



Broadcasting Decision CRTC 2005-216

Ottawa, 26 May 2005

Radio du Golfe inc.

Percé and Port-Daniel, Quebec

Applications 2004-0955-9, 2004-1026-7

Broadcasting Public Notices CRTC 2004-95 and 2005-12

10 December 2004 and 7 February 2005

CFMV-FM Chandler – Addition of transmitters at Percé and Port-Daniel

*The Commission **denies** the applications by Radio du Golfe inc. to amend the broadcasting licence of radio station CFMV-FM Chandler, Quebec by adding transmitters at Percé and Port-Daniel, Quebec.*

The applications

1. The Commission received applications by Radio du Golfe inc. (Radio du Golfe) to amend the broadcasting licence of the low-power FM radio programming undertaking CFMV-FM Chandler, Quebec by adding low-power FM transmitters at Percé and Port-Daniel, Quebec, to rebroadcast the programming of CFMV-FM to the residents of the Rocher-Percé regional county municipality (RCM).
2. The new transmitter at Percé would broadcast on 104.1 MHz (channel 281LP) with an average effective radiated power (ERP) of 18.5 watts, and the transmitter at Port-Daniel would broadcast on 92.1 MHz (channel 221LP) with an average ERP of 15.9 watts.

Interventions

3. The Commission received interventions opposing Radio du Golfe's applications. Radio Gaspésie inc. (Radio Gaspésie), the licensee of CJRG-FM Gaspé, opposed the addition of a transmitter at Percé. Radio CHNC ltée (Radio CHNC), the licensee of CHNC New Carlisle, and Diffusion communautaire Baie-des-Chaleurs inc. (Diffusion communautaire), the licensee of CIEU-FM Carleton, opposed the proposal to add a transmitter at Port-Daniel.
4. Radio Gaspésie noted that it had received a first radio service licence for Gaspé 27 years ago, and submitted that the Commission should allow it to continue to operate as such by denying the application to establish a transmitter for CFMV-FM at Percé. The intervener argued that any decrease in revenue would be disastrous for CJRG-FM.

5. Radio CHNC submitted that the deterioration of the economy in the area had forced it to review how it operates the station, including how it will go about converting the station to FM. According to the intervener, expanding Radio du Golfe into CHNC's market could deal a fatal blow to CHNC because the advertising market in its coverage area cannot support two commercial radio stations.
6. Diffusion communautaire noted that the area that Radio du Golfe intends to serve is within the coverage area of CIEU-FM, and submitted that the arrival of a third radio signal in the area already served by CHNC and CIEU-FM could cause one or both of these stations to shut down. Diffusion communautaire further submitted that it is currently endeavouring to put its transmitter at Paspébiac in this area back on the air to ensure that all of its listeners have excellent signal reception.

Reply to interventions

7. In its reply to the interventions, Radio du Golfe explained that the Gaspé region consists of four major areas, which are Haute-Gaspésie, Côte-de-Gaspé, the Bonaventure-Avignon RCM, and the Rocher-Percé RCM. The licensee noted that one FM radio station serves each of these areas except the Rocher-Percé RCM, and it is to that population that it wants to offer a quality FM radio station. Radio du Golfe further submitted that the FM radio market in Chandler was not served before the arrival of CFMV-FM, and it simply wants to adequately serve all of the Rocher-Percé RCM.
8. With regard to the opposing intervention by Radio Gaspésie, the licensee acknowledged that CJRG-FM has been serving Percé for the last 27 years but argued that the station cannot deliver all the information concerning the Rocher-Percé RCM to this area because it covers only part of this area.
9. As for the opposing intervention by Radio CHNC, Radio du Golfe submitted that it could not have deprived CHNC of revenues because the FM radio market in the Rocher-Percé RCM was not served before the arrival of CFMV-FM. The licensee also stated that it did not understand how the current applications for the FM band could destabilize CHNC, considering the large area served by this AM station.
10. With regard to the intervention by Diffusion communautaire, Radio du Golfe stated that the intervener cannot argue that CIEU-FM serves Chandler and Port-Daniel because the CIEU-FM signal does not reach these communities. The licensee also submitted that the CIEU-FM transmitter at Paspébiac is intended to provide better service to the Bonaventure-Avignon market, not the Rocher-Percé RCM.

The Commission's analysis and determination

11. The Commission notes that in *FM radio station in Chandler and a transmitter in New Carlisle, Quebec*, Broadcasting Decision CRTC 2004-322, 9 August 2004, it authorized Radio du Golfe to operate CFMV-FM as a low-power commercial radio station at Chandler. In the same decision the Commission denied the application by Radio du Golfe to add a transmitter for CFMV-FM at New Carlisle, a town that is located in the Bonaventure-Avignon radio market. The Commission concluded that the addition of this transmitter could have a significant impact on CHNC and CIEU-FM, two radio stations in this same market. To limit the adverse impact on these two stations, the Commission considered that it would not be appropriate to approve a transmitter in New Carlisle.
12. With regard to the current applications by Radio du Golfe, the Commission is of the view that adding two low-power transmitters for the low-power station CFMV-FM in order to serve additional areas, as proposed by the licensee, would provide CFMV-FM with a service area that, overall, would be similar to that of a full-power station. With that in mind, the Commission analysed the potential impact of the Radio du Golfe proposals on the radio stations that currently serve the eastern part of the Gaspé peninsula.
13. The Commission notes that, according to the Fall 2004 BBM surveys, the arrival of CFMV-FM has had an impact on the listenership of CHNC in the Côte-de-Gaspé/Rocher-Percé market. The Commission further notes that Radio CHNC has been running a deficit for some time now, as it stated in its intervention. The Commission further considers that the Radio du Golfe proposal for Percé could have an impact on the listenership of CJRG-FM. The Commission does not consider, however, that the transmitter proposed for Port-Daniel would have an adverse effect on CIEU-FM because CIEU-FM does not currently serve Port-Daniel.
14. The Commission concurs with Radio du Golfe that there is currently no FM radio service operating in the entire Rocher-Percé RCM. The Commission is, however, of the view that the proposed utilization of several FM frequencies operating at low power to provide that service does not constitute an appropriate use of the frequency spectrum.
15. In view of the foregoing, the Commission **denies** the applications by Radio du Golfe inc. to amend the broadcasting licence of the low-power FM radio programming undertaking CFMV-FM Chandler by adding low-power FM transmitters at Percé and Port-Daniel to rebroadcast the programming of CFMV-FM.

Secretary General

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