



Broadcasting Decision CRTC 2025-88

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Reference: 2024-148

Gatineau, 14 April 2025

Blackburn Media Inc.
Chatham, Ontario

Public record: 2023-0608-4

*Public hearing in the National Capital Region
5 September 2024*

CFCO Chatham – Conversion to the FM band

Summary

The Commission approves an application by Blackburn Media Inc. for a new broadcasting licence to operate an English-language commercial FM radio station in Chatham, Ontario, to replace its English-language commercial AM radio station CFCO Chatham.

The new FM station will replace the AM station's failing equipment and aging infrastructure and will provide improved signal quality and reliability for the residents of Chatham.

Application

1. On 27 October 2023, Blackburn Media Inc. (BMI) filed an application for a broadcasting licence to operate an English-language commercial FM radio station in Chatham, Ontario, to replace its English-language commercial AM radio station CFCO Chatham.¹
2. The proposed station would operate at 91.3 MHz (channel 217A) with an average effective radiated power (ERP) of 1,250 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 132.7 metres).²
3. BMI submitted that its proposal to convert CFCO to the FM band would address issues relating to failing legacy equipment and aging infrastructure at the AM station. It added that its focus on the audience in Chatham would be maintained through the proposed station, with the conversion providing residents with a stronger, more reliable FM signal.

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. In regard to the present application, because the proposal was made by one of the two commercial operators in the market to improve service to the market through an AM to FM conversion, the proposal falls under one of the exceptions noted in Broadcasting Regulatory Policy 2014-554.

² These technical parameters reflect those approved by the Department of Industry (also known as Innovation, Science and Economic Development Canada).

4. BMI currently operates CFCO-1-FM, a rebroadcasting transmitter for CFCO's AM signal, at 92.9 MHz. The proposed FM station would cover the service area of CFCO-1-FM. Therefore, BMI has confirmed that, should the present application be approved, it would not keep CFCO-1-FM operational.
5. CFCO currently broadcasts a mix of country music, local news, and information programming. BMI proposed to maintain its current format and to broadcast a minimum of 96 hours of local programming per broadcast week, including three hours of pure news.³ The proposed station would continue to serve the same target audience as the current AM station (adults from 35-64 years of age).

Interventions

6. The Commission received three interventions regarding this application. First, a joint supporting intervention from community organizations and the mayor of the municipality of Chatham-Kent indicated that CFCO has a strong presence in the community and helps raise awareness on issues related to diversity and inclusion, mental and physical health, and wildlife rescue. Second, an intervention submitted by an individual suggested that the licensee use a different frequency and signal strength from those proposed. Third, an intervention in opposition by Five Amigos Broadcasting Inc. (Five Amigos Broadcasting) expressed the view that approval of the present application would give BMI an unfair advantage in the region. The issues raised in the interventions are addressed below. BMI did not reply to the interventions.

Legal framework

7. The Commission has the authority, pursuant to subsections 9(1) and 9.1(1) of the *Broadcasting Act* (the Act), to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act.

Issues

8. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
 - whether the applicant's ownership structure satisfies the requirements for Canadian ownership and control;
 - whether the use of the proposed frequency represents an appropriate use of spectrum;

³ "Pure news" corresponds to programming drawn from content subcategory 11: News, as defined in Broadcasting Regulatory Policy 2022-333, which may include "background material about current events when included in newscasts but excludes weather, traffic and sports and entertainment reports."

- whether approval of the application would have an undue economic impact on incumbent stations; and
- whether the programming currently broadcast by CFCO Chatham would be maintained.

Canadian ownership and control

9. Pursuant to paragraph 3(1)(a) of the Act, the Canadian broadcasting system must be effectively owned and controlled by Canadians. As required by the *Direction to the CRTC (Ineligibility of Non-Canadians)*⁴ (the Direction), no broadcasting licence can be issued to a non-Canadian.
10. BMI, a corporation incorporated in Ontario, is owned by Cogent Investments Inc. and the Richard Costley-White Family Trust. Effective control of BMI is exercised by James Bennett, James Gillies, and Richard Rooney, who are the three trustees of Richard Costley-White's estate. All trustees are Canadian citizens residing in Canada. Additionally, the Chief Executive Officer and all directors of the board of directors are Canadian.
11. In light of the above, the Commission finds that BMI satisfies the eligibility criteria set out in the Direction.

