



Broadcasting Decision CRTC 2022-321

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Ottawa, 25 November 2022

Radio communautaire de Châteauguay CHAI-MF Châteauguay, Quebec

Public record: 2022-0136-7

CHAI-FM Châteauguay – Technical changes

Summary

The Commission **approves** an application to change the authorized contours of CHAI-FM Châteauguay, Quebec.

Background

1. CHAI-FM Châteauguay is a French-language community radio station licensed to serve the region of and around Châteauguay as bounded by the station's primary contour.
2. In 2015, Radio communautaire de Châteauguay CHAI-MF (Radio communautaire de Châteauguay) filed an application to replace the timeworn antenna of the station CHAI-FM and to install a new antenna at a new site, the water tower in Châteauguay. Further, the licensee requested technical changes (to increase the maximum effective radiated power [ERP] from 100 to 750 watts and the average ERP from 100 to 238 watts). The new antenna, the new site and the proposed technical changes would have enabled the station to provide a better signal and to cease operating its rebroadcasting transmitter in Candiac, Quebec. However, the technical parameters proposed in that application were likely to cause interference problems for the Canadian Broadcasting Corporation's (CBC) CBMG-FM (Radio One) Cowansville, Quebec. Since the licensees were not able to find common ground, Radio communautaire de Châteauguay withdrew its application.
3. In *CHAI-FM Châteauguay – Technical changes*, Broadcasting Decision 2016-462, 24 November 2016, the Commission approved an application by Radio communautaire de Châteauguay to relocate its transmitter at the Châteauguay water tower site but, this time, to be operated with a maximum ERP of 274 watts and an average ERP of 167 watts. These maximum and average ERPs provided less coverage than those proposed in the previous application and allowed for continued operation of the rebroadcasting transmitter in Candiac.

4. In January 2021, after two extensions to the deadline for the transmitter to begin operations with the technical parameters approved in Broadcasting Decision 2016-462, the licensee began broadcasting from the new site.

Application

5. Radio communautaire de Châteauguay filed an application to change the authorized contours of the French-language community radio station CHAI-FM Châteauguay, Quebec. Specifically, the licensee proposed to increase the maximum ERP from 274 to 510 watts and the average ERP from 167 to 310 watts. All other technical parameters will remain unchanged.
6. These technical changes would have an impact on the number of listeners within the primary (3 mV/m) contour, which would increase from 56,243 to 62,631 (an increase of 11.4%). Within the secondary (0.5 mV/m) contour, the number of listeners would increase from 367,408 to 675,043 (an increase of 83.7%).
7. The Commission received four interventions in support of this request from individuals, namely those from the members for Beauharnois and Châteauguay in the National Assembly of Quebec, the Warden of the Regional County Municipality (RCM) of Roussillon and the Director General of Tourisme Montérégie.¹

Regulatory framework

8. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue licences for such terms not exceeding seven years and 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 subsection 3(1) of the Act, as well as to amend those conditions on application of the licensee.
9. When the licensee of a radio station files an application for technical changes, the Commission generally requires the licensee to present compelling technical or economic evidence justifying the requested technical changes. The Commission may, as an exception to this general approach, approve applications that do not provide compelling technical or economic evidence where the particular circumstances of the licensee warrant.

¹ In the context of a proceeding initiated by a Part 1 application, any parties that have an interest in or could be affected by the application receive a copy of the application and also have the opportunity to submit comments when the application is published by the Commission.

Issues

10. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that it should address the following issues:
- whether the licensee has demonstrated a compelling technical need for the proposed technical changes;
 - whether the requested technical changes represent an appropriate technical solution;
 - whether the requested technical changes represent an appropriate use of spectrum;
 - whether the requested technical changes would have an undue economic impact on other incumbent stations in the Châteauguay market; and
 - whether an exception to the Commission's general approach to technical changes is appropriate.

