



## Broadcasting Decision CRTC 2013-57

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Route reference: Part 1 application posted on 8 June 2012

Ottawa, 13 February 2013

**Canadian Hellenic Cable Radio Ltd.**  
Montréal, Quebec

*Application 2012-0682-1*

### **CKIN-FM Montréal – Technical change**

*The Commission approves an application by Canadian Hellenic Cable Radio Ltd. to change the authorized contours of the ethnic specialty commercial radio station CKIN-FM Montréal, Quebec.*

#### **The application**

1. The Commission received an application by Canadian Hellenic Cable Radio Ltd. (Canadian Hellenic) to change the authorized contours of the ethnic specialty commercial radio programming undertaking CKIN-FM Montréal, Quebec by increasing the average effective radiated power (ERP) from 102 to 407 watts (directional antenna with a maximum ERP increasing from 300 to 1,200 watts).<sup>1</sup> CKIN-FM would continue to operate on frequency 106.3 MHz and all other technical parameters would remain unchanged.
2. The licensee stated that the power increase would provide enhanced coverage to the northern portions of the Greater Montréal Area (GMA) and the adjacent South Shore where a comparatively large proportion of people in the ethnic groups within the station's target audience reside. The Commission received interventions in opposition to this application from Radio Chalom (licensee of the commercial religious AM radio station CJRS Montréal), Radio Humsafar (operator of a Subsidiary Communications Multiplex Operations (SCMO) service dedicated to South Asian programming in Montréal),<sup>2</sup> Yves Sauvé (president and general manager of CJVD-FM Vaudreuil-Dorion) and Richard Noël (chief executive officer of CJVD-FM). The Commission also received an opposing intervention from Michel Mathieu, who has served as a consultant for CJVD-FM and Radio Humsafar.

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<sup>1</sup> These technical parameters reflect those approved by the Department of Industry.

<sup>2</sup> Programming broadcast on an SCMO service is not accessible with standard radio equipment and requires instead the use of a special receiver.

3. The public record for this application is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

## **Background**

4. The Commission notes that the licensee of CJVD-FM competed with Canadian Hellenic for frequency 106.3 MHz in a proceeding that was the subject of a public hearing in the National Capital Region in April 2007. In Broadcasting Decision 2007-217, Canadian Hellenic was awarded frequency 106.3 MHz for CKIN-FM. The application by the licensee of CJVD-FM was also approved, subject to finding another frequency on which to operate. The station now operates on frequency 100.1 MHz.
5. In the same proceeding, Radio Humsafar applied for a broadcasting licence to operate an ethnic radio station on the AM band. The Commission denied the Radio Humsafar application.
6. When a licensee files an application to change its authorized technical parameters, the Commission expects it to present compelling economic or technical evidence that its existing technical parameters are not adequate to provide the service as originally proposed. The Commission is also concerned about the effect that changes in technical parameters could have on other stations in the market.

## **Issues**

7. After examining the public record in light of applicable policies and regulations, the Commission is of the view that the issues it needs to address are as follows:
  - Has the applicant demonstrated a compelling economic need for the proposed amendment?
  - Has the applicant demonstrated a compelling technical need for the proposed amendment?
  - What would be the impact of approving the amendment on other stations in the market?

### **Has the applicant demonstrated a compelling economic need for the proposed amendment?**

8. The applicant submitted that approval of the application would lead to an increase in its revenues. According to its projections, the station would break even in the first year if the amendment is approved, but if it were denied, profitability would be achieved in year three.
9. Opposing interveners noted that the applicant, by its own acknowledgement, was on the way to profitability and therefore had not demonstrated a financial need for the proposed amendment.

10. Given that the station has just recently launched and its financial projections suggest that the service could be profitable within three years, the Commission does not consider that the applicant has demonstrated compelling evidence of a significant financial need for the proposed amendment.

**Has the applicant demonstrated a compelling technical need for the proposed amendment?**

11. The applicant stated that the power increase would improve the quality of its signal particularly in the northern portions of the GMA and on the South Shore. In support of this position, it submitted four listener complaints concerning the quality of the signal and reception issues in the South Shore, St. Leonard, Dorval and Laval as well as realistic coverage maps showing that the proposed amendment would improve coverage in the areas identified in the complaints.
12. Opposing interveners were concerned that the power increase would make frequency 106.7 MHz unusable in Vaudreuil-Dorion for CJVD-FM. Yves Sauvé and Michel Mathieu submitted that a move to frequency 106.7 MHz was necessary for CJVD-FM to survive.
13. The Commission notes that, since the current application was filed, it has awarded frequency 106.7 MHz to Dufferin Communications Inc. for a new English-language commercial FM station in Hudson/St-Lazare (see Broadcasting Decision 2012-576). This means that frequency 106.7 MHz cannot be used for Vaudreuil-Dorion, even if Canadian Hellenic's application is denied.
14. The Commission considers that the applicant has presented compelling technical need for its amendment by submitting listener complaints and demonstrating through the coverage maps submitted with its application that the proposed change will improve signal quality and coverage in the areas identified in the complaints. The Commission is of the view that, given the modest increase in the 3mV/m coverage that will result, the applicant will continue to serve the GMA. The Commission further notes that the increase will not impact the availability of frequencies or the coverage of other broadcasters in the GMA or in adjacent markets.

**What would be the impact of approving the amendment on other stations in the market?**

15. Radio Humsafar expressed concern that CKIN-FM had increased the amount of South Asian programming that it offers. It submitted that the power increase would have a negative impact on Radio Humsafar's SCMO service, which offers South Asian programming.
16. The Commission notes that Radio Humsafar is an unlicensed service that is offered using the SCMO channel of a licensed station. As a result, it does not provide financial information to the Commission, which limits the Commission's ability to assess any potential impact of CKIN-FM's amendment on the Radio Humsafar SCMO service. The Commission notes, however, that CKIN-FM operates according to the terms of conditions of licence specifying that it shall devote no less than

60% of all programming to third-language programs and provide programming directed at no fewer than six different cultural groups in no fewer than eight third languages. While it is able to increase the amount of South Asian programming, these conditions of licence prevent CKIN-FM from becoming a service that offers only South Asian programming as does Radio Humsafar.

17. The Commission further notes that no ethnic radio station licensee in Montréal intervened against the application. The Commission therefore is of the view that approval of the amendment would not have a major impact on other licensed ethnic radio stations.

## **Conclusion**

18. The Commission considers that the applicant has presented evidence of a compelling technical need for the amendment requested in its application. The change will improve signal quality in Dorval, Laval and the South Shore while CKIN-FM continues to serve the GMA. The power increase will not impact the availability of frequencies or the coverage of other broadcasters and will not have an undue negative impact on other stations serving the market.
19. Accordingly, the Commission **approves** the application by Canadian Hellenic Cable Radio Ltd. to change the authorized contours of the ethnic specialty commercial radio programming undertaking CKIN-FM Montréal, Quebec by increasing the average ERP from 102 to 407 watts (directional antenna with a maximum ERP increasing from 300 to 1,200 watts).
20. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Secretary General

## **Related documents**

- *English-language FM radio station in Hudson/St-Lazare*, Broadcasting Decision CRTC 2012-576, 19 October 2012
- *Licensing of new radio stations in Montréal and Vaudreuil-Dorion, Quebec*, Broadcasting Decision CRTC 2007-217, 6 July 2007

\**This decision is to be appended to the licence.*