC also indicated that it had approached several companies to request access to their towers, and that prospective partners (including several telecommunications companies with towers) either were unwilling to share their sites, did not respond to requests, or offered prices that were not feasible for a non-profit organization.

Interventions and reply

5. The Commission received an intervention in support of this application from the National Campus and Community Radio Association (NCRA). It also received interventions from listeners to CKOA-FM, who expressed concerns over the loss of local programming their community would experience should the application be approved, and who spoke to the important role the station plays in broadcasting information on local artists and community events, and news.
6. The Commission also received two interventions in opposition to CCRC's application, both from Maritime Broadcasting System Limited² (MBS), to which CCRC replied.

Issues

7. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), to issue licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act, as well as to amend those conditions on application of the licensee.
8. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
 - whether the applicant has demonstrated a compelling economic or technical need for the relocation of CKOA-FM's transmitter and changes to the EHAAT;
 - whether the requested technical changes represent an appropriate technical solution to address CKOA-FM's technical issues;

² The first intervention was filed by Jason MacDonald, General Manager of MBS's radio stations CKPE-FM Sydney, CHER-FM Sydney and CJCJ Sydney. The second intervention was filed by François O. Gauthier, a consultant, on behalf of MBS.

- whether approval of the requested technical changes would have an undue economic impact on incumbent radio stations;
- whether approval of the requested technical changes would have an impact on programming diversity and news voices in the market; and
- whether approval of the requested technical changes would undermine the integrity of the Commission’s licensing process.

Economic or technical need for the proposed technical changes

9. When a licensee of a radio station files an application for a technical change, the Commission expects the licensee to present a compelling economic or technical need justifying the change.
10. In its application, CCRC did not cite economic need for the requested technical changes. Accordingly, the Commission assessed its application on the basis of the merits of the application and the licensee’s cited need, which was technical in nature.
11. In order to demonstrate a compelling need for requested technical changes, the Commission generally requires an applicant to submit evidence in support of its technical deficiencies. Although CCRC provided listener complaints in regard to signal deficiencies, most of those complaints did not include the listeners’ locations; where locations with signal deficiencies were specified, they were outside CKOA-FM’s primary service contour (i.e., the 3 mV/m contour³). In the Commission’s view, the complaints were insufficient to demonstrate ongoing signal deficiencies within the licensed service area. Consequently, the Commission finds that CCRC did not provide sufficient evidence to demonstrate signal deficiencies.
12. In addition, CCRC did not provide evidence in its application to support its claims relating to, among other things, the municipality requiring CCRC to vacate its current transmission site, the unwillingness by operators to share sites, or rental prices. In regard to the licensee’s claim regarding tropospheric ducting, the Commission notes that this phenomenon would equally impact all other stations in the area, and that no accepted mathematical modelling technique exists to quantify its impact.
13. The Commission acknowledges, however, that access issues constitute an impediment to continued provision by CKOA-FM of a reliable service to Glace Bay. Accordingly, the Commission finds that CCRC has demonstrated a compelling technical need for requesting technical changes for the station.

³ As set out in the *Radio Regulations, 1986*, in the case of an FM station, the “authorized primary contour” (the station’s market) is defined by the station’s 3 mV/m contour or the central area as defined by Numeris, whichever is smaller. In the case of CKOA-FM, the station’s 3 mV/m contour represents the station’s market.