Technical need

11. When the licensee of a radio station files an application for technical changes, the Commission expects the licensee to present compelling technical or economic evidence justifying the requested technical changes. Applications are reviewed on a case-by-case basis, taking into account the particulars of the applications and any relevant issues raised in interventions.
12. In 2021, the CHAI-FM antenna was moved to the Châteauguay water tower site. Radio communautaire de Châteauguay indicated that it wished to correct the problem of co-channel interference with the station CBMG-FM Cowansville (Radio One), which shares the same channel, by increasing the maximum ERP from 274 to 510 watts and increasing the average ERP from 167 to 310 watts. It stated that the CBC had agreed to the additional interference with CBMG-FM's signal that would result from this proposal.
13. The Commission notes that in order to conclusively demonstrate a technical need, it generally requires the licensee to submit evidence demonstrating technical deficiencies. Radio communautaire de Châteauguay supported its request by providing maps demonstrating the existence of interference caused by the broadcast of CBMG-FM on the same channel as CHAI-FM. In addition, it provided a report including signal measurements that demonstrate the reception quality of CHAI-FM in the surrounding areas.
14. The report provided by Radio communautaire de Châteauguay shows that the signal level and quality are generally satisfactory within the primary contour, despite some small areas of signal loss at the edge of the contour. It is in certain sections of the secondary contour that the report identifies a decrease in the level and quality of the signal. The report specifically mentions the regions of Sainte-Catherine, Saint-Constant and Candiac.

15. The *Radio Regulations, 1986* (the Regulations) define a “market,” in the case of an FM station, as the FM 3 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement, whichever is smaller. Thus, when a licensee files an application for changes to its authorized technical parameters, the Commission expects the incumbent to present convincing technical evidence demonstrating that the existing technical parameters do not allow for provision of the service as originally proposed. However, Radio communautaire de Châteauguay did not make a claim of any interference in the primary (3 mV/m) contour. Further, the Commission examined the application previously approved in Broadcasting Decision 2016-462 as well as the evaluation comments provided by the Department of Industry (the Department) and noted that CBMG-FM was expected to cause some interference to CHAI-FM.
16. Although CHAI-FM does experience interference in its secondary contour, the Commission is of the view that Radio communautaire de Châteauguay has not provided convincing evidence demonstrating that the signal within the primary contour is affected. Moreover, it knew, since its last technical modification, that interference from CBMG-FM was possible.
17. In light of the above, the Commission finds that Radio communautaire de Châteauguay has not demonstrated a compelling technical need for the requested changes to the primary (3 mV/m) contour.

Appropriate technical solution

18. Radio communautaire de Châteauguay indicated that it wishes to resolve interference problems, mainly in the cities east of its primary (3 mV/m) contour, within and bordering its secondary (0.5 mV/m) contour. Specifically, the signal measurement report that it provided mentions the towns of Sainte-Catherine, Saint-Constant and Candiac, which are located outside the primary contour. Further, Radio communautaire de Châteauguay did not emphasize a need to improve the signal outside of the primary contour.
19. Although a power increase does generally resolve interference problems, the Commission is of the view that the evidence provided demonstrates that the proposed technical solution is intended to improve reception in the secondary (0.5 mV/m) contour, while the improvement to reception in the primary (3 mV/m) contour would be negligible.
20. In light of the above, with respect to the improvement of CHAI-FM’s signal within its primary contour, the Commission finds that the requested technical changes do not constitute an appropriate technical solution. Rather, these changes constitute an appropriate technical solution for improving the station’s signal only within its current secondary contour.

Appropriate use of spectrum

21. Radio communautaire de Châteauguay did not propose to use another frequency. Therefore, the Commission finds that the requested technical changes represent an appropriate use of spectrum.

