



Broadcasting Decision CRTC 2019-162

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Reference: Part 1 application posted on 6 September 2018

Ottawa, 21 May 2019

CJNE FM Radio Inc.

Nipawin and Carrot River, Saskatchewan

Public record for this application: 2018-0728-1

CJNE-FM Nipawin and its transmitter VF2212 Carrot River – Technical changes

*The Commission **denies** an application to change the authorized contours of VF2212 Carrot River, a low-power rebroadcasting transmitter of the English-language commercial radio station CJNE-FM Nipawin.*

Application

1. CJNE FM Radio Inc. (the Licensee) filed an application to change the authorized contours of VF2212 Carrot River, Saskatchewan, a low-power rebroadcasting transmitter of the English-language commercial radio station CJNE-FM Nipawin, by relocating the transmitter site to Tisdale and increasing the effective height of antenna above average terrain from 18 to 29.5 metres.
2. The Licensee submitted its application on the basis of a technical and economic need.
3. The Commission received an intervention in opposition to the application from Fabmar Communications Ltd. (Fabmar),¹ licensee of the commercial radio stations CKJH and CJVR-FM Melfort, Saskatchewan. Fabmar also operates rebroadcasting transmitters in Dafoe, Waskesiu Lake and Carrot River. The Licensee replied to the intervention.

Intervention and reply

4. In its intervention, Fabmar submitted that the application was devoid of information on consumer demand and did not demonstrate any serious commitment to the community of Tisdale. It also indicated that any revenues garnered by CJNE-FM in Tisdale would come at the expense of CKJH and CJVR-FM. Fabmar added that the application was self-serving and that its approval would be detrimental to Carrot River, where service would be lost.

¹ In a Commission letter dated 9 October 2018, the Commission approved a change in the ownership and effective control of Fabmar to the Jim Pattison Broadcast Group Ltd. (Jim Pattison). Fabmar submitted that Jim Pattison supported its intervention.

5. The Licensee replied that it needed the application to be approved given that the station is a small, private broadcaster that is surrounded by large, corporate, multi-station broadcasters. It also stated that CJVR-FM had implemented a rebroadcasting transmitter that creates interference for most of the population in Carrot River.

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 the applicant demonstrated a compelling technical need for the technical changes; and
 - whether the applicant demonstrated a compelling economic need for the technical changes.

Technical need

7. In its application, the Licensee indicated that VF2212 was experiencing poor signal quality due to the presence of a rebroadcasting transmitter in Carrot River belonging to Fabmar's station CJVR-FM. It therefore requested to relocate the transmitter to Tisdale, 57 kilometres south-west of its current location.
8. The Commission has established that to demonstrate a compelling technical need for proposed technical changes, applicants should provide evidence² to support claims of interference. The Commission is of the view that the Licensee did not provide sufficient evidence to demonstrate that VF2212's signal is not adequate to provide service within its authorized contours.
9. Consequently, the Commission finds that the Licensee has not demonstrated a technical need for the proposed technical changes.

Economic need

10. The Licensee stated that the community of Carrot River offers very little marketing value and that the proposed technical changes are necessary for the financial viability of the station.
11. The Commission notes that CJNE-FM has been profitable in each of the last five years and that its total revenues have been consistent throughout that period.

² Evidence can be provided in the form of field strength measurements, engineering analyses and extensive survey reports from impacted listeners, etc.

12. The Commission therefore finds that the Licensee has not demonstrated an economic need for the proposed technical changes.

Conclusion

13. In light of all of the above, the Commission **denies** the application by CJNE FM Radio Inc. to change the authorized contours of VF2212 Carrot River, Saskatchewan, a low-power rebroadcasting transmitter of the English-language commercial radio programming undertaking CJNE-FM Nipawin.

Secretary General