Appropriateness of the proposed technical solution

14. As noted above, CCRC proposed leasing tower space in Sydney from the CBC. The licensee stated that this tower site is the closest it could find that is accessible year-round, with a paved entrance and enough space to erect its own transmitter building. It added that the inland location of the CBC's tower space would help to avoid CKOA-FM's signal issues stemming from tropospheric ducting in the spring and fall.
15. In its intervention, MBS submitted that CCRC's proposed solution would shift CKOA-FM's coverage away from Glace Bay, the market it is licensed to serve. Although the intervenor acknowledged that many stations on the East Coast of Canada face issues with tropospheric interference, it argued that moving CKOA-FM's transmission site by about 20 kilometres toward Sydney would not help to solve the station's issues in this regard given that tropospheric ducting is spread over distances of hundreds to thousands of kilometres.
16. In reply, CCRC reiterated that the CBC tower space in Sydney is the closest, and in fact the only option for a transmission site that is accessible year-round. The licensee added that it had considered using a directional antenna on the CBC tower to limit the coverage of its proposed signal to the west, but determined that this would have resulted in eliminating the signal to communities that are currently within CKOA-FM's primary service contour, including the main business community that provides the station with a substantial amount of advertising revenues. In this regard, CCRC argued that the resulting loss of revenues would make it difficult to financially sustain the station.
17. Applications for technical changes must propose solutions to technical issues relating to the provision of a radio service to its primary service contour. This ensures that the Commission is able to assess applications with consideration for the community that the applicant is licensed to serve.
18. In regard to the present case, the station's coverage within its primary service contour would shift away from Glace Bay and would cover the community only in its secondary (i.e., the 0.5 mV/m) service contour. The Commission considers that the secondary service contour would not provide a reliable signal in terms of service provision to the Glace Bay market. The effect of this shift would be to cease providing reliable service to the market that CKOA-FM was licensed to serve. Consequently, the Commission finds that CCRC's proposal neither appropriately addresses the technical issues cited for CKOA-FM nor offers a solution that improves or ensures continued quality service to Glace Bay, the market the station was licensed to serve.

19. In light of the above, the Commission finds that CCRC's requested technical changes do not represent an appropriate technical solution to address CKOA-FM's technical issues.⁴

Economic impact on incumbent stations

20. Both Glace Bay and Sydney form part of the CBRM, and of the Cape Breton Census and Economic Region. In addition to the not-for-profit community radio station CKOA-FM, five commercial radio stations serve the CBRM,⁵ the majority of which are profitable and financially strong. Although CCRC stated in its reply to the intervention by MBS that a large portion of CKOA-FM's current advertising revenues are drawn from Sydney and the greater Sydney area of the CBRM, it had also stated that the requested technical changes would not change its financial projections for the station.

21. In addition, whereas most of the region's incumbent radio stations cover the entire CBRM, this is not the case with CKOA-FM, and would not be the case should the present application be approved. Further, although approval of the application would see an almost two-fold increase in the reach of CKOA-FM into the CBRM, this reach would remain the smallest of all of the region's FM radio stations.

22. In light of the above, the Commission finds that approval of the requested technical changes would not have an undue economic impact on incumbent radio stations in the market.

Programming diversity and news voices in the market

23. CKOA-FM broadcasts a minimum of 120 hours of locally-produced programming each broadcast week. Music programming is primarily drawn from the Pop, Rock and dance music genres. According to CCRC, the station's local programming, which includes local and regional news, sports, and weather, reflects the needs and interests of the local community. The licensee added that its mission is to participate in and reflect the diversity of its community by supporting the artistic, cultural, historical, and tourism aspects of the CBRM.

24. Community radio guarantees local broadcasting service through community ownership and community access. In regard to the present case, CKOA-FM reflects the diversity of Glace Bay and Cape Breton, and facilitates communication and access among community members by fostering diversity in the broadcast of

⁴ In its intervention, the NCRA noted CCRC's decision to use a non-directional antenna so that coverage would be maintained for listeners in rural areas northeast of Glace Bay, and not to use a directional antenna, which would have limited westerly expansion towards Sydney but at the expense of leaving communities currently within CKOA-FM's primary contour without access to the station's signal. The Commission notes, however, that CKOA-FM's primary contour, when combined with the requested relocation of the transmitter, would maintain coverage for certain areas but would no longer provide coverage for others.