Appropriate use of spectrum

12. The applicant proposed using the frequency 91.3 MHz in Chatham. The Commission notes that 91.3 MHz is not the last frequency available to serve Chatham and that the other available frequencies in the area can provide coverage similar to that of 91.3 MHz.
13. In their intervention, an individual suggested that BMI boost its signal from 250 watts to 1,250 watts in order to use the frequency currently used for the station's FM transmitter (92.9 MHz) instead of 91.3. The intervener did not provide a rationale for this suggestion.
14. The Department of Industry (also known as Innovation, Science and Economic Development Canada) has granted conditional technical acceptability of the proposed station. Consequently, the Commission notes that the proposal adheres to the Department's rules governing FM spectrum coordination.
15. In light of the above, the Commission finds that the use of frequency 91.3 MHz by the applicant would have minimal impact on the availability of frequencies in Chatham and surrounding areas and that it would therefore represent an appropriate use of spectrum.

⁴ SOR/97-192, 8 April 1997.

Benefits to the Chatham market and economic impact on incumbent stations

16. Chatham is located 80 km east of Windsor in southwestern Ontario.
17. In addition to CFCO, the Chatham radio market consists of two other English-language FM commercial stations owned by BMI (CKSY-FM and CKUE-FM) and an English-language commercial specialty (Religious music) radio station (CKGW-FM), which is owned by United Christian Broadcasters Canada.
18. In its application, BMI stated that the conversion from the AM to the FM band could reduce its technical expenses for the service. Moreover, the conversion would allow the proposed station to share certain expenditures with CKSY-FM and CKUE-FM, which would generate synergies for BMI.
19. The Commission considers that approval of this application would not have an undue economic impact on CKGW-FM given that station's niche audience and because the proposed FM station would not result in a new station being added to the market.
20. In its intervention, Five Amigos Broadcasting, licensee of CKXS-FM Wallaceburg, Ontario, stated that granting BMI a third FM radio station in Chatham would give BMI an unfair advantage in the region and diminish the listenership of CKXS-FM.
21. The Commission notes that there is no overlap of the proposed primary contour of CFCO-FM and the existing primary contour of CKXS-FM. Therefore, the two stations would serve independent markets.
22. In light of the above, the Commission finds that approval of this application would benefit the Chatham market and would not result in an undue economic impact on incumbent stations in the area.

Programming

23. BMI did not propose any changes to the current programming broadcast on CFCO Chatham. If approved, the proposed station would continue to broadcast 126 hours of programming per broadcast week, targeting the adult population of Chatham ages 35 to 64 with a mix of news, talk, and country music.
24. The applicant further proposed that the new FM station would continue to broadcast a minimum of 96 hours of local programming per broadcast week and a maximum 30 hours of syndicated programming from other BMI stations per broadcast week.⁵

⁵ BMI owns 13 stations in different communities in southern Ontario.

25. BMI proposed to continue to devote three hours per broadcast week to pure news. Specifically, it would devote two hours and 30 minutes to local news, 15 minutes to national news, and 15 minutes to international news each broadcast week.
26. In addition, the applicant submitted that, consistent with its current offerings on the AM band, the proposed FM station would offer regional weather forecasts, twice-daily community calendars, interviews with local news makers and musicians, and dedicated agriculture and farm reports throughout the day. During the hockey season, the station would also broadcast Chatham Maroons hockey games, as well as pre- and post-game programs.
27. In light of the above, the Commission finds that the proposed station would maintain the programming currently broadcast by CFCO Chatham and would continue to benefit listeners in the Chatham market.

Conclusion

28. In light of all of the above, the Commission approves the application by Blackburn Media Inc. for a new broadcasting licence to operate an English-language commercial FM radio station in Chatham, Ontario, to replace its English-language commercial AM radio programming undertaking CFCO Chatham. The licence will expire on **31 August 2031**.
29. The terms of licence and expectations applicable to this licensee are set out in the appendix to this decision.

Conditions of service

Standard conditions of service

30. There are standard conditions of service that apply to all undertakings of a given class. In this case, the Commission considers that the licensee must adhere to the standard conditions of service for commercial radio stations set out in the appendix to Broadcasting Regulatory Policy 2022-334.
31. Further, pursuant to subsection 49(2) of the *Online Streaming Act*, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. As a result, the Commission considers it appropriate to require that the licensee adhere to these requirements as conditions of service.
32. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Blackburn Media Inc., by **condition of service**, to adhere to the standard conditions of service for commercial FM radio stations set out in the appendix to Broadcasting Regulatory Policy 2022-334, as well as all applicable requirements set out in the *Radio*

Regulations, 1986 (the Regulations), that were made under paragraph 10(1)(a) or 10(1)(i) of the old Act.

