



Broadcasting Decision CRTC 2011-320

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Route reference: 2010-539

Additional references: 2010-539-1, 2010-539-2 and 2010-539-3

Ottawa, 13 May 2011

CTV Inc.

Peterborough, Ontario

Application 2010-0982-9, received 15 June 2010

CKQM-FM Peterborough – Technical change

*The Commission **denies** an application by CTV Inc. to modify the technical parameters of its transmitter CKQM-FM Peterborough.*

The application

1. The Commission received an application by CTV Inc.¹ (CTV) to modify the technical parameters for the English-language commercial radio programming undertaking CKQM-FM Peterborough by increasing the effective radiated power (ERP) of the transmitter from 7,500 watts to 14,000 watts (non-directional antenna with an effective height of the antenna above average terrain [EHAAT] of 277.5 metres.)
2. In Broadcasting Decision 2009-155, the Commission approved an application by CTV to change the authorized contours of CKQM-FM by decreasing the average ERP, increasing the EHAAT and relocating the transmitter. CTV stated that these technical changes were requested in order to accommodate a change in frequency by CKRU-FM Peterborough, a station owned by Corus Entertainment Inc. Although the technical change requested in that decision resulted in an increase in coverage for CKQM-FM, CTV stated that it also created significant interference and reception issues in Peterborough and the surrounding area.
3. The licensee stated that the amendment requested in the present application will improve the quality of the signal in the area served by CKQM-FM's transmitter. Further, CTV indicated that the increase in ERP would maximize the protected coverage area of the station.

¹ The present application was initially filed by CTV Limited, which amalgamated with CTV Inc., CTV Corp. and CTVglobemedia to continue as CTV Inc.

Interventions

4. The Commission received interventions in support, as well as interventions in opposition to the present application. The interventions and the applicant's reply can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
5. Pineridge Broadcasting Inc. (Pineridge) and Durham Radio Inc. (Durham) both submitted interventions in opposition to the present application, stating that CTV did not provide a sufficient technical analysis of the signal strength within their market. Pineridge and Durham further submitted that CKQM-FM's reception problems are outside of its authorized service area, and that the proposed increase in ERP would result in a greater penetration of the Northumberland market. Although CKQM-FM was previously granted an ERP of 50,000 watts, Pineridge and Durham indicated that the technical parameters requested in the present application would actually result in a larger contour than was originally allocated to the station.
6. Additionally, with regard to CTV's position that the technical change will maximize its use of the FM frequency, Pineridge and Durham further submitted that, despite the change of technical class protection rules by the Department of Industry (the Department), the Commission has not changed its market protection rules, and therefore, the technical changes requested in the present application should not be approved.

CTV's reply

7. In response, CTV stated that it had originally been granted an ERP of 50,000 watts, but subsequently requested a reduction in order to accommodate CKRU-FM. The present application is to remedy perceived signal deficiencies within the listening area that were caused by that reduction. CTV cited past examples of Commission decisions, specifically Broadcasting Decision 2007-145, in which listener complaints were sufficient evidence to support a request by Pineridge for an increase in ERP.
8. Further, regarding the Department's technical class protection rules, CTV stated that if it did not maximize its own use of CKQM-FM's protected coverage area, it would be at risk of encroachment from other stations outside its primary market.

Commission's analysis and determinations

9. After examining the application in light of applicable policies and regulations, and taking into account the interventions received and the applicant's reply, the Commission considers that the issue to be determined is whether CTV demonstrated a technical or economic need for the amendment requested in the present application.
10. When a licensee files an application to change its authorized technical parameters, the Commission expects that it should present compelling economic or technical evidence that its existing technical parameters are not adequate to provide the service as originally proposed. While the licensee submitted 12 listener complaints, the

Commission notes that only three complaints refer to problems within its 3 mV/m service contour and one complaint originates within the 0.5 mV/m contour.

11. However, the technical changes requested in the present application would result in an increase in the population served from 137,959 to 150,587 in the 3 mV/m service contour and from 361,101 to 499,300 in the 0.5 mV/m service contour, an increase of 9.2% and 38.3% respectively. It is the Commission's view that CTV has not provided sufficient proof that it is not adequately serving Peterborough, the community it was originally licensed to serve, with its existing technical parameters.
12. With respect to the Department's technical class protection, the Commission will continue to evaluate applications in the same manner as other applications for technical amendments. Therefore, the Commission reminds licensees that, when they apply for technical amendments, they must continue to demonstrate, with supporting documentation, a technical need and/or an economic need.
13. Therefore, in light of all of the above, the Commission **denies** the application by CTV Inc. to modify the technical parameters of the transmitter for the English-language commercial radio programming undertaking CKQM-FM Peterborough.

Secretary General

Related documents

- *CKQM-FM Peterborough – Technical changes*, Broadcasting Decision CRTC 2009-155, 24 March 2009
- *CHUC-FM Cobourg – Technical change*, Broadcasting Decision CRTC 2007-145, 18 May 2007