



Broadcasting Decision CRTC 2005-179

Ottawa, 29 April 2005

Radio Beauce inc.

Saint-Georges-de-Beauce, Quebec

176100 Canada inc.

Victoriaville, Quebec

Radio Ville-Marie

Victoriaville, Quebec

Applications 2003-0979-1, 2004-0054-9, 2003-1756-2

Broadcasting Public Notice CRTC 2004-72

23 September 2004

CKRB-FM Saint-Georges-de-Beauce – technical modification CKYQ-FM Plessisville – new transmitter at Victoriaville CIRA-FM Montréal – technical modification to Victoriaville transmitter

The applications

1. The Commission received three applications to use the same frequency, 103.5 MHz, in the neighbouring areas of Saint-Georges-de-Beauce and Victoriaville, Quebec.
2. Radio Beauce inc. (Radio Beauce) proposed to amend the broadcasting licence of the radio programming undertaking CKRB-FM Saint-Georges-de-Beauce by changing the frequency from 103.3 MHz (channel 277A) to 103.5 MHz (channel 278B). The licensee also proposed to modify the authorized coverage area of CKRB-FM by increasing the effective radiated power (ERP) from 2,175 watts to 17,000 watts. Radio Beauce stated that the proposed changes would improve the quality of the signal in its licensed area, in addition to providing continuous radio service along highway 173 and autoroute 73.
3. 176100 Canada inc. (176100 Canada) proposed to amend the broadcasting licence of the radio programming undertaking CKYQ-FM Plessisville by adding an FM transmitter in Victoriaville to rebroadcast the programming of CKYQ-FM. The new transmitter would operate on 103.5 MHz (channel 278 LP) with an ERP of 50 watts. The licensee indicated that, over the years, many listeners and advertisers have moved out of the Plessisville and Princeville areas, mostly to Victoriaville. To halt the negative effects of this erosion of its audience and advertisers, the licensee argued that it must provide better service toward Victoriaville.

4. Radio Ville-Marie proposed to amend the broadcasting licence of the radio programming undertaking CIRA-FM Montréal by changing the frequency of its transmitter in Victoriaville, which was authorized in *CIRA-FM Montréal – New Transmitter in Victoriaville*, Broadcasting Decision CRTC 2003-471, 23 September 2003, from 89.3 MHz (channel 207A) to 103.5 MHz (channel 278A). The ERP would remain unchanged at 575 watts. The licensee indicated that the use of frequency 103.5 MHz would enhance the quality of the signal.

Interventions

Radio Beauce application

5. The Commission received both favourable and unfavourable interventions regarding the Radio Beauce application. An intervention filed jointly by Réseau des Appalaches (FM) ltée (Réseau des Appalaches), licensee of CFJO-FM Victoriaville-Thetford Mines, and by Radio Mégantic ltée, licensee of CKLD-FM Thetford Mines, opposed the application, arguing that the expansion of the coverage area of CKRB-FM would expand its main marketing area and allow it to access the already saturated and highly competitive market of Thetford Mines. This intervener also submitted that Radio Beauce had not proven that the signal of CKRB-FM was of poor quality inside its coverage area, and further submitted that, contrary to what was being claimed, the CKRB-FM audience had not decreased in recent years, but in fact had grown since 1997.
6. In its intervention, 9079-3670 Québec inc., the licensee of CHEQ-FM Sainte-Marie-de-Beauce, opposed the application, arguing that Radio Beauce had not demonstrated that approval of its application would have no negative impact on the audience and advertising revenues of CHEQ-FM. The intervener further submitted that CHEQ-FM had demonstrated that it could cope with the presence of one regional station (CHJM-FM Saint-Georges), but that it could definitely not survive financially if there were two regional stations operating in its market.
7. In its intervention in support of the Radio Beauce application, 176100 Canada stated that, even if its proposal and that of Radio Beauce could co-exist on a technical basis, if these two applications were approved, it would seriously consider applying to the Commission to change its frequency from 103.5 MHz to 103.3 MHz, which would then have been vacated by CKRB-FM.

176100 Canada application

8. The Commission received two interventions in connection with the application by 176100 Canada. The joint intervention by Réseau des Appalaches and Radio Victoriaville ltée, the licensee of CFDA-FM Victoriaville, opposed the application on the grounds that it would be pointless to operate a transmitter at Victoriaville because CKYQ-FM is already well established in that market, since its existing signal can be received there easily. The intervener added that approval of the application would enable CKYQ-FM to access a new advertising market to the detriment of the licensees currently serving the community.

9. In its comment, Radio Beauce stated that it supported the application by 176100 Canada, subject to the Commission's approval of its own application. Radio Beauce indicated that, in the assessment of its engineers, the two stations could co-exist on frequency 103.5 MHz because the technical parameters proposed by 176100 Canada would have only a minor impact on CKRB-FM. However, Radio Beauce added that, in its view, it would be better for CKYQ-FM to move to 103.3 MHz, which would be vacant if its own application were approved.

