



Broadcasting Decision CRTC 2014-600

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Ottawa, 18 November 2014

La radio campus communautaire francophone de Shawinigan inc.
Shawinigan, Quebec

Application 2014-0409-5

CFUT-FM Shawinigan – Licence amendment and technical changes

*The Commission **approves** an application to change the technical parameters of the French-language community radio station CFUT-FM Shawinigan.*

These changes will enhance the signal's range and quality for listeners in the Shawinigan market.

Application

1. La radio campus communautaire francophone de Shawinigan inc. (Radio Shawinigan) filed an application to amend the broadcasting licence for the French-language community radio station CFUT-FM Shawinigan. Specifically, the licensee proposed to:
 - change the frequency from 91.1 MHz (channel 216A1) to 92.9 MHz (channel 225A);
 - relocate the transmitter site from Shawinigan to Grand-Mère;
 - change the authorized contours by increasing the average effective radiated power (ERP) from 199 to 2,100 watts (maximum ERP from 250 to 3,900 watts) and the effective height of antenna above average terrain (EHAAT) from 9.2 to 123.7 metres); and
 - change the antenna's radiation pattern from non-directional to directional.
2. Radio Shawinigan stated that the power increase was needed to adequately serve the residents of the regional county municipality (RCM) of Shawinigan who have difficulty receiving CFUT-FM's signal. Specifically, the licensee indicated that it wished to better reach Shawinigan, Shawinigan-Sud, Saint-Gérard-des-Laurentides, Grand-Mère, Saint-Georges-de-Champlain, Saint-Jean-des-Piles et Lac-à-la-Tortue, without unduly expanding the service

area of the station into the neighbouring RCMs of Maskinongé, Les Chenaux and Mékinac. Radio Shawinigan also stated that the changes would allow it to strengthen its financial position and ensure its long-term viability.

3. The Commission received several interventions in support of this application.

Background

4. In Broadcasting Decisions 2011-660 and 2013-234, the Commission denied similar applications by the licensee to amend the licence for CFUT-FM in light of the following concerns:

- a lack of evidence justifying economic need;
- other technical solutions could have been proposed to avoid too large of an expansion of the service area, and to avoid encroaching upon the service areas of the stations opposing the application;
- an undue negative impact on the viability of the French-language community radio station CHHO-FM Louisville; and
- the licensee's non-compliance.

Commission's analysis and decisions

5. After reviewing the public record for this application in light of applicable regulations and policies, the Commission considers that the issue to be examined is whether the licensee has addressed the Commission's determinations set out in Broadcasting Decision 2013-234 to justify its current application. Specifically, the Commission considers it appropriate to address the following issues:

- Has the licensee demonstrated an economic need justifying its application?
- Would approval of the application have an impact on the market?
- Has the licensee demonstrated a technical need justifying its application?
- Is the technical solution appropriate?
- Is CFUT-FM in compliance with its regulatory requirements?

Economic need

6. In Broadcasting Decision 2013-234, the Commission determined that the licensee had not demonstrated a compelling economic need for the requested technical changes.

7. In the context of the current application, the licensee filed the station's financial data for 2013 and submitted that the station was having difficulty generating advertising revenues because of its weak signal. Specifically, it indicated that merchants' advertising campaigns were unsuccessful because of the weakness of the signal, making it difficult to sell advertising opportunities to merchants, who were abandoning the station for competing stations in Trois-Rivières.
8. Based on the financial data provided by the licensee, the Commission notes that CFUT-FM's revenues decreased significantly between 2012 and 2013 and that the station does indeed appear to have had difficulty generating advertising revenues in 2013.
9. The Commission further notes that according to the licensee's financial projections, approving this application would enable the licensee to achieve a modest surplus every year and would ensure the station's long-term growth. Denying the application would result in a decrease in the licensee's revenues and would force the station to reduce its spending, which could ultimately decrease the service's quality.
10. In light of the above, the Commission considers that the licensee has demonstrated that its application is based on economic need and that approving the application could help the station stabilize and even increase its revenues, which would in all likelihood be reinvested in the service.

