



Broadcasting Decision CRTC 2007-13

Ottawa, 9 January 2007

Vista Radio Ltd.

Campbell River, British Columbia

Application 2006-0272-3

Public Hearing at Regina, Saskatchewan

30 October 2006

CFWB Campbell River – Conversion to FM band

*The Commission **denies** an application for a broadcasting licence to operate a new English-language, commercial FM radio programming undertaking at Campbell River to replace AM station CFWB.*

The application

1. The Commission received an application by CFCP Radio Limited for a broadcasting licence to operate a new English-language, commercial FM radio programming undertaking at Campbell River to replace its AM station CFWB. Subsequent to the filing of the application, CFCP Radio Limited, Vista Radio Ltd., CCIR Holdings Ltd. and Coast Radio Ltd. amalgamated to continue as Vista Radio Ltd. (Vista). Consequently, Vista Radio Ltd. is currently the licensee of CFWB and the applicant in this proceeding.
2. The applicant proposed to operate the new FM station at 106.1 MHz (channel 291B) with an average effective radiated power of 663 watts. The antenna for the new station would be located on the same tower as is used by CFCP-FM Courtenay, British Columbia, which is owned by Vista, CHEK-TV-5 Campbell River and CHAN-TV-4 Courtenay, which are owned by CanWest MediaWorks Inc.
3. The applicant stated that the proposed FM station would continue to offer CFWB's current country music format, targeting listeners in the 25 to 54 year demographic. The applicant indicated that, since it wished to enhance the local programming available in Campbell River, it would no longer offer simulcast programming from its studios at Courtenay. However, the applicant stated that the Courtenay studios would be maintained as a resource, and that they would continue to produce afternoon newscasts tailored to Campbell River, until the new FM station's revenues could support further growth.

Interventions

4. The Commission received interventions in support of this application as well as an intervention in opposition by Jim Pattison Broadcast Group Limited Partnership¹ (Pattison) and a comment by the Gabriola Radio Society (Gabriola).
5. Pattison is the licensee of CKLR-FM Courtenay, a regional station licensed to serve the Comox-Strathcona regional district, which includes Campbell River. Pattison is also the licensee of CKWV-FM and CHWF-FM Nanaimo, CIBH-FM and CHPQ-FM Parksville, and CJAV-FM Port Alberni, all situated on Vancouver Island.
6. While Pattison did not oppose the conversion of CFWB to FM, the intervener did oppose the technical approach proposed in the application. Pattison argued that the proposed technical parameters would significantly expand CFWB's existing coverage beyond its existing licensed service area. According to Pattison, Vista could convert CFWB to the FM band utilizing a local transmitter site and a lower power FM transmitter. Pattison submitted that this alternative would be cost effective and would maintain CFWB's currently licensed contours.
7. Pattison also noted that, in addition to the present application, Vista had filed an application to convert AM station CHQB Powell River, British Columbia, to FM². Pattison contended that approval of both applications would result in an overlapping of the respective contours of CFWB and CHQB on the FM band as well as those of Vista's existing FM station CFCP-FM Courtenay. According to Pattison, such a situation would be contrary to the common ownership policy. Under the common ownership policy, in a market that is served by less than eight commercial English-language radio stations, a licensee may own or control as many as three radio stations in a given language, with a maximum of two radio stations in any one frequency band.
8. For its part, Gabriola noted that it had filed an application with the Commission for a broadcasting licence to operate a community radio programming undertaking at Gabriola Island, British Columbia. Gabriola expressed concern that, given the scarcity of the bandwidth in the region, at least one of Vista's proposed FM stations would cause interference with the intervener's proposed community radio station. Gabriola indicated that it has been involved in discussions with Vista regarding potential interference problems, but has been unable to resolve the issue.

¹ Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership.

² In Broadcasting Notice of Public Hearing CRTC 2006-9-4, 20 October 2006, the Commission announced that an application by Vista Radio Ltd. (originally filed by CFCP Radio Ltd.) to convert AM station CHQB Powell River to the FM band was withdrawn from the 30 October 2006 public hearing in Regina and would be rescheduled at a later date.

Applicant's reply

9. In response, Vista asserted that the proposed FM station would continue to provide local coverage to the same community as CFWB was originally licensed to serve. Vista further argued that the claims in Pattison's intervention were based on theoretical maps that do not take into account the highly mountainous topography of the region that CFWB serves. According to Vista, that topography significantly reduces CFWB's coverage.
10. While Vista maintained that it was impossible to replicate the exact coverage contours of CFWB's current AM transmitter, the applicant submitted that the intended location and power for its proposed FM transmitter would not extend CFWB's signal beyond its current AM reach. Vista also provided a map prepared by its consulting engineer with technical parameters indicating that CFWB's coverage would not increase significantly.
11. Vista contended that approval of its applications to convert its AM stations in Campbell River and Powell River to the FM band would not result in non-compliance with the Commission's common ownership policy because the theoretical contours filed with its applications indicate that neither market is covered by more than two 3 mV/m contours. Vista also maintained that Campbell River, Powell River and Courtenay are not rated by BBM.
12. In response to Gabriola, Vista submitted that it did not know if, or how, its proposed signal would interfere with Gabriola's proposed community radio station.

Commission's analysis and determination

13. In its evaluation of this application, the Commission has carefully considered the views expressed by Vista and by the interveners.
14. With respect to Pattison's argument regarding possible non-compliance with the common ownership policy, the Commission notes that the *Radio Regulations, 1986* define the market of an FM station as the lesser of the station's 3 mV/m contour and the central area (as defined by BBM) of the community served by the station. Based on that definition, the Commission is satisfied that Campbell River, Powell River and Courtenay are separate markets.
15. Based on its analysis of the theoretical contours filed in the present application, the Commission agrees with Pattison that approval of Vista's application would expand CFWB's existing coverage. However, the Commission notes that the applicant is proposing a class B station, not a class C station. Accordingly, approval of this application would not result in Vista using one of the few remaining class C frequencies available for the Campbell River area.

16. Nevertheless, the Commission also notes that, in the additional information provided by the applicant in its reply to the interventions, Campbell River, which is the principal community to be served by the proposed FM station, falls within the proposed 0.5 mV/m realistic contour, not within the proposed station's 3 mV/m realistic contour. According to the Department of Industry's (the Department) *Broadcasting Procedures and Rules, Part 3*, a minimum field strength of 3 mV/m is required to adequately serve a primary service area. Thus, the community of Campbell River would not be adequately served by the proposed FM station as indicated in the applicant's reply to the interventions.
17. The Commission's analysis of the map provided in the applicant's reply to the interventions reveals that the technical parameters used in creating that map do not reflect the Department's standardized parameters used in performing technical analysis. Had the applicant used the Department's standardized parameters, Campbell River would be included in the proposed FM station's 3 mV/m contour. However, the Commission notes that the information provided by the applicant in its reply to the interventions contradicts its argument that Campbell River would be within the proposed FM station's service area.
18. In light of these concerns, the Commission finds that, at this time, it does not have the technical information required to determine whether the proposed FM station would adequately serve CFWB's primary market, Campbell River. Accordingly, the Commission **denies** the application by Vista Radio Ltd. for a broadcasting licence to operate a new English-language, commercial FM radio programming undertaking in Campbell River to replace its AM station CFWB.
19. The Commission acknowledges the steps taken by the applicant to increase the local programming offered on CFWB. The Commission also notes CFWB's precarious financial situation and encourages the applicant to file another application proposing technical parameters that would allow the proposed FM station to fulfil CFWB's mandate, as originally licensed, to serve Campbell River.

Secretary General

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