



## Broadcasting Decision CRTC 2013-238

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Route reference: 2011-354

Ottawa, 10 May 2013

**Blackburn Radio Inc.**  
Wingham, Ontario

*Application 2010-1622-0, received 1 November 2010*

### **CKNX Wingham – New transmitter in Wingham**

*The Commission **denies** the application by Blackburn Radio Inc. (Blackburn) to amend the broadcasting licence for its English-language AM radio station CKNX Wingham to add an FM transmitter in Wingham, Ontario to broadcast the programming of CKNX. The Commission finds that approval of Blackburn’s request would be equivalent to granting it a third FM radio station in the Wingham radio market, which would be inconsistent with the Common Ownership Policy for radio. It further finds that the licensee has not provided sufficient justification to warrant an exception to the Common Ownership Policy.*

#### **The application**

1. Blackburn Radio Inc. (Blackburn) filed an application to add an FM transmitter in Wingham, Ontario to broadcast the programming of the English-language AM radio station CKNX Wingham. The new transmitter would operate at 104.3 MHz (channel 282A) with an effective radiated power of 3,000 watts (non-directional antenna with an effective height of antenna above average terrain of 69 metres).
2. According to Blackburn, the addition of the FM transmitter would improve service to listeners of CKNX. The licensee noted that the new transmitter would improve coverage at night and in areas that are the most affected by interference in CKNX’s current licensed service area.
3. The Commission received an intervention in support of this application, as well as an intervention offering general comments from Bayshore Broadcasting Corporation (Bayshore), to which Blackburn replied. The public record for this application can be found on the Commission’s website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under “Public Proceedings.”

#### **Commission’s analysis and decisions**

4. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:

- Would authorizing the proposed FM transmitter be consistent with the Commission's Common Ownership Policy for radio?
- If not, should the Commission grant Blackburn an exception to the Common Ownership Policy?

**Would authorizing the proposed FM transmitter be consistent with the Commission's Common Ownership Policy for radio?**

5. The Commission's Common Ownership Policy for radio (see Public Notice 1998-41) sets out many objectives, including preserving the availability of distinct news voices in a community and ensuring true competition and format diversity. Restricting the ownership of stations in a given market continues to be one of the Commission's most effective tools to ensure that a diversity of voices exists in a community.
6. The Common Ownership Policy establishes that in markets with less than eight commercial stations operating in a given language, a person may be permitted to own or control as many as three stations operating in that language, with a maximum of two stations in any one frequency band. In markets with eight or more commercial stations operating in a given language, a person may be permitted to own or control as many as two AM and two FM stations in that language. The Commission maintained this approach in its most recent policy for commercial radio (Broadcasting Public Notice 2006-158), as well as in its policy on diversity of voices (Broadcasting Public Notice 2008-4).
7. Three radio stations currently serve the Wingham market: CIBU-FM, CKNX-FM and the AM station CKNX. All three stations are owned and operated by Blackburn. The licensee submitted that the purpose of its application was neither to expand CKNX's licensed service area, nor to provide its station with a competitive advantage.
8. In its intervention, Bayshore stated that it is inclined to support Blackburn's application. It argued that the Commission's Common Ownership Policy should not apply in the present case as the proposed FM transmitter would only be an enhancement to an existing AM service.
9. However, the Commission must consider this application in light of the revised guidelines for the application of the Common Ownership Policy, which are set out in Broadcasting Information Bulletin 2010-341. As noted in that information bulletin, in the case of an AM radio station, the *Radio Regulations, 1986* define "market" as the "AM daytime 15 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM), whichever is smaller." As a radio station originating in Wingham, CKNX is part of the Wingham Central BBM market. However, in accordance with the above-noted definition, the Commission considers that this station's primary market is its daytime 15 mV/m contour, as this area is smaller than its BBM market. Given that the proposed FM transmitter would encompass a significant portion of CKNX's primary market, the Commission is concerned that the transmitter could end up migrating a significant portion of the listening audience

located within that contour, and that CKNX could consequently become a *de facto* FM service and be promoted as such.

10. In the Commission's view, approval of the application would be inconsistent with the Common Ownership Policy as it would be equivalent to granting a third FM radio station to Blackburn in the market, one more than the policy allows.

**Should the Commission grant Blackburn an exception to the Common Ownership Policy?**

11. In its revised guidelines for the application of the Common Ownership Policy, the Commission noted that it had granted rare exceptions to that policy where the survival of a radio station has been in serious doubt due to adverse economic circumstances. It further stated that it may permit exceptions to address severe technical limitations.

***Adverse economic circumstances***

12. The Commission notes that Blackburn did not file its application on the basis of economic need. Further, CKNX is a profitable radio station, with sustained revenues and a strong audience share. The Commission therefore concludes that there are no compelling adverse economic circumstances to justify an exception to the Common Ownership Policy.

***Technical limitations***

13. Blackburn provided engineering studies as well as letters in support of its application that noted problems in receiving the station's signal. The Commission notes, however, that a number of listeners experiencing reception issues are located within or near the edge of CKNX's secondary daytime service area (i.e., the 5 mV/m contour). Further, based on the engineering studies submitted by the licensee, the Commission notes that the AM station is operating as designed and that reception issues result primarily from increased ambient noise.
14. The Commission considers that reception issues in an AM radio station's secondary service area are to be expected due to the nature and variability of AM signal propagation. It notes that all AM signals are sensitive to electromagnetic interference, such as that caused by electronic apparatus and power lines, and that ambient noise caused by such interference is increasingly affecting all AM radio stations. While Blackburn has provided sufficient evidence to demonstrate that CKNX suffers from legitimate reception issues, the Commission finds that the licensee has not provided evidence to demonstrate that its technical limitations are severe or that it is subject to more interference than other AM stations.
15. Consequently, Blackburn has not demonstrated technical limitations that would justify an exception to the Common Ownership Policy.

## Conclusion

16. In light of all of the above, the Commission **denies** the application by Blackburn Radio Inc. to amend the broadcasting licence for the English-language AM radio programming undertaking CKNX Wingham to add an FM transmitter in Wingham to broadcast the programming of CKNX.

Secretary General

## Related documents

- *Revised guidelines for the application of the Common Ownership Policy for Radio*, Broadcasting Information Bulletin CRTC 2010-341, 4 June 2010
- *Diversity of voices*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998