



## Broadcasting Decision CRTC 2012-128

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Route reference: Part 1 application posted on 22 December 2011

Ottawa, 2 March 2012

**Le5 Communications Inc.**  
Timmins and Hearst, Ontario

*Application 2011-1610-4*

### **CHYK-FM Timmins and its transmitter CHYK-FM-3 Hearst – Technical changes**

1. The Commission **approves** the application by Le5 Communications Inc. to change the authorized contours of CHYK-FM-3 Hearst, a transmitter of the French-language commercial radio programming undertaking CHYK-FM Timmins, by changing the antenna radiation pattern from directional to non-directional, increasing the average effective radiated power (ERP) from 140 to 172 watts (maximum ERP from 140 to 221 watts), decreasing the effective height of antenna above average terrain from 56.6 to 43 metres and relocating the antenna site. The implementation of these technical changes is subject to the notification by the Department of Industry (the Department) discussed in paragraph 4. The Commission did not receive any interventions concerning this application.
2. The applicant indicated that these changes were necessary to find a permanent site for the antenna of the transmitter.
3. The Commission notes that the licensee appears to be in non-compliance with section 9(2) of the *Radio Regulations, 1986* relating to the filing of annual reports for the 2008-2009, 2009-2010 and 2010-2011 broadcast years. The Commission also notes that the licensee has not had the opportunity to comment on this apparent non-compliance in the context of this application. Accordingly, as the licence for CHYK-FM and its transmitter CHYK-FM-3 expires on 31 August 2012, the Commission will address this issue in the context of the renewal of the licence.

#### **Condition prior to the implementation of the technical changes**

4. The Commission reminds the 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. Therefore, in the absence of the notification by the Department, the applicant will not be able to implement the technical changes approved in this decision.

Secretary General

*\*This decision is to be appended to the licence.*