



Broadcasting Decision CRTC 2014-161

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Route reference: Part 1 applications posted on 8 December 2011 and 15 March 2012

Ottawa, 3 April 2014

Five Amigos Broadcasting Inc.
Wallaceburg, Ontario

Application 2011-1555-1

Student Media, University of Windsor
Windsor, Ontario

Application 2012-0312-4

CKXS-FM Wallaceburg and CJAM-FM Windsor – Technical changes

*The Commission **approves** an application by Five Amigos Broadcasting Inc. (Five Amigos) to change the authorized contours of CKXS-FM Wallaceburg.*

*In light of the Commission's decision to approve the Five Amigos application, the Commission also **approves** an application by Student Media, University of Windsor to change the authorized contours of CJAM-FM Windsor.*

The applications

1. Five Amigos Broadcasting Inc. (Five Amigos) filed an application to change the authorized contours of the English-language commercial radio station CKXS-FM Wallaceburg by increasing the average effective radiated power (ERP) from 655 to 1,100 watts (directional antenna with a maximum ERP increasing from 1,150 to 3,000 watts) and the effective height of antenna above average terrain (EHAAT) from 55.5 to 86.5 metres.
2. Five Amigos stated that the purpose of the technical change was to correct certain signal-deficiency issues and improve the signal within the station's primary contour. Given that its proposal would cause additional interference to Student Media, University of Windsor's (Student Media) station CJAM-FM Windsor, which also operates at 99.1 MHz, Five Amigos agreed to not oppose a future power increase by Student Media to mitigate the additional interference generated.
3. Consequently, following the application by Five Amigos, Student Media also filed an application to change the authorized contours of the English-language community-based campus radio station CJAM-FM Windsor by changing the antenna's radiation pattern from non-directional to directional and by increasing the average ERP from 456 to 1,007 watts (maximum ERP increasing from 456 to 2,084 watts) and the EHAAT from

49.5 to 51 metres. The Student Media application was contingent on approval of the Five Amigos application.

4. Given the nature of these applications, the Commission has examined the two applications jointly. The public record for each application can be found on the Commission's website at www.crtc.gc.ca under "Public proceedings."

Interventions

CKXS-FM Wallaceburg

5. The Commission received comments from the National Campus and Community Radio Association, Student Media and an individual. The Commission also received interventions in support of this application, as well as an opposing intervention from Blackburn Radio Inc. (Blackburn), licensee of the commercial radio stations CFCO, CKSY-FM and CKUE-FM Chatham.
6. Blackburn submitted that if Five Amigos wished to provide a better service to Wallaceburg, it should operate an antenna that provides a stronger signal from east to west rather than one that is accentuated to the south. It added that the proposed coverage area would transform CKXS-FM into a Chatham-Kent station and that some of the complaint letters provided by Five Amigos to support the application were made by listeners residing outside of the station's authorized contours.
7. Five Amigos replied that it could not improve coverage to the west due to limitations imposed to protect other stations and that only limited improvements could be made in other directions for similar reasons. It added that its application was based on the most effective use of its channel.

CJAM-FM Windsor

8. The Commission received interventions in support of this application and an opposing intervention from an individual in the United States, to which the applicant did not reply.
9. The intervener submitted that the proposed contours would cause interference to stations in Michigan and Ohio. However, the Department of Industry (the Department) confirmed that the application was conditionally technically acceptable, and the Commission has not received any objections to the proposed changes from the Federal Communications Commission.

Commission's analysis and decisions

10. After examining the public record for these applications in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:
 - whether the licensee has demonstrated a compelling economic or technical need for the proposed changes;
 - whether the proposed changes make appropriate use of the radio spectrum; and

- whether approval of the application would have any undue financial impact on incumbent radio stations.

Compelling economic or technical need for the proposed changes

11. When a licensee of a radio station files an application for a change to that station's authorized technical parameters, the Commission expects it to present compelling economic or technical evidence that the existing technical parameters are not adequate to provide the service as originally proposed.
12. To alleviate many of the co-channel interference issues that it had experienced over its primary market, Five Amigos submitted that it would install an antenna using a circular polarization pattern with the proposed tower and height. In support of its application, the licensee also provided coverage maps of CKXS-FM demonstrating that Wallaceburg is not fully enclosed in the station's primary contour.
13. The Commission is of the view that CKXS-FM's existing parameters may not be adequate to allow it to fully serve its market and that the licensee's proposed changes would improve the station's coverage to the west toward Wallaceburg, to the east toward Dresden, as well as to the south toward Chatham.
14. Student Media submitted that the technical changes to CJAM-FM were required to mitigate additional interference from CKXS-FM and maintain the same interference-free zones while improving its signal quality. In support of its application, Student Media provided an engineering brief describing how the proposed changes would counter-balance additional interference generated by CKXS-FM.
15. In light of the above, the Commission finds that CKXS-FM and CJAM-FM have both demonstrated a compelling technical need for the proposed changes.

Use of spectrum

16. After examining the applications, the Commission considers that the licensees' proposals would not result in additional interference to other stations and that they make maximum permissible use of frequency 99.1 MHz. The Commission therefore finds that the licensees' proposals make appropriate use of the FM radio spectrum.

Financial impact on incumbent radio stations

17. The Commission notes that the additional coverage in the Chatham service area would not be part of CKXS-FM's primary contour and that the station's coverage of this community in its secondary contour would be affected by interference from the incumbent stations. As such, the Commission is of the view that CKXS-FM would have limited capacity in generating any significant amount of advertising revenues from Chatham. Accordingly, the Commission finds that approval of CKXS-FM's proposed changes would not have any significant financial impact on the incumbent radio stations operated by Blackburn.

Conclusion

18. In light of all of the above, the Commission **approves** the application by Five Amigos Broadcasting Inc. to change the authorized contours of the English-language commercial radio programming undertaking CKXS-FM Wallaceburg by increasing the average ERP from 655 to 1,100 watts (directional antenna with a maximum ERP increasing from 1,150 to 3,000 watts) and the EHAAT from 55.5 to 86.5 metres.
19. Given that Student Media's application is based primarily on the increased interference that would be received if Five Amigos' application were approved, the Commission also **approves** the application by Student Media, University of Windsor to change the authorized contours of the English-language community-based campus radio programming undertaking CJAM-FM Windsor by changing the antenna's radiation pattern from non-directional to directional and by increasing the average ERP from 456 to 1,007 watts (maximum ERP increasing from 456 to 2,084 watts) and the EHAAT from 49.5 to 51 metres.

Secretary General

** This decision is to be appended to each licence.*