



Broadcasting Decision CRTC 2008-349

Ottawa, 10 December 2008

Radio Rimouski inc.

Rimouski and Rivière-du-Loup, Quebec

*Application 2008-0993-1, received 17 July 2008
Broadcasting Public Notice CRTC 2008-72
19 August 2008*

CFYX-FM Rimouski – New transmitter in Rivière-du-Loup

*The Commission **approves** the application by Radio Rimouski inc. to amend the broadcasting licence of the radio station CFYX-FM Rimouski by adding a low-power transmitter in Rivière-du-Loup.*

The application

1. The Commission received an application by Radio Rimouski inc. (Radio Rimouski) to amend the broadcasting licence for the French-language commercial FM radio programming undertaking CFYX-FM Rimouski, Quebec, by adding a low-power FM transmitter in Rivière-du-Loup, Quebec. The transmitter would operate at 103.1 MHz (channel 276LP) with an average effective radiated power (ERP) of 13.3 watts.
2. The applicant stated that the new transmitter would allow it to better serve the population of Rivière-du-Loup, given that its station signal is weak in the area, and to compete with the Saguenay and Rimouski stations also heard in Rivière-du-Loup.
3. The Commission received an opposing intervention from La Radio Dégelis inc. (Radio Dégelis), which operates CFVD-FM Dégelis and its three transmitters in Cabano, Pohénégamok and Squatec, Quebec.¹ This intervention and the applicant's reply are available on the Commission's website at www.crtc.gc.ca, under "Public Proceedings".

¹ In Broadcasting Decision 2006-543, the Commission denied an application by Radio Dégelis to amend the licence of CFVD-FM by adding a transmitter in Rivière-du-Loup.

Commission's analysis and determinations

4. Having examined the application, the intervention and the applicant's reply to the intervention, the Commission considers that the major issues to be dealt with are as follows:
- Would approval of the application be consistent with the Commission's Common Ownership Policy?
 - Would CFYX-FM Rimouski's programming be of interest to listeners in Rivière-du-Loup?
 - Would approval of the application have a negative economic impact on the stations operating in the Rivière-du-Loup market?

Would approval of the application be consistent with the Commission's Common Ownership Policy?

5. The Commission notes that Radio Rimouski is a division of Groupe Radio Simard, which currently operates CIEL-FM and CIBM-FM Rivière-du-Loup, the only stations operating in that market. In its intervention, Radio Dégelis indicated that approval of the application would grant a third FM frequency to a single licensee in the same market. According to the intervener, this addition would not only give the licensee an advantage in the market but also contravene the Commission's Common Ownership Policy.
6. As established in Public Notice 1998-41 and reaffirmed in Broadcasting Public Notice 2008-4, the Commission's Common Ownership Policy permits a licensee in a market with fewer than eight commercial stations operating in a given language to own or control as many as three stations in that language, with a maximum of two stations in any one frequency band. Given that the applicant is proposing to add a transmitter in Rivière-du-Loup to rebroadcast programming originating from Rimouski, and not to operate a new station in that market, the Commission concludes that the applicant would continue to own two stations in Rivière-du-Loup, and that the approval of its application would be consistent with the Commission's Common Ownership Policy.

Would CFYX-FM Rimouski's programming be of interest to listeners in Rivière-du-Loup?

7. According to BBM Canada, the radio tuning share for the Rivière-du-Loup market in fall 2007 was divided among the Groupe Radio Simard stations (58%), stations from Rimouski (29%) and other out-of-market stations (13%). This demonstrates that listeners in Rivière-du-Loup have shown definite interest in programming originating from Rimouski.
8. CFYX-FM Rimouski offers a classic rock music format as well as sports and news programming from the Corus network. At the present time, neither station operating in Rivière-du-Loup offers the same programming. The Commission therefore considers that by operating the proposed transmitter, the applicant would bring a variety of programming to Rivière-du-Loup and could compete for a share of the current out-of-market tuning, especially tuning to Rimouski stations.

Would approval of the application have a negative economic impact on the stations operating in the Rivière-du-Loup market?

9. As set out in Public Notice 1999-137, a licensee must refrain from soliciting or accepting local advertising for broadcast during any broadcast week when less than one-third of the programming aired is local. Since the applicant did not propose to offer any local programming in Rivière-du-Loup, it will be prohibited from soliciting advertising in that market.
10. Consequently, and since Radio Rimouski is a division of Groupe Radio Simard, which operates the only two stations in Rivière-du-Loup, the Commission is of the view that the addition of the transmitter would not have a negative impact on the incumbent stations in that market.

Conclusion

11. In light of the above, the Commission **approves** the application by Radio Rimouski inc. to amend the broadcasting licence for the French-language commercial FM radio programming undertaking CFYX-FM Rimouski by adding a transmitter in Rivière-du-Loup. The transmitter will operate at 103.1 MHz (channel 276LP) with an average ERP of 13.3 watts.
12. The Department of Industry (the Department) has advised the Commission that, while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.
13. The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
14. The transmitter must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 11 December 2010. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.
15. Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission also reminds the licensee that it will have to select another frequency if the Department so requires.

Secretary General

Related documents

- *Diversity of voices* – Regulatory policy, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *CFVD-FM Dégelis* – New transmitter at Rivière-du-Loup, Broadcasting Decision CRTC 2006-543, 21 September 2006
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998

This decision is to be appended to the licence. It 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>.