



Broadcasting Decision CRTC 2010-594

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Route reference: 2010-301

Ottawa, 19 August 2010

San Lorenzo Latin American Community Centre
Toronto, Ontario

Application 2009-1739-6, received 30 December 2009

CHHA Toronto – Technical change

*The Commission **denies** an application by San Lorenzo Latin American Community Centre to change the authorized contours of the Type B community radio station CHHA Toronto.*

Introduction

1. The Commission received an application by San Lorenzo Latin American Community Centre (San Lorenzo) relating to the Type B community radio programming undertaking CHHA Toronto. Specifically, the licensee proposed to change the station's authorized contours by decreasing the daytime transmitter power from 10,000 watts to 6,250 watts and by increasing the night time transmitter power from 1,000 watts to 6,250 watts. The Commission did not receive any interventions in connection with this application.
2. San Lorenzo provides programming to Toronto-area residents in the Spanish, Tagalog, Italian and Portuguese languages. The licensee stated that the proposed changes would result in a better quality signal to listeners located in the northwest part of its licensed area, who are currently experiencing poor reception of CHHA.
3. The Commission notes that the population within the 15 mV/m contour would decrease from 1,315,982 to 1,067,284 in the daytime and increase from 194,073 to 1,067,284 in the night time. The population within the 5 mV/m contour would decrease from 2,828,585 to 2,409,869 in the daytime and increase from 500,010 to 2,409,869 in the night time.

Commission's analysis and determinations

4. The Commission notes that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations) in regard to the requirement to file annual returns for the broadcast years 2005 through 2007. After examining the present application in light of the applicable regulations and policies, the Commission

considers that the only issue to be addressed in its determinations is the licensee's apparent non-compliance with its regulatory requirements.

5. As set out in the Regulations, licensees are required to file their annual return for a given broadcast year by 30 November of that same broadcast year. The Commission notes that the licensee submitted the annual returns for the 2005, 2006 and 2007 broadcast years on 27 February 2006, 27 February 2007 and 19 February 2008, respectively. The Commission further notes that the station's annual returns for other broadcast years were submitted prior to the 30 November deadline.
6. The Commission generally denies licence amendments requested by licensees that are in non-compliance with their regulatory requirements. It is the Commission's view that the same practice should be applied to applications for technical changes that do not constitute licence amendments. Given CHHA's non-compliance with section 9(2) of the Regulations, the Commission does not consider that a departure from this practice is warranted in this case.

Conclusion

7. Accordingly, the Commission **denies** the application by San Lorenzo Latin American Community Centre to change the authorized contours of the radio programming undertaking CHHA Toronto by decreasing the daytime transmitter power from 10,000 watts to 6,250 watts and by increasing the night time transmitter power from 1,000 watts to 6,250 watts.

Secretary General