



## Broadcasting Decision CRTC 2013-641

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Route reference: 2012-475

Ottawa, 29 November 2013

**Cogeco Diffusion Acquisitions inc.**  
Montréal, Quebec

*Application 2012-0441-1, received 5 April 2012  
Public hearing in the National Capital Region  
7 November 2012*

### **CKBE-FM Montréal – Technical change**

*The Commission **approves** an application by Cogeco Diffusion Acquisitions inc. to change the authorized contours of the English-language radio station CKBE-FM Montréal by increasing the effective radiated power to 100,000 watts and the effective height of the antenna above average terrain to 298.9 metres.*

#### **The application**

1. The Commission received an application by Cogeco Diffusion Acquisitions inc. (Cogeco) to change the authorized contours of the English-language radio station CKBE-FM Montréal by increasing the effective radiated power (ERP) from 44,100 to 100,000 watts and the effective height of the antenna above average terrain from 297.4 to 298.9 metres. The other technical parameters would remain unchanged.
2. In its application, Cogeco stated that the Department of Industry (the Department) has lifted the moratorium on power increases for FM stations using the Mont Royal transmission tower. As of result, Cogeco proposed to increase the ERP to the maximum allowed for its class.

#### **Interventions and reply**

3. The Commission received an intervention in opposition to the application from RNC MEDIA Inc. (RNC), licensee of the French-language radio station CKLX-FM Montréal. CKLX-FM is third adjacent to CKBE-FM. RNC expressed concern over the increased interference its listeners may experience in the vicinity of the CKBE-FM transmitter. In its intervention, RNC also noted that Cogeco had not identified a technical or economic need for the proposed power increase.
4. In its reply to the intervention, Cogeco argued that when CKLX-FM was licensed, it had accepted the possibility of CKBE-FM operating at maximum parameters. However, in its

reply, Cogeco indicated that it would be willing to address any specific cases of interference identified by RNC.

### **Commission's analysis and decision**

5. When a licensee files an application to change its technical parameters, the Commission expects the licensee to present compelling economic or technical evidence that its existing technical parameters are not adequate to provide the service as originally proposed. In the present case, Cogeco did not cite any technical impediment or economic need to justify the proposed power increase. Instead, it stated that the purpose of the application is to take advantage of the Department's decision to lift the moratorium on power increases for FM stations using the Mont Royal transmission tower. Accordingly, the Commission does not consider it appropriate to assess the present application on the basis of economic or technical need.
6. Rather, after examining the public record for this application, the Commission considers that the issues it must address are the following:
  - whether the particular circumstances of the Montréal radio market warrants a different approach; and
  - whether the proposed technical changes would have an impact on other stations in the market.

### **Particular circumstances of the Montréal radio market**

7. In *CHMP-FM Longueuil – Technical change*, Broadcasting Decision CRTC 2013-640, 29 November 2013, the Commission approved a similar application made by Cogeco for its station CHMP-FM Longueuil. In that decision, the Commission stated that far fewer Class C1 and Class C stations operate at their maximum allowable technical parameters in Montréal than in other large markets in Canada and that this is possibly due to the moratorium. It further noted that no moratorium on power increases has been imposed on other transmission sites in Canada. The Commission stated that in light of those factors, a different approach in this market would be appropriate.

### **Impact on other stations in the market**

8. In its intervention, RNC raised the issue of potential interference with its station CKLX-FM. The Commission notes that RNC had previously accepted the risk of potential interference if CKBE-FM were to operate at the maximum parameters allowed for its class. In this respect, the Commission is of the view that the interference would be mitigated by the fact that CKLX-FM operates on a frequency that is third adjacent to CKBE-FM (i.e., three channels away from each other on the FM band) and by Cogeco's commitment to addressing any specific cases of interference that are identified by RNC.
9. Given that CKBE-FM is an incumbent station, and given the nature of the amendment, the Commission considers that the proposed amendment would not have an undue impact on other stations in the market.

## Conclusion

10. In light of the above, the Commission **approves** the application by Cogeco Diffusion Acquisitions inc. to change the authorized contours of the English-language radio programming undertaking CKBE-FM Montréal by increasing the effective radiated power from 44,100 to 100,000 watts and by increasing the effective height of the antenna above average terrain from 297.4 to 298.9 metres.

Secretary General

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