Simulcast period

33. In cases where a licensee is approved to convert an AM station to the FM band, and in order to ensure a smooth transition of the station's conversion, the standard simulcasting period of the new FM station on a former AM frequency is three months.
34. The Commission considers it appropriate to permit a simulcast period on CFCO Chatham for a transition period of three months upon approval of the present application.
35. The Commission also notes that because some communities may lose the AM signal and not receive the new FM signal following the transition period, it expects the applicant to notify those affected communities.
36. Consistent with the determination above regarding the simulcast period, pursuant to subsection 9.1(1) of the Act, the Commission imposes an **order** on Blackburn Media Inc. authorizing it, by **condition of service**, to simulcast the programming of the new commercial FM station on CFCO Chatham for a transition period of three months following the commencement of operations of the FM station.
37. Further, consistent with the licensee's request and pursuant to paragraph 9(1)(f) and subsection 24(1) of the Act, the Commission revokes the licence for CFCO effective at the end of the simulcast period.
38. Finally, the Commission notes that the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibition on transfer. The licensee must, therefore, also adhere to any such requirements set out in the broadcasting licence for the undertaking.

Broadcast of emergency alerts

39. The Commission has implemented obligations with respect to the broadcast of emergency alerts. For reference, see section 16 of the Regulations as well as Broadcasting Regulatory Policy 2014-444. The licensee must implement the public alerting system for each of its transmitters, and ensure that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages are installed and programmed to properly account for the applicable contour (as set out in paragraph 16(2)(b) of the Regulations) of the station as well as that of any rebroadcasting transmitter that may appear on the licence for that station.
40. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Blackburn Media Inc., by **condition of service**, to implement the National Public

Alerting System **by the date of the station's launch** and to make the appropriate associated information filings.

41. The terms and specifics of these conditions of service are set out in the appendix to this decision.
42. The Commission notes that the matters set out in the above orders were subject to a public proceeding that provided both the applicant and other interested parties notice of and an opportunity to make representations with respect to the proposed orders. The Commission is satisfied that, in this case, the public proceeding was sufficient to achieve the purposes of the publication and consultation requirement set out in subsection 9.1(4) of the Act.

Reminders

Force and effect of broadcasting licences

43. Pursuant to section 22 of the Act, the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapses.

Local news

44. Radio stations are an important daily source of local news and information for communities. Holding a broadcasting licence comes with conditions, regulatory obligations, and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.
45. Although Broadcasting Regulatory Policy 2022-332 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that regulatory policy, the Commission reminds the licensee that its stations, in their local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

Employment equity

46. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development (also known as Employment and Social Development Canada), its employment equity practices are not examined by the Commission.

47. The Commission notes that amendments to the *Broadcasting Act* resulting from the *Online Streaming Act* place greater emphasis on the inclusion of equity-deserving communities and individuals in the broadcasting system. As a result, the Commission may examine its diversity-related policies in the context of the consultations on inclusion and diversity announced in its [Regulatory plan to modernize Canada's broadcasting framework](#). In the meantime, although the licensee is subject to the Employment Equity Act, the Commission encourages the licensee to consider the amendments to the *Broadcasting Act* when making operational decisions.

Secretary General

Related documents

- *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *A targeted policy review of the commercial radio policy*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders - Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014

This decision is to be appended to the licence

Appendix to Broadcasting Decision CRTC 2025-88

Terms, conditions of service, and expectations for the English-language commercial FM radio programming undertaking in Chatham, Ontario

Terms

The licence will expire 31 August 2031.

The station will operate at 91.3 MHz (channel 217A) with an average effective radiated power of 1,250 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 132.7 metres).

The Commission reminds the applicant that, pursuant to subsection 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (also known as Innovation, Science and Economic Development Canada) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the Commission will only issue a licence for this undertaking once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **14 April 2027**. To ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before this date.

Conditions of service

1. The licensee shall adhere to the conditions of service set out in the appendix to *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.
3. The licensee is authorized to simulcast the programming of the new commercial FM station on CFCO Chatham, Ontario, for a transition period of three months following the commencement of operations of the FM station.
4. The licensee shall implement the National Public Alerting System (NPAS) **by the station's launch** in the manner set out in section 16 of the *Radio Regulations, 1986*, and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders - Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447, and 2014-448, 29 August 2014, as amended from time to time.

5. The licensee shall file a letter with the Commission via GCKey to attest to the implementation date of its NPAS within **14 days after installation** of the alerting equipment. This letter must also contain evidence that the system is properly configured to receive and distribute alerts from the National Alert Aggregation and Dissemination (NAAD) System (e.g. an attestation by a Chief Executive Officer, president, or person exercising a similar supervisory role in the licensee's operations, as to the installation of a functioning alerting equipment). The letter may be filed electronically by using the secured service "[My CRTC Account](#)".

Expectations

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Notification of impact of conversion of the AM station to the FM band

The Commission expects the licensee to notify listeners of the communities that will be affected by the loss of service due to the amended service area of the new FM station, that they will, or may, lose service as of a specific date determined by the station.

Canadian emerging artists

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station's musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of "Canadian emerging artist" is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station's playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists

whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of “Indigenous-Canadian musical selection” set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.