



Broadcasting Decision CRTC 2012-320

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Route reference: Part 1 application posted 18 July 2011

Ottawa, 4 June 2012

Larche Communications Inc.
Midland, Ontario

Application 2011-1085-8

CICZ-FM Midland – Technical change

*The Commission **denies** an application by Larche Communications Inc. to modify the technical parameters of CICZ-FM Midland.*

The application

1. The Commission received an application by Larche Communications Inc. (Larche) to modify the technical parameters for the English-language commercial radio programming undertaking CICZ-FM Midland by changing its class from B to C1 and increasing the effective radiated power (ERP) of the transmitter from 9,354 to 33,500 watts (maximum ERP from 20,000 to 100,000 watts). All other technical parameters would remain the same.
2. The licensee stated that the requested power increase, which has been made possible by recent changes to the Department of Industry's (the Department's) rules would address coverage deficiencies in Midland/Penetanguishene as well as in Orillia and Barrie.

Interventions

3. The Commission received two interventions opposing the application from Rock 95 Broadcasting Limited (Rock 95) and Bayshore Broadcasting (Bayshore). Rock 95 is the licensee of the Barrie radio stations CFJB-FM and CKMB-FM. Bayshore is the licensee of CISO-FM Orillia and CHGB-FM Wasaga Beach as well as five other radio stations serving Central and Western Ontario. The interventions and the applicant's reply can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
4. Rock 95 submitted that Larche has not demonstrated technical or economic need for the amendment. It was concerned that the change in power would result in a large increase in the population within CICZ-FM's 3 mV/m contour and would have a negative impact on CFJB-FM, which offers a similar format. Rock 95 was of the view that CICZ-FM is licensed to serve Midland, not Barrie or Orillia.

5. Bayshore was concerned that approval of the application would provide CICZ-FM with full access to the fragile Southern Georgian Bay radio market. It submitted that its new station CISO-FM Orillia, which began operating in December 2011, would be very vulnerable to the additional competition that a more powerful CICZ-FM would provide. Bayshore was also of the view that alternate solutions to issues related to CICZ-FM's signal are available.

Applicant's reply

6. In reply to Rock 95's intervention, Larche submitted that the rule changes introduced by the Department offered CICZ-FM the chance to have a signal that encompasses, rather than merely intersects, Barrie and Orillia as well as Midland. However, Larche stated that Midland would continue to be the station's primary focus.
7. In reply to Bayshore, Larche added that its proposed amendment would have no effect on Bayshore's station in Orillia.

Commission's analysis and decisions

8. In Broadcasting Information Bulletin 2009-451, the Commission reminded licensees of FM stations that they must continue to demonstrate a technical or economic need in applications to increase their technical parameters in response to changes to the Department's interference protection criteria. Accordingly, after examining the application in light of applicable policies and regulations, and taking into account the interventions and the applicant's reply, the Commission considers that the issue to be determined is whether Larche has demonstrated a compelling technical or economic need for the amendment.
9. While the applicant provided 19 complaints from listeners situated close to the 3 mV/m contour, the Commission notes that the realistic contours provided by the applicant demonstrate that coverage is similar to what the applicant is already approved for. The Commission is therefore of the view that the documentation provided by the applicant does not constitute sufficient proof of technical need.
10. The applicant did not raise economic need as a reason for the proposed amendment.
11. The Commission is further concerned about the impact that a power increase for CICZ-FM could have on CISO-FM, a new Orillia station licensed to Bayshore that was approved in Broadcasting Decision 2009-318 and went on the air in December 2011. The Commission considers that a more powerful signal for CICZ-FM in Orillia could have a negative impact on CISO-FM's ability to establish itself in the market.
12. In light of all of the above, the Commission **denies** the application by Larche Communications Inc. to modify the technical parameters for the English-language commercial radio programming undertaking CICZ-FM Midland.

Secretary General

Related documents

- *Applications for technical amendments associated with the upcoming changes to the Department of Industry's interference protection criteria for FM stations*, Broadcasting Information Bulletin CRTC 2009-451, 27 July 2009
- *Licensing of new radio stations to serve Orillia, Ontario*, Broadcasting Decision CRTC 2009-318, 1 June 2009