⁵ CKCH-FM Sydney and CHRK-FM Sydney, which are operated by Stingray Radio Inc., and CKPE-FM Sydney, CHER-FM Sydney and CBCB Sydney, which are operated by MBS.

opinions, spoken word content and musical programming. It also participates in the stimulation of socio-economic endeavours and in the cultural enrichment of Glace Bay and Cape Breton. Accordingly, the Commission finds that CKOA-FM fulfills the mandate of community programming, through the addition of programming diversity and news voices to the Cape Breton and Glace Bay markets.

25. In the Commission's view, an extension of CKOA-FM's service to the other communities of the CBRM may provide them with access to community programming. However, approval of the requested technical changes would also eliminate service to the Glace Bay community, the community CKOA-FM was originally licensed to serve, resulting in that community no longer having its own local service. Consequently, the Commission finds that approval of the present application would have a negative impact on programming diversity and news voices in the Glace Bay market.

Integrity of the Commission's licensing process

26. The Commission assesses applications for broadcasting licences to operate new radio stations based on a number of factors, including the communities they propose to serve within their authorized primary service contours.
27. In Broadcasting Decision 2007-212, the Commission approved an application by CCRC to operate a community radio station to serve Glace Bay, with an authorized primary contour that makes Glace Bay, and not Sydney and its surrounding areas, the station's licensed market. The original licence for CKOA-FM was granted without issuing a call for competing applications since the proposal was for a community station operating in a relatively small market area. Currently, CCRC is the only operator of a community radio station specifically serving Glace Bay.
28. CKOA-FM meets the needs and interests of the Glace Bay community by providing programming that is distinct in style and substance from commercial radio stations in the region, consistent with Broadcasting Regulatory Policy 2010-499. Approval of CCRC's application would effectively approve a loss of this service to the Glace Bay community. Although the licensee has demonstrated a compelling technical need to relocate its transmitter, it has not provided sufficient evidence to justify the abandonment of the primary market it was licensed to serve.
29. Further, the proposed technical solution could constitute a "back-door" entry into a market that CCRC was not originally licensed to serve, namely the Sydney market. Without having applied for a broadcasting licence to operate a radio station in that market, it is impossible to know whether and on what basis the Commission might have granted that licence as there is no record on which to grant it.
30. In light of the above, the Commission finds that approval of the CCRC's application would undermine the integrity of its licensing process. If CCRC no longer wishes to serve the community of Glace Bay but instead wishes to reorient CKOA-FM to serve

the Sydney market, the appropriate step would be to relinquish its current broadcasting licence for the station and apply for a new licence to serve Sydney.

Conclusion

31. In the Commission's view, although the licensee has demonstrated a compelling technical need for a technical change, its requested technical changes do not represent an appropriate technical solution to address CKOA-FM's technical issues since approval of those changes would result in the effective abandonment of Glace Bay, the market the licensee was licensed to serve. Approval would remove the reliability of an important community radio service from the Glace Bay community, which would have a negative impact on the diversity of programming and would eliminate a local news voice in that community. Moreover, given that CCRC's proposed solution could constitute a "back-door" entry into the Sydney market, which CKOA-FM is not licensed to serve, approval of its application would undermine the integrity of the Commission's licensing process.
32. In light of all of the above, the Commission **denies** the application by Coastal Community Radio Co-operative Limited to relocate the broadcasting transmitter of the English-language community radio programming undertaking CKOA-FM Glace Bay, Nova Scotia, to a new site in Sydney, Nova Scotia, and to increase the EHAAT.
33. The Commission acknowledges the difficulties experienced by CCRC in accessing the current transmitter site, and that the relocation of CKOA-FM's transmitter is important for the continued provision of this radio service to Glace Bay. Should the licensee wish to propose other technical solutions to address the technical issues facing CKOA-FM, it may submit a new application to the Commission, which will then be examined on its own merits. In such case, the Commission reminds the licensee that such an application should be duly supported by appropriate documentation, and that any proposed technical solutions should maintain service to Glace Bay, the market it is licensed to serve.

Secretary General

Related documents

- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *Community radio station in Glace Bay*, Broadcasting Decision CRTC 2007-212, 5 July 2007