



## Broadcasting Decision CRTC 2016-372

PDF version

Reference: Part 1 application posted on 13 January 2016

Ottawa, 12 September 2016

**Radio Markham York Incorporated**  
Markham, Ontario

*Application 2016-0006-5*

### **CFMS-FM Markham – Technical changes**

*The Commission **denies** an application to change the authorized contours of the commercial radio station CFMS-FM Markham.*

#### **Application**

1. Radio Markham York Incorporated (Radio Markham) filed an application to change the authorized contours of the commercial radio station CFMS-FM Markham by relocating its transmitter, increasing the effective height of the antenna above average terrain from 9.1 to 50.6 metres and decreasing the average effective radiated power (ERP) from 981 to 379 watts (maximum ERP from 2,500 to 1,300 watts). The Commission did not receive any interventions regarding this application.
2. Radio Markham stated that these changes were necessary to improve CFMS-FM's signal within its authorized coverage area. According to the licensee, the station has experienced poor coverage in most of its service area since launching and a previous technical change to improve the quality of its signal has not yielded maximum benefit. Radio Markham added that the requested technical changes would also improve issues with CFMS-FM's digital HD Radio signal.

#### **Commission's analysis**

3. When a licensee files an application to change its authorized contours, the Commission expects it to demonstrate a compelling technical or economic need justifying the proposed technical changes. In light of this expectation and the information provided in the application, the Commission considers that the issues to be addressed are as follows:
  - Did the applicant demonstrate a compelling technical need for the proposed changes?
  - Would approval of the application compromise the integrity of the Commission's licensing process?

## Technical need

4. Radio Markham stated that interference from other stations is affecting the quality and coverage of CFMS-FM's analog and digital signals. In support of its application, the licensee provided a sample of complaints from listeners describing signal reception problems in certain areas.
5. The Commission considers that Radio Markham did not provide sufficient technical evidence to demonstrate that these technical issues extend beyond what should have been reasonably expected with the use of its frequency (105.9 MHz) in Markham or that its current signal is not adequate to provide service to Markham.
6. Finally, with regard to Radio Markham's concern for its HD Radio signal quality issues, while the Commission is supportive of efforts to experiment with HD Radio, it is of the view that such efforts do not justify an increase to the service area of a station's main analog signal.
7. In light of the above, the Commission finds that Radio Markham did not demonstrate a compelling technical need justifying the proposed technical changes.

## Integrity of the licensing process

8. The broadcasting licence for CFMS-FM was granted in Broadcasting Decision 2012-487 following a competitive hearing to consider various applications to operate new radio services in Markham and Toronto. As proposed by the applicant, this licence was granted for the station to serve Markham. Specifically, while noting that the station would provide local coverage to Richmond Hill and Vaughan, the applicant indicated that the station's principal marketing activities would be directed towards Markham. Accordingly, in the Commission's view, any technical changes to improve the quality of the station's signal should ensure that primary service to Markham is maintained to avoid undermining the integrity of the licensing process.
9. In its current application, Radio Markham proposed to relocate CFMS-FM's transmitter from Markham to a site approximately 5 kilometres west in Richmond Hill. This would result in increased coverage in the Richmond Hill and Vaughan areas, but a decrease in the station's overall coverage in Markham.
10. In the Commission's view, these changes would undermine the integrity of the Commission's licensing process by reducing the station's service to Markham, the principal area that the station was licensed to serve.

## Conclusion

11. In light of all of the above, the Commission **denies** the application by Radio Markham York Incorporated to change the authorized contours of the commercial radio programming undertaking CFMS-FM Markham.

Secretary General

**Related documents**

- *CFMS-FM Markham – Technical change*, Broadcasting Decision CRTC 2015-147, 16 April 2015
- *Licensing of new radio stations to serve Markham*, Broadcasting Decision CRTC 2012-487, 11 September 2012