



## Broadcasting Decision CRTC 2018-385

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Reference: Part 1 application posted on 18 May 2018

Ottawa, 3 October 2018

**Radio Humsafar Inc.**  
Brampton, Ontario

*Public record for this application: 2018-0283-5*

### **Ethnic commercial AM radio station – Technical changes**

*The Commission **denies** an application to change the authorized contours of the applicant's unlaunched ethnic commercial AM radio station in Brampton, Ontario.*

#### **Background**

1. In *Licensing of new radio stations to serve Brampton*, Broadcasting Decision CRTC 2015-471, 21 October 2015, the Commission approved an application by Radio Humsafar Inc. (Radio Humsafar) for a broadcasting licence to operate a new ethnic commercial AM radio station to serve Brampton, Ontario. As set out in that decision, the new station would operate at 1350 kHz with a daytime transmitter power of 1,000 watts and a nighttime transmitter power of 45 watts (non-directional antenna). The Commission found that of the proposals received, that of Radio Humsafar best met the needs of the Brampton radio market.
2. In a letter decision dated 7 December 2016, the Commission approved an application by Radio Humsafar to change the technical parameters of the unlaunched station's transmitter by relocating the transmitter site, changing the station's service contours and decreasing the nighttime transmitter power from 45 to 40 watts. In that application, Radio Humsafar indicated that the originally approved transmitter site was no longer a viable option and that it had carefully selected a new site located in Brampton in close proximity to the original site. It added that using the new transmitter site would not alter the station's broadcast contours, target audience and communities to be served, and would not alter the grounds on which the original application to operate the station was approved. In that letter decision, the Commission also imposed a new deadline of 7 December 2018 for the launch of the new station with the implemented technical changes to its transmitter.

#### **Application**

3. On 27 April 2018, Radio Humsafar filed another application relating to its unlaunched Brampton radio station. Specifically, it requested to change the station's authorized contours by relocating the transmission site to an existing telecommunications tower in

Mississauga, Ontario, almost seven kilometres south-east from the approved site in Brampton, and by changing the class of the transmitter from C to B. All other technical parameters would remain unchanged. This is therefore the applicant's second request for a new transmitter site for its unlaunched station.

4. The applicant stated that the previously approved transmitter site is no longer a viable option given that it is not possible to "achieve all necessary coordination" at that site. Further, it argued that the new transmitter site would not affect the communities to be served, and would not alter the grounds on which its original application to operate the station was approved.
5. The Commission received an intervention in opposition to the present application from Trafalgar Broadcasting Limited (Trafalgar), to which Radio Humsafar replied.

## **Issues**

6. When a licensee of a radio station files an application for a technical change, the Commission expects the licensee to present compelling technical or economic evidence justifying the change. Given this expectation, and after examining the information on the record for this application in light of applicable regulations and policies, the Commission considers that it should address the following issues:
  - whether approval of the application would have an undue financial impact on incumbent radio stations;
  - whether the licensee has demonstrated a compelling technical need for the technical changes;
  - whether the requested changes are appropriate on a technical basis; and
  - whether approval of the application would undermine the Commission's licensing process.

## **Financial impact on incumbent stations**

7. In its intervention, Trafalgar indicated that the proposed technical changes could cause interference to its ethnic commercial AM radio station CJMR Mississauga, and could therefore have an undue financial impact on that station. It also questioned how the applicant can be certain that approval of its proposed technical changes would not have a financial impact on other radio stations. In its reply, Radio Humsafar stated that it would remedy any valid interference complaints as outlined in the Department of Industry's (the Department's) regulations.
8. In regard to possible interference to CJMR, the Commission notes that it is the responsibility of the parties involved and of the Department to resolve any interference issues. Moreover, the Department has deemed Radio Humsafar's application conditionally technically acceptable.

9. The Commission further notes, however, that approval of this application would result in a significant increase in the overlap between the population that would be served within the primary service contour of the unlaunched station and the population currently served within the primary service contour of the ethnic AM radio station CINA Mississauga, operated by 1760791 Ontario Inc., which could have an undue financial impact on that station's operations.
10. In light of the above, the Commission finds that approval of the requested technical changes could have an undue financial impact on an incumbent station.

#### **Technical need for the proposed technical changes**

11. Radio Humsafar submitted that the previously approved transmitter site is no longer a viable option for its unlaunched AM radio station. It added that it has been difficult to find a transmission site that suits the specific needs of its unlaunched AM radio station and at the same time abide by the approvals and bylaws established by the cities of Brampton and Mississauga. The applicant added that it has invested a lot of its time and money to secure a completely new transmitter site.
12. Radio Humsafar did not provide details, however, as to why the previously approved transmitter site was no longer viable. Further, it did not provide any information regarding the nature of the issues or any steps taken towards resolving the problems, including exploring other options that would allow it to maintain service to Brampton. Given that approval of the application would lead to significant changes to the unlaunched station's Brampton service contours, the Commission considers that more evidence is needed to justify the proposed technical changes. Consequently, the Commission finds that Radio Humsafar has not demonstrated a compelling technical need for the proposed technical changes.

#### **Appropriateness of the requested changes on a technical basis**

13. In requesting technical changes to a radio station, the onus is on the applicant to demonstrate that the changes are appropriate on a technical basis (i.e., that the technical solution proposed will have the least impact on the market it was licensed to serve).
14. As noted above, in approving the original application to operate the Brampton AM radio station, the Commission considered that Radio Humsafar's proposal best met the needs of that city's radio market. Given that the currently proposed technical changes would move the unlaunched station's primary service contour away from Brampton and into Mississauga, the population that would be served by the station would be significantly different than the population it was originally licensed to serve. Further, the applicant did not propose any other modifications to the station's technical parameters that would compensate for the loss of coverage to Brampton and surrounding areas and did not provide any specific evidence to demonstrate that it had considered other possible sites or options that would allow the station to maintain service to that city's radio market.
15. In light of the above, the Commission finds that the requested technical changes are not appropriate on a technical basis.

## **Integrity of the Commission's licensing process**

16. The Commission approved Radio Humsafar's application for a broadcasting licence to operate the Brampton AM radio station following a public hearing where two other applicants had requested the same frequency to operate radio stations to serve that city. Radio Humsafar's previous application to relocate the transmitter site for the unlaunched station substantially maintained coverage to Brampton with only a relatively small change to the size of the population to be served.
17. In the Commission's view, any changes to the transmitter site approved in 2016 should maintain coverage of the original community the applicant was authorized to serve. Radio Humsafar's requested technical changes would result in a significant shift of the station's coverage away from the Brampton radio market and, consequently, in a significant decrease in the population the station was licensed to serve.
18. Consequently, the Commission finds that approval of the present application would undermine the integrity of the original licensing process during which the original application to operate the station was approved.

## **Conclusion**

19. In light of the above, the Commission **denies** the application by Radio Humsafar Inc. to change the authorized contours of its unlaunched ethnic commercial AM radio programming undertaking in Brampton.

## **Reminders**

20. When requesting technical changes for radio stations, the onus is on the applicant or licensee to demonstrate technical and/or economic need and to provide sufficient evidence justifying those technical changes. Further, the applicant or licensee must undertake efforts to find a solution and provide sufficient evidence that the solution proposed will have the least impact on the market the radio station is licensed to serve.
21. As set out in the 7 December 2016 letter decision, Radio Humsafar's unlaunched undertaking must be operational by no later than **7 December 2018**. To ensure that any request to extend this authority is processed in a timely manner, the applicant should submit a written request at least 60 days before that date using the form available on the Commission's website.

Secretary General