



Broadcasting Decision CRTC 2006-20

Ottawa, 27 January 2006

Diffusion communautaire Baie-des-Chaleurs inc.
Carleton and Paspébiac, Quebec

Application 2005-0305-4
Broadcasting Public Notice CRTC 2005-66
13 July 2005

CIEU-FM Carleton and its transmitter CIEU-FM-1 Paspébiac – Technical change

*The Commission **denies** the application to change the authorized contour of CIEU-FM-1 Paspébiac.*

The application

1. The Commission received an application by Diffusion communautaire Baie-des-Chaleurs inc. (Diffusion communautaire) to change the authorized contour of its transmitter CIEU-FM-1 Paspébiac, by increasing the average effective radiated power from 33.8 watts to 86.5 watts, by increasing the antenna height and by relocating the transmitter to a site at Port Daniel.
2. The transmitter's authorized contour would be changed significantly as the proposed site is located approximately 25 kilometres from Paspébiac. The licensee indicated that the demolition of its transmitter site in Paspébiac because of safety concerns made this application necessary.
3. CIEU-FM-1 is currently authorized as a low-power unprotected service. Approval of this application would change its operating class to protected status under the Department of Industry's rules.

Background

4. In *Addition of a transmitter denied*, Decision CRTC 93-739, 9 December 1993, the Commission denied an application by Diffusion communautaire to operate a transmitter in Gascons, on the grounds that the technical parameters of the proposed transmitter would have extended CIEU-FM's coverage eastward into the area served by commercial radio station CHNC New Carlisle. The Commission expressed concern that, given the Bonaventure radio market's economic circumstances at that time and CHNC's poor financial performance, in particular, approval of that application would result in an

unacceptable erosion of CHNC's audience and revenues. The Commission, nevertheless, encouraged Diffusion communautaire to consider other technical solutions that would address its concern for improving the quality of the service it provides to its listeners.

5. In *Licence amendment for CIEU-FM*, Decision CRTC 97-269, 18 June 1997 (Decision 97-269), the Commission approved an application by Diffusion communautaire to operate a transmitter in Paspébiac. In that decision, the Commission noted that the new transmitter's coverage area would fall within CIEU-FM's authorized service area. However, the new transmitter approved in Decision 97-269 was never implemented due to technical problems.
6. In *Licence amendment for CIEU-FM*, Decision CRTC 98-454, 28 September 1998, the Commission approved a second application by Diffusion communautaire for a licence amendment in order to operate a new transmitter in Paspébiac, namely the transmitter that is the subject of the present application.

Intervention

7. Radio CHNC Itée (Radio CHNC), the licensee of CHNC New Carlisle and its transmitter CHGM Gaspé, filed an intervention in opposition to the present application. Radio CHNC submitted that Diffusion communautaire is attempting to compete with CHNC in an area where the economic climate is increasingly unsettled. According to Radio CHNC, the area's advertising market would be unable to support increased competition. Radio CHNC added that it is sure that Diffusion communautaire could find more reasonable technical solutions that would respect the spirit and letter of the authorizations it was granted by the Commission.

Applicant's reply

8. In response, Diffusion communautaire submitted that the purpose of the proposed technical changes was to allow it to put CIEU-FM-1 back on the air and to improve the signal quality in CIEU-FM Carleton's licensed area. Diffusion communautaire stated that the parameters proposed for its transmitter CIEU-FM-1, would not change the licensed service area of CIEU-FM.

Commission's analysis and determination

9. Based on its examination of the record of this proceeding, the Commission considers that Diffusion communautaire's application raises concerns because the proposed contour would be significantly different. The Commission is also of the opinion that the proposed relocation of the transmitter to Port Daniel, some 25 kilometres west of Paspébiac, would result in the Paspébiac market not being served adequately.

10. The Commission also considered the financial impact that the relocation of the transmitter could have on CHNC. The Commission notes that CHNC's profitability has declined since 2000. Given that the economic situation in this area remains quite weak, the Commission considers that this technical change could have an adverse financial impact on CHNC.
11. In light of the above, the Commission **denies** the application by Diffusion communautaire Baie-des-Chaleurs inc. to change the authorized contour of transmitter CIEU-FM-1 Paspébiac, by increasing the average effective radiated power from 33.8 watts to 86.5 watts, by increasing the antenna height and by relocating the transmitter to a site at Port Daniel.

Secretary General

This decision is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>