



Broadcasting Decision CRTC 2021-206

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Reference: 2020-344

Ottawa, 17 June 2021

Amherstburg Broadcasting Corporation
Amherstburg, Ontario

Public record for this application: 2020-0369-8
Public hearing in the National Capital Region
3 December 2020

Low-power commercial FM radio station in Amherstburg

The Commission **denies** an application by Amherstburg Broadcasting Corporation for a broadcasting licence to operate a low-power, English-language commercial FM radio station in Amherstburg, Ontario.

Application

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act.
2. Amherstburg Broadcasting Corporation (Amherstburg Broadcasting) filed an application for a broadcasting licence to operate a low-power, English-language commercial FM radio station in Amherstburg, Ontario.¹ The proposed station would operate at frequency 107.9 MHz (channel 300LP) with an average effective radiated power of 50 watts and an effective height of the antenna above average terrain of 51.6 metres.
3. Amherstburg Broadcasting is a for-profit corporation wholly-owned and effectively controlled by Mr. Martyn Adler, the sole director and Chief Executive Officer of the corporation. Mr. Adler is a Canadian residing in Canada, and is therefore eligible to hold a broadcasting licence pursuant to the *Direction to the CRTC (Ineligibility of Non-Canadians)*.

¹ As set out in Broadcasting Regulatory Policy 2014-554, when the Commission receives an application for a new radio station, it generally issues a call for applications, subject to certain exceptions. Given that Amherstburg Broadcasting's proposed station would be the first commercial radio service for Amherstburg, the application filed by Amherstburg Broadcasting met an exception to that policy. Accordingly, the Commission did not issue a call for radio applications following the receipt of the present application.

4. The applicant proposed to broadcast 126 hours of programming on the new station each broadcast week, of which 123.5 hours would be devoted to local programming. The remaining 2.5 hours would be dedicated to Canadian Press newscasts broadcast during late evening and overnight periods.
5. Amherstburg Broadcasting proposed to operate the new station within a Soft Adult Contemporary music format. It stated that the station's mix of news, talk and music programming would target the entire population of the Town of Amherstburg.² The applicant confirmed that it would adhere to the regulatory requirements relating to the broadcast of Canadian musical selections, set out in the *Radio Regulations, 1986* (the Regulations).
6. In addition, the applicant proposed to devote 1,202 minutes of programming per broadcast week to spoken word content. Of that amount, 176 minutes would be devoted to "pure news" (approximately 80% local, i.e., relating to the Town of Amherstburg, 10% regional, and 10% international). The remaining 1,026 minutes would be devoted to a weekday talk show, sports, weather and surveillance programming, and a community calendar.
7. Amherstburg Broadcasting indicated that the proposed service would actively seek out regional musical artists to interview, promote (on air, online, and at live venues) and broadcast their musical selections where appropriate within the station's Soft Adult Contemporary format. The applicant further indicated that the proposed station would reflect local community issues via news and spoken word content, and would provide reporting and context to area news stories each day. It added that announcers would be encouraged to join local community groups and represent the station at fundraisers, information evenings, and special events within the station's coverage area.

Interventions and reply

8. The Commission received numerous interventions in support of this application. It also received an intervention in opposition from Blackburn Radio Inc. (Blackburn), licensee of CHYR-FM Leamington, CJSP-FM Leamington, and CJWF-FM Windsor, Ontario, to which the applicant replied.
9. Blackburn submitted that because of the significant ongoing financial challenges facing local radio stations due to the COVID-19 pandemic, granting a broadcasting licence to operate a new radio station in Amherstburg at this time would not be prudent. In this regard, the intervener cited a 24 August 2020 report by the Canadian Association of Broadcasters (CAB) entitled "[The Crisis in Canadian Media and the](#)

² Amherstburg Broadcasting indicated that for the purposes of its application, the Town of Amherstburg includes Amherstburg proper and a number of villages and hamlets, including Amherst Point, Bar Point, Busy Bee Corners, Edgewater Beach, Glen Eden, Lake Erie Country Club, Lakewood Beach, Malden Centre, McGregor (partially), River Canard (partially), Sunset Beach, Willow Beach, Willowood, Golfview, Kingsbridge, Pointe West, Auld, Gordon, Loiselleville, North Malden, Quarries, Southwick, Splitlog, Good Child Beach, and The Meadows.

[future of Local Broadcasting](#)”.³ It noted that, according to the report, “lost revenue could lead to the closure of as many as 40 local television outlets and 200 Canadian radio stations in the next three years, with up to 50 local stations in jeopardy over the next four to six months.”

10. In its reply, Amherstburg Broadcasting expressed a different view by suggesting that one “look to the stock market where intelligent investors tend not to sell in a market trending downward, but to buy.”

Amherstburg and the Windsor radio market

11. Amherstburg is located in Southwestern Ontario, in Essex County, near the mouth of the Detroit River, about 23 kilometres south of the city of Windsor. According to [Statistics Canada](#), the population of Amherstburg was 21,936 in 2016. It lies within the Windsor Central Numeris Area⁴ (Windsor CTRL), and its population constitutes approximately 6.3% of the Windsor CTRL population.
12. Amherstburg Broadcasting’s proposed station would be a first service specific to Amherstburg. Its primary (3 mV/m) contour would encompass about 62% of the Town of Amherstburg, whereas its secondary (0.5 mV/m) contour would encompass the entire town.
13. The Windsor radio market is currently served by four commercial radio stations (CKWW Windsor, CKLW Windsor, CIMX-FM Windsor and CIDR-FM Windsor) owned and operated by Bell Media Regional Radio Partnership,⁵ and Blackburn’s commercial radio station, CJWF-FM. Blackburn also operates a rebroadcasting transmitter in Windsor for the commercial radio station CKUE-FM Chatham. In addition, Windsor is served by the ethnic radio station CINA-FM Windsor, operated by 2345771 Ontario Inc., and the specialty (Christian music) radio station CJAH-FM Windsor, operated by United Christian Broadcasters Media Canada.

