



## Broadcasting Decision CRTC 2022-12

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Reference: Part 1 application posted on 21 June 2021

Ottawa, 25 January 2022

**Canadian Broadcasting Corporation**  
Halifax and Margaree, Nova Scotia

*Public record for this application: 2021-0396-9*

### **CBAF-FM-5 Halifax and its transmitter CBAF-FM-12 Margaree – Technical changes**

The Commission **approves** the application to change the authorized contours of CBAF-FM-12 Margaree, Nova Scotia.

#### **Application**

1. The Canadian Broadcasting Corporation (CBC) filed an application to change the authorized contours of CBAF-FM-12 Margaree, Nova Scotia, a rebroadcasting transmitter for the French-language radio programming undertaking CBAF-FM-5 Halifax (ICI Première). Specifically, the licensee proposed to increase the effective radiated power from 82 to 110 watts (non-directional antenna), decrease the effective height of the antenna above average terrain from -45.0 to -120.9 metres, and relocate the transmitter to North-East Margaree to merge it with the antenna for the English-language service CBHF-FM (Radio One). All other technical parameters would remain unchanged.
2. The CBC indicated that this change is required to ensure continuity of quality service to the population of Margaree and its surroundings, since following a violent thunderstorm, the existing CBAF-FM-12 transmitter site is inaccessible for restoring power and making the necessary repairs. As a result, the ICI Première service cannot be broadcast in Margaree at this time and the population is no longer receiving the station's signal.
3. These technical changes would have an impact on the number of listeners.

#### **Intervention**

4. The Commission received one intervention from a CBAF-FM-12 listener opposing the application. In the intervention, the listener expressed concern about moving the ICI Radio-Canada Première's rebroadcasting transmitter to an English-speaking community rather than leaving it in East Margaree, where there is a French-speaking community. The intervener is concerned that the new location of the rebroadcasting transmitter would result in the exclusion of the French-speaking community from the area covered by the new transmitter.

5. In its reply, the CBC indicated that when the site of an existing transmitter cannot be kept in service, it considers various solutions to ensure that its French-language radio services reach the greatest possible number of Francophones.
6. The CBC also stated that the current transmitter's 0.5 mV/m contours reached 95 native French-language speakers and that no complaints or inquiries from Margaree residents have been received about the loss of the over-the-air transmission of ICI Radio-Canada Première.
7. The CBC reiterated that due to extensive damage to the service road leading to the CBAF-FM-12 transmitter site as a result of a severe storm, it has decided to move the transmitter to North-East Margaree. The CBC asserted that this decision is the most appropriate since it would enable it to reach the greatest possible number of Francophones, given that the restoration and long-term maintenance of the existing site is not a viable option.

## **Issues**

8. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue licences for terms not exceeding seven years and subject to conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act, as well as to amend those conditions on application by the licensee.
9. When a licensee of a radio station files an application for technical changes, the Commission expects the licensee to demonstrate a compelling technical or economic need for the proposed changes. With this expectation in mind, and after reviewing the information provided in the public record of this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
  - Has the CBC demonstrated a technical or economic need that conclusively justifies the technical changes?
  - Does CBC's proposal represent an appropriate technical solution?
  - Would approval of the application have an undue financial impact on the incumbent radio stations in the market?

### **Has the CBC demonstrated a technical or economic need that conclusively justifies the technical changes?**

10. In its application and in response to a request for information from the Commission, the CBC stated that the CBAF-FM-12 transmission site in Margaree has been inaccessible for several months due to a severe storm. The CBC also included a photograph of the existing site in its response. The road leading to the site collapsed and attempts to carry out the necessary maintenance and repairs were unsuccessful. The CBC added that the construction of a bridge would be necessary to access the existing site, and it would take two to three years to complete the construction.

11. At the same time, the CBC stressed that it is also difficult for Nova Scotia Power to access the site to restore power and make the necessary repairs to the electrical system. In addition, remote communication with the existing site is impossible because the system is outdated and constantly failing.
12. Given that the existing site has suffered significant damage, that neither the licensee's technicians nor Nova Scotia Power can access it, and that service to the CBAF-FM-12 transmitter has been interrupted for several months, the Commission finds that the CBC has demonstrated a technical need that conclusively justifies the requested technical changes.