Market impact

11. In comparison with the application filed in 2013, the licensee reduced the proposed contours for CFUT-FM to prevent an overlap between its proposed primary contour and that of the French-language community radio station CHHO-FM Louiseville. The licensee also submitted a copy of an agreement between the two stations demonstrating that CHHO-FM was informed of the licensee's proposal. CHHO-FM did not intervene in the context of this application.
12. In light of the above, the Commission finds that the licensee has taken into account the concerns raised in Broadcasting Decision 2013-234 regarding the negative impact of the proposed changes on CHHO-FM and that approving this application would not have an impact on the market.

Technical need

13. To demonstrate the technical need for the proposed changes, the licensee filed letters of support and complaints from businesses and listeners underscoring the need for a station serving Shawinigan-Sud, Grand-Mère, Saint-Georges-de-Champlain, Saint-Gérard-des-Laurentides, Lac-à-la-Tortue and Saint-Jean-des-Piles. The licensee also filed realistic contour maps showing that the current primary (3 mV/m) and secondary (0.5 mV/m) contours are not serving these communities.

14. The Commission notes that the technical need is identical to that outlined in the licensee's previous applications and that that need had been demonstrated.

Appropriate technical solution

15. In Broadcasting Decision 2013-234, the Commission noted that the contours proposed by the licensee would increase CFUT-FM's coverage well beyond the RCM of Shawinigan. In that decision, the Commission concluded that the licensee should consider other technical solutions that would allow it to offer a quality signal to the entire population residing in its service area without significantly expanding it.
16. The contours proposed in the current application are narrower than those proposed in the previous applications. Under these new contours, most of the localities targeted by the licensee would be served by the primary contour and the signal's reach towards Trois-Rivières would be limited by potential interference in that direction.
17. The Commission considers that the solution proposed by the licensee would address the technical issues it raised and that it has made sufficient efforts to ensure that CFUT-FM's coverage focuses on the area of the RCM of Shawinigan and that the signal's reach towards Trois-Rivières and Louiseville is limited.
18. With respect to the proposed frequency change, the Commission considers that while the licensee proposed to use the last available allotment for Shawinigan, this would not represent the last available frequency for Shawinigan and Trois-Rivières. The Commission therefore considers that this proposal represents an appropriate use of spectrum.

Compliance

19. In Broadcasting Decision 2013-454, the Commission concluded that the licensee was in non-compliance with section 9(2) of the *Radio Regulations, 1986* relating to the filing of annual returns for the 2006-2007, 2007-2008 and 2009-2010 broadcast years. Specifically, the licensee filed annual reports for each of those broadcast years after the 30 November deadline.
20. The Commission notes that the station is currently in compliance with its regulatory requirements.

Conclusion

21. In light of all of the above, the Commission finds that the licensee has addressed the concerns raised in Broadcasting Decision 2013-234 to justify its current application. Accordingly, the Commission **approves** the application by La radio campus communautaire francophone de Shawinigan inc. to amend the broadcasting licence for the French-language community radio programming undertaking CFUT-FM Shawinigan to change the frequency from 91.1 MHz

(channel 216A1) to 92.9 MHz (channel 225A), relocate the transmitter site from Shawinigan to Grand-Mère and change the authorized contours by increasing the average ERP from 199 to 2,100 watts (maximum ERP of 250 to 3,900 watts) and EHAAT from 9.2 to 123.7 metres, as well as changing the antenna's radiation pattern from non-directional to directional.

22. The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will be effective only when the Department of Industry confirms that its technical requirements have been met and that a broadcasting certificate will be issued.

Secretary General

Related documents

- *Campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-454, 29 August 2013
- *CFUT-FM Shawinigan – Licence amendment*, Broadcasting Decision CRTC 2013-234, 9 May 2011
- *CFUT-FM Shawinigan - Licence amendment*, Broadcasting Decision CRTC 2011-660, 21 October 2011

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