Issues

14. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
 - whether the use of the frequency 107.9 MHz by the applicant for its proposed station represents an appropriate use of spectrum;
 - diversity of programming; and
 - the potential economic impact that approval of the application would have on incumbent stations in the Windsor radio market.

³ As noted on the French-language version of the [CAB’s website](#), this report is only available in English.

⁴ The central Numeris area corresponds to the Census Metropolitan Area.

⁵ Bell Media Inc. and 8384819 Canada Inc., partners in a general partnership carrying on business as Bell Media Regional Radio Partnership

Appropriate use of spectrum

15. The Department of Industry (the Department) has granted conditional technical acceptability of Amherstburg Broadcasting's proposed station. As such, the applicant's proposal adheres to the rules governing FM spectrum coordination.
16. There is one remaining FM allotment available for assignment in Windsor (107.9 MHz, channel 300A), which also covers the Town of Amherstburg. Further, there are multiple drop-in frequencies available that would be capable of providing equivalent or greater coverage than that proposed by the applicant. As such, Amherstburg Broadcasting's use of frequency 107.9 MHz for the proposed radio station would have a negligible impact on the availability of frequencies in the market.
17. As noted above, Amherstburg Broadcasting proposed to operate the new station as a low-power station. In this regard, the applicant acknowledged that it would be required to vacate the frequency 107.9 MHz, pursuant to the rules and procedures established by the Department, should an application for a full-power radio station, with protected status, using that same frequency be approved by the Commission.
18. In light of the above, the Commission finds that the use of the frequency 107.9 MHz by the applicant for its proposed radio station represents an appropriate use of spectrum.

Diversity of programming

19. In Broadcasting Public Notice 2008-4, the Commission indicated that the Canadian broadcasting system should ensure that audiences have access to a diversity of programming, especially local, regional and national content.
20. As noted above, the proposed radio station would represent a first service specific to the Town of Amherstburg, which currently receives no local radio programming. In the Commission's view, Amherstburg Broadcasting, through its proposal to broadcast a broad range of spoken word programming, including local news, and through its commitment to seek out regional music artists for the music programming to be broadcast, has demonstrated a strong commitment to providing local news and community reflection programming to the Town of Amherstburg.
21. In light of the above, the Commission finds that the proposed radio station, by providing a locally-dedicated radio programming service to the Town of Amherstburg, would provide it with programming diversity beyond what is currently provided by incumbent radio stations in Windsor.

Economic impact on incumbent stations in the Windsor radio market

22. As indicated above, Blackburn opposed granting a broadcasting licence to operate a new radio station in Amherstburg given declining advertising revenues and financial challenges facing radio stations due to the COVID-19 pandemic. According to the

Trans-Canada Radio Advertising by Market Report (TRAM) data from November 2020, total national and local advertising revenues for radio stations across Canada are down from the previous year. In regard to the Windsor radio market, the Commission notes that in the years leading up to the COVID-19 pandemic, radio stations operating in that market experienced significant declines in revenues. Further, from 2016 to 2020, this market posted a negative profit before interest and taxes (PBIT) margin. In the Commission's view, the effects of the pandemic have likely exacerbated the market's already declining revenues.

23. In its reply to Blackburn's intervention, Amherstburg Broadcasting submitted that approval of its application would not have an undue negative impact on CJWF-FM, or on Blackburn's stations in Leamington and Chatham, given that the authorized contours of the proposed low-power radio station would not overlap with those of Blackburn's stations.
24. As noted above, several radio stations, including Blackburn's station CJWF-FM, are licensed to serve Windsor, and the Windsor CRTL market includes the town of Amherstburg. Contrary to Amherstburg Broadcasting's claim regarding overlap between the service contours of its proposed station and those of CJWF-FM, the Commission notes that Blackburn's Windsor station includes part of Amherstburg within its primary (3 mV/m) contour. In addition, almost one-quarter of the population within CJWF-FM's primary contour would be covered by the primary contour of Amherstburg Broadcasting's proposed station, which could introduce further competition with Blackburn's station, which is already competing for market share with a major broadcaster in Bell Media Regional Radio Partnership in this regard.
25. Given the impact of the current COVID-19 pandemic, the current state of the national radio market, and the overall downward revenue trend of the Windsor radio market specifically, the Commission finds that approval of the present application could result in an undue economic impact on certain incumbent radio stations in the Windsor market.

Conclusion

26. In the Commission's view, Amherstburg Broadcasting's proposed radio station would provide a dedicated first radio service to Amherstburg, and the proposed technical parameters for the station would represent an appropriate use of spectrum. However, the Commission has concerns regarding the potential negative impact that the proposed station could have on certain incumbent radio stations in the greater Windsor radio market.
27. In light of all of the above, the Commission **denies** the application by Amherstburg Broadcasting Corporation for a broadcasting licence to operate a low-power, English-language commercial FM radio programming undertaking in Amherstburg, Ontario.

28. Should the applicant wish to submit another application in the future for a broadcasting licence to operate a radio station in Amherstburg, it is not prohibited from doing so when it considers that the economic conditions of the Windsor radio market are more favourable for the licensing of a new station in that market. In such a case, any forthcoming application would be examined by the Commission on its own merits.

Secretary General

Related documents

- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Diversity of voices – Regulatory policy*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *Revised policy concerning the issuance of calls for radio applications and a new process for applications to serve small markets*, Broadcasting Public Notice CRTC 2006-159, 15 December 2006