



Broadcasting Decision CRTC 2023-323

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Reference: Part 1 application posted on 29 May 2023

Ottawa, 22 September 2023

11733630 Canada Inc.

Saint-Raymond-de-Portneuf, Quebec

Public record: 2023-0290-0

CHOC-FM Saint-Raymond-de-Portneuf – New transmitter in Neuville

Summary

The Commission **approves** an application by 11733630 Canada Inc. to amend the broadcasting licence for the French-language commercial radio station CHOC-FM Saint-Raymond-de-Portneuf, Quebec, in order to operate a new transmitter in Neuville.

Background

1. In Broadcasting Decision 2019-355, the Commission approved an application by Michel Lambert (OBCI) for a broadcasting licence to operate a French-language commercial FM radio station in Saint-Raymond-de-Portneuf, Quebec to serve the Portneuf Regional County Municipality (RCM) market.
2. In Broadcasting Decision 2022-127, the Commission denied an application by 11733630 Canada Inc. (11733630) to amend the broadcasting licence for the French-language commercial radio station CHOC-FM Saint-Raymond-de-Portneuf to operate a new transmitter in Saint-Augustin-de-Desmaures.

Application

3. 11733630 filed an application to amend the broadcasting licence for the French-language commercial radio station CHOC-FM in order to operate a new transmitter in Neuville.
4. The new transmitter, CHOC-FM-1, would operate at 99.5 MHz (channel 258A1) with a maximum effective radiated power (ERP) of 140 watts, an average ERP of 87 watts, a directional antenna, and an effective height of the antenna above average terrain (EHAAT) of 82.4 metres.
5. The licensee stated that the proposed changes would allow it to compensate for CHOC-FM's poor signal quality in a portion of its licensed service area. It stated that the cities most affected are Neuville and Pont-Rouge, where the signal is inaudible and impacts the ability of these cities to receive CHOC-FM's signal, including relevant emergency alerting.

6. The Commission received one intervention in support of this application from Lucie Godin, Director of the Economic Development Department of the Portneuf RCM, and two other interventions in support from retailers in the targeted region, stating that they are not receiving the CHOC-FM signal adequately in the eastern part of the Portneuf RCM.

Regulatory framework

7. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue licenses for the carrying on of broadcasting undertakings, as well as to amend those licenses.
8. When the licensee of a radio station files an application for technical changes, the Commission generally requires that the licensee present compelling technical or economic evidence justifying the proposed technical changes. Applications are examined on a case-by-case basis, and the Commission may take into consideration the details of an application and any relevant issues raised in an intervention.

Issues

9. After examining the application in light of applicable regulations and policies, the Commission considers that it should address the following issues:
 - whether the applicant has demonstrated a compelling technical or economic need for the changes;
 - whether the proposed rebroadcasting transmitter represents an appropriate technical solution;
 - whether the proposed frequency represents an appropriate use of spectrum; and
 - whether approval of the application would undermine the integrity of the Commission's licensing process.

Compelling technical or economic need

10. As noted above, 11733630 filed a technical amendment application to operate a rebroadcasting transmitter in Neuville to compensate for CHOC-FM's poor signal quality in its licensed service area. The applicant stated that the cities most affected are Neuville and Pont-Rouge, where the signal is inaudible and impacts the ability of these cities to receive CHOC-FM's signal, including relevant emergency alerting. The proposed rebroadcasting transmitter would be located in Neuville, about 24.3 kilometres southeast of the original station in Saint-Raymond-de-Portneuf.
11. The Commission notes that, in order to approve a change for technical reasons, it requires the licensee to present a compelling technical need, by submitting, for example, evidence to support the technical deficiencies mentioned. In support of its request, 11733630 provided a letter from the City of Pont-Rouge stating that the signal is not adequate and

that there is interference south of Pont-Rouge, notably near the Pont-Rouge Golf Club. In addition, the applicant provided a letter from the Member of Parliament for Portneuf-Jacques-Cartier, dated 23 April 2023, indicating signal deficiencies in certain areas of the Portneuf RCM.