**Does the CBC proposal represent an appropriate technical solution?**

13. When requesting technical changes to a radio station, the applicant must demonstrate that the changes are technically appropriate (i.e., that the proposed technical solution will have the least possible impact on the market it is licensed to serve).
14. The Commission notes that the CBC is proposing to relocate the transmitter to a site in North-East Margaree and that, as a result, the proposed primary (3 mV/m) contours would no longer cover the area served by the authorized primary contours. In other words, none of the French-speaking residents included in the CBAF-FM-12 3 mV/m service area in Margaree (60 people) will be included in the CBAF-FM-12 3 mV/m service area in North-East Margaree (15 people). This issue was raised by the intervener who expressed concern that by moving the transmitter to North-East Margaree, French-speaking listeners in Margaree would be excluded from CBAF-FM-12 coverage.
15. To this end, in a request for information dated 23 August 2021, the Commission staff asked the CBC to explain how the proposed solution would continue to serve the original market, the French-speaking population of Margaree.
16. In its response dated 8 September 2021, the CBC acknowledges that with the proposed technical changes, CBAF-FM-12 would reach fewer native French speakers than with the existing parameters. However, it maintained that the secondary (0.5 mV/m) contours of CBAF-FM-12 Margaree and CBAF-FM-13 Chéticamp would make it possible to reach a significant part of the original French-speaking population.
17. The Commission notes that the market served by a radio station is not defined by its secondary coverage area but rather by its primary coverage area; therefore, the proposed changes would clearly result in a decrease in the number of French-speakers that would be served by ICI Radio-Canada Première.
18. In addition, the Commission is of the view that the terrain surrounding the Margaree area makes unlikely that the signal from CBAF-FM-13 Chéticamp would reach the French-speaking community that resides there.
19. The Commission also notes that the population of Margaree will continue to be served by several other radio stations and that therefore, other broadcasting sources will provide emergency alert messages received from the National Public Alerting System (NPAS).

20. In the request for information dated 23 August 2021, the Commission also asked the CBC to indicate whether other possible alternatives had been explored that would establish a primary service to the French-speaking population that was originally served in Margaree.
21. In its response, the CBC indicated that various options were evaluated with the goal of maintaining ICI Radio-Canada Première service in Margaree and surrounding areas, including:
  - 1) making necessary repairs and replacing obsolete equipment at the existing site;
  - 2) building a new site in Margaree; and
  - 3) relocating CBAF-FM-12 to the existing CBHF-FM site in North-East Margaree.
22. The CBC determined that the first alternative would involve too much investment and could not be implemented in the short term. On the other hand, the second alternative would involve finding a vacant lot and entering into an agreement with the owner for the construction of the infrastructure, and would entail an annual rental cost.
23. Both of these solutions would also involve significant equipment and infrastructure costs. According to the CBC, these two alternatives represent investments four to six times more significant than required for the third proposed alternative.
24. The CBC added that the third alternative would require only the purchase and installation of a new transmitter and combiner system, as well as the dismantling of the existing site, since the infrastructure at the proposed site is in good condition and the antenna is new.
25. The CBC considers that the third alternative would be the most appropriate and would ensure the best balance between the sound management of its resources to achieve its overall mandate and the objective of maximizing the number of French-speaking Canadians reached by its ICI Radio-Canada Première transmitters.
26. The Commission notes that the proposed changes are not the ideal solution, since moving the primary coverage to a new market will reduce the number of French-language speakers served by ICI Radio-Canada Première.
27. Although the CBC has stated that a portion of the French-speaking population in the original market will be served by the secondary coverage of CBAF-FM-13 Chéticamp, some members of the French-speaking community in Margaree will inevitably no longer receive the ICI Radio-Canada Première signal.
28. However, in light of the evidence and information provided by the CBC, including the significantly higher costs associated with maintaining the transmitter at the existing site compared to relocating it, the Commission considers that relocating the CBAF-FM-12 rebroadcast transmitter to a site in North-East Margaree is an appropriate technical solution to ensure quality service in the Margaree area and the surrounding region.

**Would approval of the application have an undue financial impact on the incumbent radio stations in the market?**

29. Margaree and North-East Margaree are located approximately 250 km northeast of Halifax and approximately 80 km west of Sydney, Nova Scotia. No commercial or community radio station specifically serves the authorized and proposed areas in question in this application.
30. In light of the above, and taking into account that the CBC does not solicit radio advertising, except for programs that can be secured only through sponsorship, the Commission finds that approval of the requested technical changes would not have an undue financial impact on other incumbent stations.

**Conclusion**

31. In light of all of the above, the Commission **approves** the application by the Canadian Broadcasting Corporation to change the authorized contours of CBAF-FM-12 Margaree, Nova Scotia, by increasing the effective radiated power from 82 to 110 watts, by decreasing the effective height of the antenna above average terrain from -45.0 to -120.9 metres and by relocating the transmitter to North-East Margaree to merge it with the CBHF-FM (Radio One) English-language service antenna.
32. Pursuant to subsection 22(1) of the Act, this authority will be effective only when the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
33. The licensee must implement the technical changes no later than **25 January 2024**. To request an extension, the licence holder must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.
34. As set out in section 16 of the *Radio Regulations, 1986* (the Regulations), licensees have obligations relating to the broadcasting of emergency alert messages received from the National Alert and Aggregation Dissemination System. In regard to changes to CBAF-FM-12's authorized contours resulting from the implementation of the technical changes approved in this decision, the Commission reminds the licensee that continued compliance with section 16 of the Regulations may require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages on CBAF-FM-5, or on any rebroadcasting transmitters that may appear on the broadcasting licence for this station, be reprogrammed to properly account for the new authorized contour.

Secretary General

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