Application by Radio Ville-Marie

10. The Commission received interventions opposing the application by Radio Ville-Marie. In its intervention, Radio Beauce argued that frequency 103.5 MHz would be better utilized and more profitable if used for the greater Beauce community, rather than under-utilized for a simple low-power transmitter at Victoriaville.
11. 176100 Canada stated in its intervention that Radio Ville-Marie had obtained frequency 89.3 MHz from the Commission, which it could use now, whereas CKYQ-FM had an urgent need for a transmitter at Victoriaville to stop the erosion of its listeners and revenues.

Replies to interventions

12. In reply to the interventions, Radio Beauce submitted that its application was not intended to expand the marketing area of CKRB-FM but to consolidate its existing advertising revenue and improve the reception of its signal in its coverage area.
13. 176100 Canada submitted in reply that the retransmitter that it proposed was not intended to reach a new market, but rather to counter the migration of some of its advertisers to Victoriaville and to serve listeners who travel between the two areas.
14. Radio Ville-Marie did not reply to the interventions.

The Commission's analysis and determinations

15. In its examination of these three applications, the Commission considered two questions: what would be the best use in technical terms of frequency 103.5 MHz proposed by the three applicants, and what would be the impact of the proposed modifications on the other broadcasters operating in the markets involved.

Utilization of frequency 103.5 MHz

16. As Radio Beauce and 176100 Canada mentioned in their interventions, the Commission notes that the proposed operation of CKRB-FM at 103.5 MHz with an ERP of 17,000 watts at Saint-Georges-de-Beauce would be compatible in technical terms with the operation on the same frequency of the low-power FM transmitter (ERP of 50 watts) proposed by 176100 Canada at Victoriaville. The Department of Industry (the Department) confirmed to the Commission that these two applications are technically acceptable.
17. The Commission further notes that the proposed operation of CKRB-FM at 17,000 watts would make optimum use of frequency 103.5 MHz in comparison with an ERP of 575 watts proposed by Radio Ville-Marie for its transmitter at Victoriaville.

Impact on other broadcasters

18. The Commission notes that the 3.0 mV/m contour proposed by Radio Beauce would not overlap the markets of Thetford Mines, Victoriaville and Sainte-Marie-de-Beauce. The Commission therefore considers that the modifications proposed by Radio Beauce would not have an undue impact on the viability of the existing radio stations.
19. With respect to the application by 176100 Canada, the Commission is of the view that the addition of a transmitter in Victoriaville would enable CKYQ-FM to repatriate a portion of its audience and advertising revenues. The Commission considers, however, that the financial impact of the proposed changes on existing stations would be minimal.

Conclusions

20. In view of the foregoing, the Commission finds that the application by Radio Beauce constitutes the best use of frequency 103.5 MHz and will permit CKRB-FM to improve the quality of its signal for the benefit of its listeners and advertisers.
21. The Commission is also of the view that the application by 176100 Canada may be approved because it is technically compatible with the Radio Beauce application and since it will enable CKYQ-FM to reach the entire listening audience in the Plessisville, Princeville and Victoriaville market.
22. Consequently, the Commission **approves** the application by Radio Beauce inc. to amend the broadcasting licence of the radio programming undertaking CKRB-FM Saint-Georges-de-Beauce by changing the frequency from 103.3 MHz (channel 277A) to 103.5 MHz (channel 278B) and to modify the authorized coverage area of CKRB-FM by increasing the ERP from 2,175 watts to 17,000 watts.

23. The Commission also **approves** the application by 176100 Canada inc. to amend the broadcasting licence of the radio programming undertaking CKYQ-FM Plessisville by adding an FM transmitter in Victoriaville to rebroadcast the programming of CKYQ-FM. The new transmitter will broadcast on 103.5 MHz (channel 278 LP) with an ERP of 50 watts.
24. The Commission **denies** the application by Radio Ville-Marie to amend the broadcasting licence of radio programming undertaking CIRA-FM Montréal by changing the frequency of its transmitter in Victoriaville from 89.3 MHz (channel 207A) to 103.5 MHz (channel 278A).

Issuance of the licences

25. The Department has advised the Commission that the applications by Radio Beauce and 176100 Canada are conditionally technically acceptable, but that it will only issue broadcasting certificates once it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.
26. The Commission reminds each licensee that, 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.
27. Given that the technical parameters of the CKYQ-FM transmitter 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.
28. The CKYQ-FM 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 29 April 2007. 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 this date.

Secretary General

This decision is to be appended to each licence. It is available in alternative format upon request, and may also be examined in PDF or HTML version at the following Internet site: <http://www.crtc.gc.ca>