



Broadcasting Decision CRTC 2005-187

Ottawa, 4 May 2005

TQS inc.

Saguenay and Saint-Fulgence, Quebec

Application 2004-1152-0

Broadcasting Public Notice CRTC 2004-95

10 December 2004

CKTV-TV Saguenay – Removal of transmitter CKTV-TV-1 Saint-Fulgence

*The Commission **denies** the application by TQS inc. to amend the broadcasting licence of the television station CKTV-TV Saguenay by removing the transmitter CKTV-TV-1 Saint-Fulgence from the licence.*

The application

1. The Commission received an application from TQS inc. (TQS) to amend the broadcasting licence of the television programming undertaking CKTV-TV Saguenay by removing the transmitter CKTV-TV-1 Saint-Fulgence from the licence. CKTV-TV and its transmitter broadcast programming from the French-language service of the Canadian Broadcasting Corporation (CBC).
2. TQS stated that it wanted to shut down this transmitter because the site requires significant renovations, and most area residents are able to receive CKTV-TV via cable or satellite.
3. With respect to its affiliation agreement with the CBC, TQS submitted that the agreement [translation] “per se did not include any clause whatsoever that prevented a reduction in the coverage area served by our affiliate station.”

Interventions

4. The Commission received one intervention in opposition and one comment in connection with the TQS application. A resolution adopted by the council of the Municipality of Saint-Fulgence stated that it “radically objects” to any action by TQS to remove the transmitter at Saint-Fulgence. In its comment, the CBC indicated that the affiliation agreement currently in effect with TQS requires the affiliate station to maintain, for the life of the agreement, i.e., until 31 August 2008, a certain standard of broadcast quality in the territory covered by the transmitters and retransmitters for which the affiliate held a licence at the time the agreement was signed. The CBC added that it does not renounce, in any way, its rights with respect to the affiliate under the affiliation agreement.

5. TQS did not respond to the interventions.

The Commission's analysis and determination

6. The Commission notes that the information provided by TQS appears contradictory. TQS justifies its application by explaining that the approximate number of viewers able to receive the CKTV-TV-1 Saint-Fulgence signal is, at most, 1,500 and that, according to its information, most residents in the area receive the signal from CKTV-TV Saguenay via cable or satellite. Therefore, according to the licensee, at most about 100 homes receive the TQS signal over the air from CKTV-TV-1. In response to the Commission's request for additional information, TQS argued that removal of the transmitter would not decrease the area presently served by CKTV-TV since the coverage area of the Saint-Fulgence transmitter is completely within the coverage area of the CKTV-TV transmitter at Monts-Valin. However, TQS added that the sole purpose of the Saint-Fulgence transmitter was to improve reception of the CKTV-TV signal in this valley where reception was "weaker" because of geographic considerations. The Commission considers that this information is ambiguous at best and is not enough to determine the actual impact that the removal of this transmitter would have on the reception of the French-language service of the CBC by residents of the area.
7. The Commission also notes that TQS submitted that the site in question was obsolete (both the building and the antenna) and would require significant renovation work, but did not elaborate on the scope or cost of the renovations needed to restore the site.
8. The Commission is of the view that TQS has not unequivocally justified the merit of its application. Since TQS has not clearly demonstrated that the impact on residents of Saint-Fulgence would be minimal or the magnitude of costs for renovating the site, the Commission is not satisfied that approval of the application would be in the public interest.
9. Accordingly, the Commission **denies** the application by TQS inc. to amend the licence of television programming undertaking CKTV-TV Saguenay by removing the transmitter CKTV-TV-1 Saint-Fulgence from the licence.

Secretary General

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