



Broadcasting Decision CRTC 2018-371

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Reference: Part 1 application posted on 20 March 2018

Ottawa, 25 September 2018

Durham Radio Inc.
Haldimand County, Ontario

Public record for this application: 2018-0133-2

CHTG-FM Haldimand County – Licence amendment

*The Commission **approves** an application by Durham Radio Inc. to amend the broadcasting licence for CHTG-FM Haldimand County by deleting condition of licence 4 requiring it to refrain from soliciting local advertising in Brantford and in the Town of Simcoe.*

Application

1. The Commission received an application from Durham Radio Inc. (Durham) to amend the broadcasting licence for the English-language commercial radio station CHTG-FM¹ Haldimand County, Ontario, by deleting condition of licence 4 regarding the solicitation of local advertising set out in *CKJN-FM Haldimand County – Acquisition of assets, licence amendment and technical changes*, Broadcasting Decision CRTC 2016-258, 8 July 2016.
2. Condition of licence 4 for CHTG-FM reads as follows:

The licensee shall refrain from soliciting local advertising in Brantford and in the Town of Simcoe, Ontario.
3. Durham stated that its application had been prompted by the Commission's approval of an application by My Broadcasting Corporation (MBC) for a second FM station in the Town of Simcoe. Durham noted that the Commission had not imposed a condition of the licence on the new MBC station prohibiting it from soliciting advertising in Haldimand County.
4. Durham added that this condition of licence was imposed in the original licensing decision to protect adjoining markets. Since then, the station has moved to a different frequency with different technical parameters. Durham submitted that the station's current primary signal does not cover either Norfolk or Brant Counties, which include the Town of Simcoe and Brantford, respectively.

¹ Formerly known as CKJN-FM.

Interventions and reply

5. The Commission received interventions opposing this application from Dufferin Communications Inc. (Dufferin) and MBC.
6. Dufferin operates CKPC, CKPC-FM and CFWC-FM Brantford. Dufferin submitted that there was no compelling need for the proposed amendment, and that approval would have an undue negative financial impact on incumbent stations. More specifically, Dufferin argued that allowing an out of market station to poach Brantford advertisers would have a direct and significant negative impact on the revenues of CKPC-FM, which would, in turn, necessitate programming cuts to CKPC and CFWC-FM.
7. MBC operates CHCD-FM and CKNC-FM Simcoe. MBC submitted that the condition of licence on solicitation of advertising was imposed to protect neighbouring stations following a competitive licensing process. It was concerned that deletion of that condition would have a direct impact on MBC's two Simcoe stations since the only reason Durham would want to delete the condition of licence would be to generate sales in markets that it is currently not allowed to enter. MBC further argued that the Commission had already made significant concessions when Durham purchased the station, including a decrease in the required minimum level of Canadian musical selections and a change in the station's primary contours, which increased coverage of the City of Hamilton.
8. In its reply, Durham submitted that the condition of licence was imposed based on concerns about the original technical contours of the station, which were never implemented and have since been changed. It noted that CHTG-FM's current 3mV/m contour does not enclose the Town of Simcoe or the City of Brantford or their respective counties.
9. Durham further submitted that MBC and Durham do not have any competing local commercial stations in the markets they serve. It added that Durham has a condition of licence restricting CHTG-FM's ability to solicit advertising beyond its licenced market while MBC and Dufferin do not.

Commission's analysis and decisions

10. The Commission has examined the public record for this application in light of applicable policies and regulations. It acknowledges Durham's argument that it is subject to a condition of licence to which MBC is not subject with respect to solicitation of advertising.
11. The Commission notes that CHTG-FM's 3mV/m contour, which defines the station's market, falls predominantly within Haldimand County and does not encompass Brantford or the Town of Simcoe. If condition of licence 4 were deleted, CHTG-FM's coverage and licensed area would limit its sales activities within those two adjacent markets. Further, since Dufferin and MBC operate the only commercial stations in Brantford and Simcoe, respectively, deletion of the condition of licence should not change the competitive situation within those markets.
12. The Commission therefore finds that deletion of condition of licence 4 would not have an undue negative impact on incumbent stations serving Brantford and the Town of Simcoe.

Conclusion

13. In light of all of the above, the Commission **approves** Durham Radio Inc.'s application to amend the broadcasting licence for the English-language commercial radio programming undertaking CHTG-FM Haldimand County by deleting condition of licence 4 regarding the solicitation of advertising.

Secretary General

This decision is to be appended to the licence.