



Broadcasting Decision CRTC 2010-180

Route reference: 2009-516

Ottawa, 25 March 2010

Rogers Broadcasting Limited
Victoria and Saltspring Island, British Columbia

Application 2009-0996-3, received 7 July 2009

CIOC-FM Victoria – New transmitter at Saltspring Island

*The Commission **denies** an application to amend the broadcasting licence for CIOC-FM Victoria in order to operate a transmitter at Saltspring Island.*

Introduction

1. The Commission received an application by Rogers Broadcasting Limited (Rogers) to amend the broadcasting licence for the radio programming undertaking CIOC-FM Victoria in order to operate a transmitter at Saltspring Island at 98.5 MHz (channel 253C1) with an average effective radiated power (ERP) of 635 watts (maximum ERP of 3,500 watts with an effective height of the antenna above average terrain of 662 metres). Rogers proposed to operate a synchronous repeater; that is, a transmitter operating at the same 98.5 MHz frequency as CIOC-FM's main transmitter in Victoria.
2. Rogers indicated that the proposed transmitter would be located north of the main transmitter to provide service to those areas currently not served because of the mountainous terrain surrounding Victoria. According to Rogers, the transmitter would improve reception quality within CIOC-FM's existing coverage area and provide a better signal to the north of Saltspring Island. Rogers further argued that the transmitter would correct a serious deficiency in CIOC-FM's existing reception on the Saanich Peninsula, which includes Sydney, the ferry dock serving Vancouver and the area around Victoria international airport.
3. The Commission received four interventions in support of this application as well as numerous letters, one comment and twenty-one interventions in opposition. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

4. After examining the application in light of applicable regulations and policies and taking into account the interventions received and the applicant's reply to the interventions, the Commission considers that the issues to be addressed in its determinations are the following.

- Did the licensee demonstrate compelling evidence of a technical or economic need for the proposed licence amendment?
- Does the present proposal represent the optimum use of the frequency?
- Are there other technical solutions that would resolve reception deficiencies within CIOC-FM's currently authorized contours?

Technical or economic need

5. In most cases, the Commission authorizes the addition of a transmitter to broadcast the programming of an originating station in order to correct clearly demonstrated technical deficiencies in the originating station within its authorized service area, or to address a demonstrated economic need. The Commission recognizes the authorized service area of an FM station based on the approved 3 mV/m and 0.5 mV/m contours, which define its primary and secondary markets, respectively.
6. Rogers submitted that approval of this application would result in CIOC-FM remaining entirely contained within its authorized service area based on the maximum parameters of its status as a Class C station. The Commission acknowledges that Rogers' argument would be consistent with the Department of Industry's (the Department) current practice of recognizing protection of FM stations at the maximum parameters of the class in which they operate¹. However, as noted above, the Commission does not use those criteria in determining the authorized service area of an FM station.
7. The Commission's analysis did find some technical deficiencies within CIOC-FM's currently authorized service area. Overall, however, the Commission's analysis reveals that the proposed transmitter would serve to improve CIOC-FM's coverage in areas beyond its primary and secondary markets and extend its signal further to the west and to the north spreading to the Cowichan Valley as well as to the city of Nanaimo, British Columbia.
8. Rogers did not claim any economic need for this request. The Commission's analysis confirms that CIOC-FM is financially stable reporting healthy aggregate profit before interest and tax (PBIT) margins of 31.4% in 2008 and 28.1% in 2009.
9. In light of the above, the Commission determines that Rogers did not demonstrate evidence of a technical or economic need for the proposed licence amendment.

¹ In Gazette Notice No. SMBR-003-08 – *Changes to the Domestic Protection Criteria for FM Broadcast Stations*, the Department announced that, effective 1 January 2011, Canadian FM stations will be protected from interference based on the protected contour set at operating parameters rather than the protected contour set at the maximum parameters for their class.

Optimum use of the frequency

10. FM frequencies are public property and a scarce resource. For these reasons, the Commission must ensure, in the public interest, that any application for a frequency represents the best use of the proposed frequency.
11. Given the spectrum scarcity in the region, the Commission is concerned that the proposed expansion of CIOC-FM could impede the entry of new players in adjacent radio markets. The Commission therefore finds that approval of the present application would not represent the best use of the proposed frequency.
12. The Commission has noted the concerns raised by Gabriola Radio Society (GRS) as well as other opposing interveners that approval of this application could effectively block GRS's plans to establish a new community radio station on Gabriola Island. The Commission would render its decision on any such application by GRS based on its merits as well as technical acceptability by the Department.

Other technical solutions

13. The Commission is of the view that Rogers could explore other technical solutions that would better address coverage deficiencies within CIOC-FM's authorized contours without extending them.

Conclusion

14. In light of all the above, the Commission **denies** the application by Rogers Broadcasting Limited to amend the broadcasting licence for the radio programming undertaking CIOC-FM Victoria in order to operate a transmitter at Saltspring Island.

Secretary General

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