Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Broadcasting Decision CRTC 2010-56

Route reference: 2009-610

Ottawa, 4 February 2010

Radio du Golfe inc.
Chandler and Percé, Quebec

Application 2009-1180-2, received 23 August 2009

CFMV-FM Chandler – New transmitter in Percé

*The Commission **denies** an application by Radio du Golfe inc. to amend the broadcasting licence for the radio station CFMV-FM Chandler by adding a low-power FM transmitter in Percé.*

Introduction

1. The Commission received an application by Radio du Golfe inc. (Radio du Golfe) to amend the broadcasting licence for the radio programming undertaking CFMV-FM Chandler, Quebec in order to add a low-power FM transmitter in Percé. The transmitter would operate on frequency 104.1 MHz (channel 281LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of the antenna above average terrain of -24.6 metres).

2. Radio du Golfe stated that the implementation of a transmitter in Percé would enable it to strengthen the station's signal in that section of its authorized contours, which is characterized by mountainous topography.

3. The Commission received a comment with respect to the application from Radio Gaspésie inc. and an intervention opposing the application from Mr. Michel Mathieu, broadcasting consultant, on behalf of the Coopérative des travailleurs CHNC. 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, notwithstanding the pertinence of the interventions received, the only issue to be addressed in its determinations is the licensee's apparent non-compliance with its regulatory obligations.

5. The Commission's analysis reveals that, during the current licence period, CFMV-FM may have contravened sections 2.2(5) and 2.2(10) of the *Radio*

Regulations, 1986 (the Regulations). Under section 2.2(5), licensees of French-language commercial radio stations must, in a broadcast week, devote at least 65% of their vocal musical selections from content category 2 to musical selections in the French language broadcast in their entirety. Under section 2.2(10), they must also, between 6:00 a.m. and 6:00 p.m., in any period beginning on a Monday and ending on the Friday of the same week, devote at least 55% of their vocal musical selections from content category 2 to musical selections in the French language broadcast in their entirety. The Commission notes that, during the broadcast week of 2 to 8 March 2008, CFMV-FM only devoted 49.2% of vocal musical selections from content category 2 broadcast during the broadcast week to French-language selections, and only 46.8% of those broadcast between 6:00 a.m. and 6:00 p.m., Monday to Friday. In this regard, the Commission sent the licensee a compliance evaluation providing the above data on 18 December 2008.

6. In its reply dated 19 February 2009, Radio du Golfe stated that it pays close attention to the percentage of musical content it broadcasts and that it devotes, in a broadcast week, 65% of the vocal musical selections from content category 2 to musical selections in the French language broadcast in their entirety, and at least 55% of those broadcast Monday to Friday between 6:00 a.m. and 6:00 p.m. The licensee indicated that it is aware of its responsibility with respect to French-language Canadian musical content and that it has adjusted the computer parameters in order to comply with the content requirements.

7. It is the Commission's longstanding practice to deny licence amendments requested by licensees that are in non-compliance with their regulatory obligations. Given CFMV-FM's apparent non-compliance with sections 2.2(5) and 2.2(10) of the Regulations, the Commission does not consider that a departure from this practice is warranted in this case.

8. Accordingly, the Commission **denies** the application by Radio du Golfe inc. to amend the broadcasting licence for the radio programming undertaking CFMV-FM Chandler in order to add a low-power FM transmitter in Percé.

9. The Commission will review CFMV-FM's compliance with its regulatory obligations in the context of the station's licence renewal.

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.