12. The realistic contours submitted by the licensee in previous applications suggest that there is a possibility of deficient coverage in certain areas of the Portneuf RCM, the licensee's licensed service area, including the eastern regions of the RCM. This possibility is supported by the city of Pont-Rouge's assertion that there are signal deficiencies near the Pont-Rouge Golf Club, which is located between the original station and the proposed rebroadcasting transmitter in Neuville. If there are signal deficiencies at the Pont-Rouge Golf Club, located just outside the original station's primary contour, these deficiencies may exist farther away in Neuville, where the proposed rebroadcasting transmitter would be placed. In addition, the realistic contours show that Neuville is at the limit of the realistic 0.5 mV/m signal.
13. The Commission also notes that while it generally considers a station's market to be defined by its 3 mV/m contour, it reminded the licensee, in Broadcasting Decision 2019-355, that "the station must serve the Portneuf RCM radio market, the market that it is licensed to serve." It also noted that the station was the only one offering local programming exclusively intended for listeners in that region.
14. In light of the above, including the Commission's assertion that CHOC-FM is licensed to serve the entire Portneuf RCM and should do so, the Commission recognizes that listeners in Neuville may experience signal deficiencies. Consequently, the Commission is of the view that the licensee has demonstrated a compelling technical need justifying the addition of a rebroadcasting transmitter to remedy the signal deficiencies in the Portneuf RCM in Neuville.

Appropriate technical solution

15. The licensee noted signal deficiencies in the southeast region of its licensed service area and specifically cited Neuville as a city that is particularly affected. The realistic primary contour (3 mV/m) of the proposed rebroadcasting transmitter appears to provide additional coverage in the southeastern region of the Portneuf RCM (including Neuville) and would not allow the licensee to enter a market it is not currently licensed to serve.
16. Given that CHOC-FM is licensed to serve the Portneuf RCM and in light of the above, the Commission is of the view that the proposed solution should provide additional coverage for the station's target audience and that the proposed rebroadcasting transmitter would represent an appropriate technical solution to compensate for signal quality problems in the southeastern region of the Portneuf RCM.

Appropriate use of spectrum

17. 11733630 proposed using a new frequency in Neuville, 99.5 MHz, which would make it unavailable in the surrounding communities. However, other frequencies are available and could be used to provide service to Neuville and surrounding areas. Moreover, the

Commission conducted a frequency availability analysis in the neighbouring Quebec market and determined that approving the application would not result in a shortage in that market.

18. Given that there are other frequencies available that can be used by stations with similar or better parameters, the Commission considers that the proposal represents an appropriate use of spectrum.

Integrity of Commission's licensing process

19. Since the licensee's proposed technical changes are not intended to reach additional communities or markets, but rather to provide better service to communities throughout the area it is already licensed to serve, the Commission considers that approving the technical changes to add a rebroadcasting transmitter would not undermine the integrity of the original licensing process.

Reminder

20. The Commission reminds the applicant that the station must serve the Portneuf RCM radio market, the market that it is licensed to serve, and not to attempt to solicit advertising in the RCM of Quebec.

Conclusion

21. In light of all of the above, the Commission **approves** the application by 11733630 to amend the broadcasting licence for the French-language commercial radio programming undertaking CHOC-FM Saint-Raymond-de-Portneuf, Quebec, in order to operate a new transmitter in Neuville.
22. Pursuant to subsection 22(1) of the Act, this authority will only be effective when the Department of Industry (also known as Innovation, Science and Economic Development Canada) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
23. The licensee must implement the technical changes by no later than **22 September 2025**. 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.
24. As set out in section 16 of the *Radio Regulations, 1986* (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 CHOC-FM's authorized contours as a result of 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 CHOC-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

Related documents

- *CHOC-FM Saint-Raymond-de-Portneuf – New transmitter in Saint-Augustin-de-Desmaures*, Broadcasting Decision CRTC 2022-127, 10 May 2022
- *French-language commercial FM radio station in Saint-Raymond-de-Portneuf*, Broadcasting Decision CRTC 2019-355, 25 October 2019

This decision is to be appended to the licence.