Economic impact on incumbent stations

22. Châteauguay is a suburban city located on the south shore of the island of Montréal, bordering the St. Lawrence River. Châteauguay is also bordered by Léry, Mercier, a small part of the parish municipality of Saint-Isidore and the Indigenous community of Kahnawake.
23. Châteauguay is the largest city belonging to the RCM of Roussillon, which also includes Saint-Constant, La Prairie, Candiac, Sainte-Catherine, Delson, Saint-Philippe and the municipality of Saint-Mathieu.
24. Only three radio stations hold a broadcasting license in the Châteauguay region, namely CHAI-FM Châteauguay (French-language community station), CKKI-FM Kahnawake (English- and Mohawk-language Indigenous radio station) and CKRK-FM Kahnawake (English-language Indigenous radio station). CHAI-FM Châteauguay also has a rebroadcasting transmitter in Candiac (CHAI-FM-1 Candiac).
25. As noted above, the proposed technical changes would have an impact on the number of listeners served in the market of Châteauguay and surrounding areas, which within the primary contour, would increase from 56,243 to 62,631 (an increase of 11.4%).
26. However, the Commission notes that CHAI-FM is the only French-language radio station with a broadcasting licence that allows it to specifically serve Châteauguay and surrounding areas, as bounded by the station's primary contour. The Commission also notes that if the requested technical changes were approved, this would result in a minimum increase of 11.4% in the size of CHAI-FM's market. Further, the increase would be limited to CHAI-FM's existing primary contour and would not enter neighbouring markets.
27. The licensee indicated that it has been minimally funded by advertising sales and does not anticipate any economic change from approval of its application. The Commission notes that CHAI-FM is a community radio station that is primarily funded by government and private contributions, and by other, highly variable revenues. The Commission also notes that it has not received any opposing interventions following the publication of the application.
28. In light of the above, the Commission finds that approval of this application would have a low probability of having an undue economic impact on incumbent stations serving the Châteauguay market.

Exception to the Commission's general approach

29. As stated above, Radio communautaire de Châteauguay's application has not demonstrated the existence of a compelling technical need for the requested technical changes. However, as an exception to its general approach, the Commission may approve applications that do not conclusively demonstrate a technical or economic need where the particular circumstances of the licensee warrant.

30. As the only French-language radio station serving Châteauguay and surrounding areas, CHAI-FM broadcasts in a community format, in particular focusing on community engagement. The requested technical changes, as proposed by the licensee, are therefore intended to better serve and respond to the needs of the communities of the RCM of Roussillon, in particular the region's Francophone community.
31. By increasing its primary contour, and therefore the boundaries of its licensed service area, CHAI-FM gives voice to a greater number of people who were not, to that point, served by any other French-language station specific to their region.
32. The contour expansion proposed by CHAI-FM limits its reach to surrounding municipalities and does not seek to extend its influence into new markets. Furthermore, there is a low probability that approval of this application, submitted by a community station, would be unlikely to have an undue economic impact on incumbent stations in the areas served.
33. Accordingly, the Commission considers that approval of this application would not undermine the integrity of its licensing process.
34. The Commission notes that it did not receive any interventions in opposition to this application to change CHAI-FM's authorized contours.
35. In light of the above, given the particular circumstances surrounding Radio communautaire de Châteauguay's application, the Commission finds that approval of this application would serve the public interest and respond to the needs of the French-language communities of the RCM of Roussillon, and that an exception to the Commission's general approach is therefore appropriate in this case.

Conclusion

36. In light of all of the above, the Commission **approves** the application by Radio communautaire de Châteauguay to change, as specified in paragraph 5 of this decision, the authorized contours of the radio station CHAI-FM Châteauguay, Quebec.
37. Pursuant to subsection 22(1) of the Act, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met and that broadcasting certificates will be issued.
38. The licensee must implement the technical changes by no later than **25 November 2024**. To request an extension, the licensee must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.
39. As set out in section 16 of the Regulations, licensees have obligations relating to the broadcast of emergency alert messages received from the National Alert Aggregation and Dissemination System. In regard to the changes to CHAI-FM's authorized contours resulting from the implementation of the technical changes approved in this decision, the Commission reminds the licensee that continued compliance with section 16 of the Regulations may require that any alert broadcast decoders (e.g., ENDEC) used for the

purposes of broadcasting emergency alert messages on CHAI-FM, or on any rebroadcasting transmitters that may appear on the broadcasting licence for that station, be reprogrammed to properly account for the new authorized contours.

Secretary General

This decision is to be appended to the licence.