



Broadcasting Decision CRTC 2015-10

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Route reference: Part 1 application posted on 21 July 2014

Ottawa, 15 January 2015

Bayshore Broadcasting Corporation

Wasaga Beach, Ontario

Application 2014-0640-6

CHGB-FM Wasaga Beach – Technical changes

*The Commission **approves** the application by Bayshore Broadcasting Corporation to change the authorized contours of its English-language commercial radio station CHGB-FM Wasaga Beach.*

The changes will improve the quality of the signal that CHGB-FM provides to Wasaga Beach residents.

Application

1. Bayshore Broadcasting Corporation (Bayshore) filed an application to change the authorized contours of the English-language commercial radio station CHGB-FM Wasaga Beach, Ontario, by increasing its average effective radiated power (ERP) from 200 to 700 watts (maximum ERP from 347 to 700 watts) and changing the antenna's radiation pattern from directional to non-directional. All other technical parameters would remain unchanged.
2. Bayshore submitted that the amendments were necessary to address deficiencies in CHGB-FM's signal and to improve the station's financial position.
3. In *CKCB-FM Collingwood and CHGB-FM Wasaga Beach – Technical changes*, Broadcasting Decision CRTC 2014-10, 14 January 2014 (Broadcasting Decision 2014-10), the Commission denied an application by Bayshore to change the authorized contours of CHGB-FM by increasing the station's average ERP from 200 to 20,000 watts (maximum ERP from 347 to 75,000 watts), changing the class of the station from A to C1, increasing the effective height of antenna above average terrain from 100 to 125 metres, and making a minor correction to the transmission site coordinates. In the same decision the Commission also denied an application for technical changes by another area licensee in part because it considered that it would change Collingwood and Wasaga Beach from separate radio markets to a single regional market.

4. With respect to the application for CHGB-FM, the Commission stated that Bayshore had demonstrated a compelling technical and economic need for a technical change and encouraged it to file a new proposal that would address its needs while not expanding the contours of the station beyond the market it was licensed to serve.

Interventions and applicant's reply

5. The Commission received a joint intervention in support of the application by Dufferin Communications Inc. and Corus Entertainment Inc. (Dufferin/Corus). Dufferin is the licensee of CJGB-FM Meaford. Corus owns 591991 B.C. Ltd., the licensee of CKCB-FM Collingwood. The Commission also received an intervention commenting on the application from Rogers Broadcasting Ltd. (Rogers), to which Bayshore replied. The public record for this application can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.
6. Dufferin/Corus submitted that approval of Bayshore's application would be consistent with Broadcasting Decision 2014-10 and serve the public interest. They argued that there is bound to be some signal overlap in congested markets and that listeners in Wasaga Beach, Collingwood and Meaford should be able to receive the service of their local station as they travel from home to work.
7. Rogers noted that Bayshore had submitted a map of the proposed contours for CHGB-FM but did not include a full technical brief. Rogers urged the Commission to defer its decision until Bayshore had filed a full technical brief so that Rogers could assess the full impact of Bayshore's proposed changes on its own stations. Rogers stated that this would allow Bayshore to demonstrate to the Commission that it has compelling technical evidence that its current technical parameters are not adequate to provide the service as originally proposed.
8. In reply to Rogers, Bayshore stated that:
 - it had submitted all of the required information for its application for technical amendments;
 - Rogers has no radio stations that would be affected by the proposed changes to CHGB-FM; and
 - in Broadcasting Decision 2014-10, the Commission had determined that there was compelling technical and economic evidence that CHGB-FM's current technical parameters were not adequate.

Commission's analysis and decisions

9. When a licensee files an application to change its authorized contours, the Commission expects the licensee to present compelling technical or economic evidence that its existing technical parameters are not adequate to provide the service

as originally proposed. In light of this expectation, the information provided in the application and the concerns raised by the interveners, the Commission considers that the issues to be addressed are as follows:

- Did the applicant demonstrate a compelling technical need for the proposed amendment?
- Did the applicant propose an appropriate technical solution?
- Did the applicant demonstrate a compelling economic need for the proposed amendment?
- Would approval result in an undue negative financial impact on other radio stations?

Technical need

10. With respect to the intervention by Rogers, the Commission notes that while submission of a technical brief to the Department of Industry is mandatory, the submission of such a brief to the Commission is optional. In this case, the Commission finds that the submissions made by Bayshore are sufficient for it to make a decision on the technical aspects of this application.
11. To demonstrate the technical need for the proposed changes, Bayshore submitted a field strength measurement study relating to the reception of CHGB-FM, as well as letters from area businesses and residents identifying reception issues within the Municipality of Wasaga Beach and expressing support for the application. The applicant also provided a map showing that CHGB-FM's primary (3 mV/m) service contour does not fully encompass CHGB-FM's licensed service area. After examining the licensee's submissions, the Commission considers that there are legitimate difficulties with respect to the reception of CHGB-FM in Wasaga Beach. Accordingly, the Commission is of the view that the applicant has demonstrated a compelling technical need to improve the service that CHGB-FM provides in its licensed area.

Technical solution

12. In Broadcasting Decision 2014-10, the Commission concluded that the licensee's former proposal far exceeded what was necessary to improve service in Wasaga Beach and that the requested technical changes did not constitute an appropriate solution for CHGB-FM's signal deficiencies.
13. The contours proposed in the current application are smaller than those proposed in the previous application. The proposed primary service contour encompasses Wasaga Beach, the market that CHGB-FM is licensed to serve, while not reaching adjacent markets. The Commission therefore considers that Bayshore has proposed an appropriate technical solution for CHGB-FM's signal difficulties.

Economic need

14. CHGB-FM has struggled financially since it began operations in 2007. According to the applicant, the station's financial challenges are due to its signal deficiencies. If the application is denied, the applicant projects that CHGB-FM would remain unprofitable for the next three years. The Commission considers that Bayshore has demonstrated a compelling economic need for the proposed changes, and that approval of the application would contribute to the viability of CHGB-FM.

Impact on other stations

15. The proposed primary contour would fully encompass only Wasaga Beach. As a result, the number of additional people that would be able to receive the station as well as the incremental revenues are modest. Furthermore, no area stations intervened in opposition to the application. The Commission therefore considers that approval of the application would not have an undue negative impact on other stations in the area.

Conclusion

16. The Commission considers that Bayshore has demonstrated a compelling technical and economic need to improve CHGB-FM's signal for Wasaga Beach listeners. It further considers that Bayshore has proposed an appropriate technical solution and that approval of the application would not have an undue negative impact on other area radio stations.
17. In light of all of the above, the Commission **approves** the application by Bayshore Broadcasting Corporation to change the authorized contours of the English-language commercial radio programming undertaking CHGB-FM Wasaga Beach, Ontario, by increasing its average ERP from 200 to 700 watts (maximum ERP from 347 to 700 watts) and changing the antenna's radiation pattern from directional to non-directional. All other technical parameters will remain unchanged.
18. The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry confirms that its technical requirements have been met and that a broadcasting certificate will be issued.

Secretary General