



Broadcasting Decision CRTC 2012-640

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Ottawa, 22 November 2012

Instant Information Services Incorporated
Moncton, New Brunswick

Application 2011-1486-8

CIRM-FM Moncton – Technical change

*The Commission **denies** an application to amend the broadcasting licence for the English-language, low-power tourist information radio station CIRM-FM Moncton.*

The application

1. The Commission received an application by Instant Information Services Incorporated (IISI) to amend the broadcasting licence for the English-language, low-power tourist information radio programming undertaking CIRM-FM Moncton, New Brunswick, by changing the frequency from 90.1 MHz (channel 211LP) to 96.3 MHz (channel 242A1) and increasing the average effective radiated power (ERP) from 22.4 to 250 watts. All other technical parameters would remain unchanged. The Commission did not receive any interventions regarding this application.
2. IISI stated that it wished to change its station's status from that of an unprotected, low-power station to that of a Class A protected station. The licensee added that this amendment was necessary to cover the entire population of Greater Moncton as per its original application for a tourist station and to ensure the station's viability. Specifically, it indicated that the signal's coverage must be increased in order to secure municipal government financial support and private business advertising revenue and for the station to be designated as the emergency broadcaster for the City of Moncton.

Commission's analysis

3. The Commission notes that CIRM-FM is currently licensed as a low-power unprotected FM service and that approval of the present application would change its operating class to that of a service that has protected status under the Department of

Industry's rules.¹ The Commission further notes that it denied a similar application by IISI in Broadcasting Decision 2011-568.

4. The technical changes requested in the current application would result in an increase in the population served from 2,136 to 21,988 in the 3 mV/m contour and from 23,293 to 118,538 in the 0.5 mV/m contour.
5. Additionally, the Commission notes that the service contours proposed by the applicant would exceed the boundaries of the City of Moncton, extending further than the Moncton Census Agglomeration, thereby effectively transforming CIRM-FM into a regional service, while the original mandate of CIRM-FM was to serve Moncton with a low-power tourist information station. The 2011 census conducted by Statistics Canada indicates the City of Moncton's population to be approximately 69,074.
6. The Commission expects a licensee that applies to change the operating class of its low-power radio station to present compelling evidence that the authorized low-power technical parameters are not adequate to provide the service as originally proposed. In the present case, the Commission finds that the licensee has not presented any compelling technical need for its request to change its frequency and increase its power. The Commission also finds that the licensee has not provided sufficient economic evidence to justify its technical amendment request. In this respect, the Commission notes that the station's revenues were modest yet profitable in the 2010-2011 broadcast year. Accordingly, as presented and in the absence of sufficient evidence from the applicant, the Commission is not convinced that a change in the station's technical parameters is warranted to assist it in fulfilling its mandate as originally licensed.
7. Finally, in regard to the comparison made by the applicant with the approval of a similar application for a power increase in Broadcasting Decision 2008-50, the Commission notes that the circumstances under which it granted that approval were different from those relating to the current application. Specifically, that decision was made prior to the Commission's determinations in Broadcasting Order 2009-340 and Broadcasting Decision 2011-438 relating to the implementation of a National Public Alerting System. In Broadcasting Decision 2011-438, the Commission reiterated its expectation that all radio and television broadcasters and BDUs participate in the National Public Alerting System and reminded all licensees that they have a duty to inform the public of imminent perils. As the effectiveness of public alerting increases with the number of participating broadcasters, the Commission is of the view that it is inappropriate for any given broadcaster to act as the designated emergency broadcaster. Accordingly, the Commission considers that the applicant's proposal to serve as the emergency broadcaster for the City of Moncton does not justify approval of its application.

¹ BPR-3 – Application Procedures and Rules for FM Broadcasting Undertaking : <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01153.html>

Non-compliance

8. The Commission notes that section 9(2) of the *Radio Regulations, 1986* (the Regulations) provides that on or before 30 November of each year, a licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the broadcast year ending the previous 31 August.
9. The Commission notes that CIRM-FM's annual return for 2009-2010 broadcast year was submitted on 26 September 2011 or almost 10 months after the deadline, while the station's annual returns for the 2007-2008 and 2008-2009 broadcast years were not submitted.
10. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach for dealing with non-compliance by radio stations. In particular, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission further indicated that it would also consider the circumstances leading to the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
11. The Commission considers that the non-compliance of the licensee is closely linked to its amendment application. While the licensee has mentioned a demonstrated financial problem, it has not respected the deadlines that the Commission has clearly established with respect to the submission of annual returns.
12. Further, the Commission advises the licensee that the non-compliance will be considered at the time of the renewal of its licence. The Commission will therefore review the circumstances that led to the non-compliance in question, the licensee's arguments and the measures taken to rectify the situation.
13. In the meantime, the Commission requests that the licensee submit the missing annual returns for the 2007-2008 and 2008-2009 broadcast years within 30 days of the date of this decision.

Conclusion

14. In light of all of the above, the Commission **denies** the application by Instant Information Services Incorporated to amend the broadcasting licence for the English-language, low-power tourist information radio programming undertaking CIRM-FM Moncton, New Brunswick, by changing the frequency from 90.1 MHz (channel 211LP) to 96.3 MHz (channel 242A1) and increasing the average ERP from 22.4 to 250 watts.

Secretary General

Related documents

- *CIRM-FM Moncton – Technical change*, Broadcasting Decision CRTC 2011-568, 2 September 2011
- *The Weather Network/Météomédia – Licence renewal and extension of the mandatory distribution of the service*, Broadcasting Decision CRTC 2011-438, 22 July 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Mandatory distribution order for The Weather Network and Météomédia*, Broadcasting Order CRTC 2009-340, 11 June 2009
- *CIRH-FM Halifax – Technical changes*, Broadcasting Decision CRTC 2008-50, 28 February 2008