



Broadcasting Decision CRTC 2020-232

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Reference: Part 1 application posted on 2 December 2019

Ottawa, 23 July 2020

Bayshore Broadcasting Corporation
Port Elgin and Tobermory, Ontario

Public record for this application: 2019-1196-7

CFPS-FM Port Elgin – New transmitter in Tobermory

*The Commission **approves** an application by Bayshore Broadcasting Corporation to amend the broadcasting licence of the English-language commercial radio station CFPS-FM Port Elgin, Ontario, to add an FM rebroadcasting transmitter in Tobermory.*

Application

1. Bayshore Broadcasting Corporation (Bayshore) filed an application to amend the broadcasting licence of the English-language commercial radio station CFPS-FM Port Elgin, Ontario, to add an FM rebroadcasting transmitter in Tobermory.
2. The new transmitter will operate at 91.9 MHz (channel 220A) with an average effective radiated power (ERP) of 2,053 watts (maximum ERP of 3,254 watts with an effective height of the antenna above average terrain of 81.5 metres).
3. The Commission did not receive any interventions regarding this application.

Regulatory framework

4. Section 9(1) of the *Broadcasting Act* authorizes the Commission to issue licences subject to such conditions related to the circumstances of the licensee as the Commission deems appropriate for the implementation of the broadcasting policy set out in section 3(1) and to amend any condition on application of the licensee.
5. When a licensee files an application for a technical amendment, including the addition of a transmitter, the Commission generally assesses the merits of the application on the basis of demonstrated economic need or evidence that a station's existing technical parameters are not adequate to provide the service as originally proposed. However, in this case, the licensee wishes to extend its service to Tobermory, which is located outside of the station's primary service area. The licensee's application is therefore not premised on economic or technical need and does not reference challenges to the provision of service in its licenced market.

Commission's analysis and decisions

6. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
 - whether the proposed licence amendment would have an undue negative impact on incumbent stations in the market;
 - whether the addition of a transmitter in Tobermory would impact programming diversity in the market;
 - whether the proposed transmitter addition is an appropriate technical solution and whether the proposal represents an appropriate use of spectrum; and
 - whether an exception to the Commission's general approach to assessing the merits of a technical amendment is warranted and whether the amendment would undermine the integrity of the Commission's licensing process.

Would the proposed licence amendment have an undue negative impact on incumbent stations in the market?

7. The proposed rebroadcasting transmitter would allow the town of Tobermory to receive a radio service that will include local content and community reflection. The proposed transmitter will serve a modest population of approximately 923 in its primary contour. The proposed rebroadcasting transmitter would be the first radio service directly serving the town of Tobermory and the proposed primary contour would not overlap with the primary contour of any other station serving nearby markets. Furthermore, the applicant did not project any additional revenue potential from the proposed amendment.
8. In light of the above, the Commission finds that the proposed amendment would not have an undue negative impact on incumbent stations in the market.

Would the addition of a transmitter in Tobermory impact programming diversity in the market?

9. Bayshore stated that the residents of Tobermory and Northern Bruce Peninsula have requested a radio service to provide up-to-date news, current events, and weather reports related to their community. CFPS-FM Port Elgin has much in common with other communities in the Bruce Peninsula including relevant news and special events.
10. As noted above, Tobermory does not currently have a radio service. In addition, the licensee has committed to increasing each newscast by 30 seconds in order to incorporate information of direct and particular relevance to residents of Tobermory and the Northern Bruce Peninsula.

11. In light of the above, the Commission finds that the addition of a transmitter in Tobermory would add to the diversity of programming and news voices in this market.

Is the proposed transmitter addition an appropriate solution and does the proposal represent an appropriate use of spectrum?

12. Bayshore proposed the addition of a new rebroadcasting transmitter approximately 100 km north of its existing transmitter, CFPS-FM Port Elgin, which would extend its coverage outside its 0.5 mV/m contour.
13. Bayshore stated that they have explored other technical solutions to the lack of service to the Tobermory market, such as increasing the ERP of the originating station and starting a new FM station. However, increasing the ERP would cause signal overlap with two of Bayshore's FM stations in Owen Sound, which would result in the violation of the Common Ownership policy set out in *Revised guidelines for the application of the Common Ownership Policy for Radio*, Broadcasting Information Bulletin CRTC 2010-341, 4 June 2010. Moreover, Tobermory cannot support a full time radio station on its own.
14. The Commission considers that the addition of a rebroadcasting transmitter is an effective and appropriate method of extending signal coverage and will allow Tobermory residents to receive the proposed service.
15. The Commission considers that there is frequency availability in the region and there are no nearby major markets that are likely to be impacted by the transmitter. Therefore, the licensee's proposal represents appropriate use of spectrum.
16. In light of the above, the Commission finds that the proposed solution is appropriate for extending service to this underserved area and that the proposal represents an appropriate use of spectrum.

Is an exception to the Commission's general approach to assessing the merits of a technical amendment warranted and would approval of the application undermine the integrity of the Commission's licencing process?

17. Although Bayshore's application for a rebroadcasting transmitter outside of CFPS-FM's originally licenced market does not necessarily fit within the general framework that the Commission has used to assess technical amendment applications, namely on the basis of technical or economic need, the Commission considers that this case warrants an exception to the Commission's general approach. The addition of a transmitter in Tobermory would have little or no commercial potential or impact, the rebroadcasting transmitter will be the first to directly serve the community of Tobermory, there are multiple frequencies which would support a greater class than the proposed 91.9 MHz (channel 220A) at an average ERP of 2,053 watts, and while interested persons had the opportunity to be heard with respect to Bayshore's application, no interventions were received.

18. In light of the above, the Commission finds that an exception to the Commission's general approach to assessing the merits of a technical amendment is warranted and that approval of this application would not undermine the integrity of the Commission's licencing process.

Conclusion

19. In light of all of the above, the Commission **approves** an application by Bayshore Broadcasting Corporation to amend the broadcasting licence of the English-language commercial radio station CFPS FM Port Elgin, Ontario, to add an FM rebroadcasting transmitter in Tobermory.

Secretary General

This decision is to be appended to the licence.