



Broadcasting Decision CRTC 2023-333

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Ottawa, 4 October 2023

Radio Blanc-Sablon inc.

Lourdes-de-Blanc-Sablon, Quebec

Public record: 2023-0016-9

CFBS-FM Lourdes-de-Blanc-Sablon – New transmitter in L’Anse-au-Clair

Summary

The Commission **approves**, on an exceptional basis, an application by Radio Blanc-Sablon inc. to amend the broadcasting licence for the English- and French-language community radio programming undertaking CFBS-FM Lourdes-de-Blanc-Sablon, Quebec, in order to operate a new transmitter in L’Anse-au-Clair, Newfoundland and Labrador, to rebroadcast the programming of CFBS-FM.

Application

1. Radio Blanc-Sablon inc. (Radio Blanc-Sablon) filed an application to amend the broadcasting licence for the English- and French-language community radio programming undertaking CFBS-FM Lourdes-de-Blanc-Sablon, Quebec, in order to operate a new transmitter in L’Anse-au-Clair, Newfoundland and Labrador, to rebroadcast the programming of CFBS-FM.
2. The new transmitter would operate on frequency 105.3 MHz (channel 287A) with an average and maximum effective radiated power (ERP) of 500 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 34.6 metres). It would serve 836 people within the primary 3 mV/m contour and 1,523 people within the secondary 0.5 mV/m contour.
3. Radio Blanc-Sablon indicated that the new transmitter would allow CFBS-FM to broadcast quality FM broadcasting services and bilingual content to the bilingual population of L’Anse-au-Clair and its surrounding area. The licensee noted that although the municipality of L’Anse-au-Clair is located in the secondary contour of CFBS-FM, only a low level of the receiver signal is observed due to the mountainous terrain of the region.
4. Additionally, the licensee noted that the rebroadcasting transmitter will give the population of L’Anse-au-Clair access to coverage of events happening in the area, road conditions, weather and ferry updates on the hour, and advertising.

5. The Commission did not receive any interventions in regard to this application. However, the licensee stated that a survey was conducted among the local population of L'Anse-au-Clair and that 51 people signed a petition showing their support for the need for a transmitter in their region. According to the 2021 Census of Population from Statistics Canada, the total population in L'Anse-au-Clair is 219 people. Therefore, the percentage of petitioners represents approximately 23% of the population.

Background

6. CFBS-FM is the only licensed station in Lourdes-de-Blanc-Sablon, a remote community within the municipality of Blanc-Sablon in the Basse Côte-Nord region of Quebec. It also operates transmitters in Middle Bay (CFBS-FM-1) and Rivière-Saint-Paul (CFBS-FM-2).
7. In Broadcasting Decision 2020-386 the Commission approved an application by Radio Blanc-Sablon to change the authorized contours of CFBS-FM Lourdes-de-Blanc-Sablon. The Commission indicated that while the licensee had not demonstrated a compelling technical or economic need justifying the requested technical changes, it considered that it would nevertheless be in the public interest to expand the signal.
8. In Broadcasting Decision 2023-77, the Commission renewed the licence for CFBS-FM Lourdes-de-Blanc-Sablon and its transmitters from 1 September 2023 to 31 August 2030. A review of the station reveals that it is in compliance with its regulatory obligations with respect to implementation of the National Public Alerting System and filing of ownership information documents and annual returns.

Regulatory framework

9. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act*, to issue licences for the carrying on of broadcasting undertakings, as well as to amend those licences.
10. When a licensee of a radio station files an application for a technical amendment, the Commission generally requires that the licensee presents compelling technical or economic evidence justifying the technical changes. The Commission may, as an exception to this general approach, approve applications that do not provide compelling technical or economic evidence where the particular circumstances warrant it. The Commission has deviated from this approach in the past by approving applications that primarily reflect a desire to serve additional communities where it is in the public interest to do so. Such applications are evaluated on a case-by-case basis and take into account the unique factors of each station's situation.

Issues

11. 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 licensee has demonstrated a compelling technical need for the proposed rebroadcasting transmitter;

- whether the amendment would represent an appropriate technical solution;
- whether the proposed new transmitter represents an appropriate use of spectrum;
- whether the approval of the application would result in an undue economic impact on incumbent stations;
- whether the approval of the application would be consistent with the objectives set out in sections 5.1 of the *Broadcasting Act* and 41 of the *Official Languages Act*; and
- whether the approval of the application would undermine the integrity of the Commission's licensing process.

Technical need

12. In order to demonstrate a compelling need for the proposed technical changes, the Commission generally requires an applicant to submit evidence in support of its technical deficiencies.
13. The Commission notes that a deficiency of signal in L'Anse-au-Clair does exist, which occurs in the secondary (0.5 mV/m) contour, which is outside of the primary contour (3 mV/m contour). However, the applicant did not submit any evidence of technical deficiencies within its authorized primary (3 mV/m) contour, but rather to provide service to a neighbouring community.
14. In light of the above, the Commission finds that the licensee has not demonstrated a compelling technical need to justify the amendment within the primary (3 mV/m) contour.

Appropriate technical solution

15. The Commission considers that the addition of a rebroadcasting transmitter is generally an effective solution to improve coverage. Accordingly, it should provide sufficient service to L'Anse-au-Clair.
16. The Commission also notes that the majority of L'Anse-au-Clair would be located within the primary contour of the proposed rebroadcasting transmitter and the realistic contours demonstrate that the community should receive a good signal.
17. In light of the above, the Commission finds that the proposed rebroadcasting transmitter is an effective technical solution to provide coverage to L'Anse-au-Clair.

