



Broadcasting Decision CRTC 2010-218

Route reference: 2009-670

Ottawa, 16 April 2010

9116-1299 Québec inc.
Mont-Laurier, Quebec

Application 2009-1236-2, received 8 September 2009

CFOR-FM Maniwaki – New transmitter in Mont-Laurier

*The Commission **denies** an application by 9116-1299 Québec inc. to amend the broadcasting licence for the radio station CFOR-FM Maniwaki by adding a low-power FM transmitter in Mont-Laurier.*

Introduction

1. The commission received an application by 9116-1299 Québec inc. to amend the broadcasting licence for the radio programming undertaking CFOR-FM Maniwaki, Quebec by adding a low-power FM transmitter in Mont-Laurier. The transmitter would operate on frequency 98.3 MHz (channel 252LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of the antenna above average terrain of 32.9 metres).
2. The applicant stated that the installation of the transmitter in Mont-Laurier would allow it to serve the local community and broadcast the programming of CFOR-FM in Mont-Laurier.
3. The applicant also indicated that its application was consistent with the Commission's policy relating to the diversity of editorial, musical, cultural, local and regional voices, and that the addition of a transmitter in Mont-Laurier to broadcast the programming of CFOR-FM would meet the expectations of the local population and business owners.

Commission's analysis and determinations

4. The Commission received an intervention in opposition to the application from Sonème (2007) inc. (Sonème), licensee of CFLO-FM Mont-Laurier, which alleged that the applicant was indirectly requesting an exception to the Commission's policy regarding local advertising. It added that although the applicant did not intend to solicit local advertising, it did not ensure that it would not agree to broadcast local advertising if asked to do so. Sonème further submitted that Mont-Laurier, due to its economic situation, cannot accommodate a second radio station. It noted that CFOR-FM does not currently provide structured coverage of local news even in Maniwaki, and that the station's arrival in Mont-Laurier would result in a levelling down of the regional radio offering. The intervention and the applicant's reply can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

5. After examining the application in light of the applicable regulations and policies, and taking into account the intervention received and the applicant's reply, the Commission considers that the only issue to be addressed in its determinations is the licensee's apparent non-compliance with its regulatory requirements.
6. Specifically, the Commission's analysis revealed that the licensee may have failed to comply with subsection 9(2) of the *Radio Regulations, 1986* (the Regulations) pertaining to the requirement to file annual reports for the 2009 broadcast year. The Commission submitted a letter to the licensee, dated 22 January 2010, requesting that it fulfill the requirement and provide the required information.
7. The Commission notes that the licensee submitted the missing report on 17 February 2010, but that it did not provide an explanation as to its apparent failure to comply.
8. It is the Commission's longstanding practice to deny licence amendments requested by licensees that are in non compliance with their regulatory requirements. Given CFOR-FM's non-compliance with subsection 9(2) of the Regulations, the Commission does not consider that a departure from this practice is warranted in this case.
9. Accordingly, the Commission **denies** the application by 9116-2199 Québec inc. to amend the broadcasting licence for radio programming undertaking CFOR-FM Maniwaki by adding a low-power FM transmitter in Mont-Laurier.

Secretary General

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