Appropriate use of spectrum

18. The applicant proposed the use of frequency 105.3 MHz (channel 287A) for the new rebroadcasting transmitter in L'Anse-au-Clair.
19. There are other frequencies in L'Anse-au-Clair which could support similar parameters to the proposed transmitter.

20. Therefore, the Commission notes that this is not the last available frequency in L’Anse-au-Clair and that, although use of this frequency would remove its availability from surrounding areas, there are other frequencies available that could provide service to those areas.
21. In light of the above, the Commission finds that the applicant’s proposal for a rebroadcasting transmitter represents an appropriate use of spectrum.

Economic Impact on incumbent stations

22. L’Anse-au-Clair, Newfoundland and Labrador, is a small community with a population of 219 people¹, located 7.4 km east of the originating station in Labrador. The applicant did not cite an economic need for the proposed rebroadcasting transmitter.
23. The proposed rebroadcasting transmitter would provide service to the underserved town of L’Anse-au-Clair through bilingual programming from CFBS-FM, such as news and events, that will be in the public interest. Additionally, the proposed primary contour would not overlap with the primary contour of any other station and there are no other major surrounding markets that would be impacted by this additional service.
24. In light of the above, the Commission finds that the amendment would not have an undue economic impact on incumbent stations.

Consistency with the Broadcasting and Official Languages Acts

25. The amended *Broadcasting Act* imposes new obligations in respect of supporting Official Language Minority Communities (OLMCs) as well as OLMC engagement and consultation. In particular, section 5.1 of the *Broadcasting Act* provides that “[i]n regulating and supervising the Canadian broadcasting system and exercising its powers under this Act, the Commission shall enhance the vitality of official language minority communities in Canada and support and assist their development”.
26. Further, as a federal institution, the Commission has obligations, pursuant to section 41 of the *Official Languages Act*, to take positive measures to “enhanc[e] the vitality of the English and French linguistic minority communities in Canada and [support] and [assist] their development, taking into account their uniqueness, diversity and historical and cultural contributions to Canadian society.”
27. This application involves providing availability of French-language programming to a small francophone OLMC where no other local radio station is currently available.
28. In light of the above, the Commission finds that approval of this application will ensure availability of French-language programming to a small francophone OLMC and as such, is a positive measure aimed at enhancing the vitality of this OLMC and supporting their development and it is in keeping with sections 5.1 of the *Broadcasting Act* and 41 of the *Official Languages Act*.

¹ According to the 2021 Census of Population from Statistics Canada.

Integrity of the Commission's licensing process

29. As indicated above, Radio Blanc-Sablon did not identify an economic or technical need for this application. However, as indicated above, in the past, the Commission has, as an exception to this general approach, approved applications that do not provide compelling technical or economic evidence where the particular circumstances warrant it, including those where the application seeks to serve additional communities, when it is in the public interest to do so. Such applications are evaluated on a case-by-case basis and take into account the rationale submitted by the licensee and the unique factors of each station's situation.
30. L'Anse-au-Clair does not have a dedicated radio service and the rebroadcast transmitter would not overlap with the coverage area of any other English-language or bilingual community radio stations serving this area.
31. Moreover, the addition of the proposed rebroadcasting transmitter would allow for local bilingual news and community events to be made available to the community through the addition of the programming of CFBS-FM Lourdes-de-Blanc-Sablon. The proximity of the proposed transmitter would allow Radio Blanc-Sablon to provide a community radio service to an underserved rural area with common interests as well as locally oriented programming in both official languages. Accordingly, the Commission is of the view that the application is in the public interest.
32. The application received community support through a petition signed by approximately 23% of the population of L'Anse-au-Clair, demonstrating both the desire and support of the radio service. The Commission is of the view that this petition demonstrates that the community of L'Anse-au-Clair is interested to being served by the programming of CFBS-FM.
33. Finally, there were no opposing interventions expressing concerns about the impact of the proposed transmitter on the market.
34. In light of the above, the Commission finds that approval of this application would not undermine the integrity of the Commission's licensing process and that the approval of this application, on an exceptional basis, would be in the public interest for the community of L'Anse-au-Clair, which would receive dedicated bilingual programming not otherwise available.

Conclusion

35. In light of all of the above, the Commission **approves**, on an exceptional basis, the application by Radio Blanc-Sablon inc. to amend the broadcasting licence for the English- and French-language community radio programming undertaking CFBS-FM Lourdes-de-Blanc-Sablon, Quebec to operate a rebroadcasting transmitter in L'Anse-au-Clair, Newfoundland and Labrador.

36. Pursuant to subsection 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry (also known as Innovation, Science and Economic Development Canada) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
37. The transmitter must be in operation by no later than **4 October 2025**. To request an extension, the licensee must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

Reminder

38. As set out in section 16 of the *Radio Regulations, 1986* (the Regulations), licensees have obligations relating to the broadcast of emergency alert messages received from the National Alert Aggregation and Dissemination System. In regard to the addition of CFBS-FM's authorized contours resulting from the implementation of the technical changes approved in this decision, the Commission reminds the licensee that continued compliance with section 16 of the Regulations may require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages on CFBS-FM, or on any rebroadcasting transmitters that may appear on the broadcasting licence for that station, be reprogrammed to properly account for the new authorized contours.

Secretary General

Related documents

- *Various community radio stations – Licence renewals*, Broadcasting Decision CRTC 2023-77, 16 March 2023
- *CFBS-FM Lourdes-de-Blanc-Sablon – Technical changes*, Broadcasting Decision CRTC 2020-386, 30 November 2020

This decision is to be appended to the licence.