



Broadcasting Decision CRTC 2024-98

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Reference: Part 1 application posted on 27 November 2023

Ottawa, 8 May 2024

Haliburton County Community Radio Association
Haliburton, Ontario

Public record: 2023-0384-0

CKHA-FM Haliburton – New transmitter in Minden

Summary

Haliburton County Community Radio Association (HCCRA) has operated CKHA-FM Haliburton since 2003. While the station's licensed area is centered around Haliburton Village, CKHA-FM aims to provide local news and entertainment to Haliburton County. HCCRA states that many Minden residents report receiving an unreliable signal from CKHA-FM Haliburton. Therefore, the licensee has applied to operate a low-power rebroadcasting transmitter to increase the quality of CKHA-FM's signal to the community of Minden.

The Commission **approves** the application by HCCRA to amend the broadcasting licence for the English-language community radio programming undertaking CKHA-FM Haliburton, Ontario, to operate a new low-power rebroadcasting transmitter in Minden, Ontario to rebroadcast the programming of CKHA-FM.

This approval is on an exceptional basis since Minden is not part of the station's licenced area. A technical amendment of this type would normally need to show a compelling technical or economic need to justify the change. However, the Commission is of the view that ensuring that listeners in a rural area such as Minden receive a strong radio signal, that broadcasts local news, programming and information about community events, justifies making an exception to the Commission's usual policies.

Application

1. Haliburton County Community Radio Association (HCCRA) filed an application to amend the broadcasting licence for the English-language community radio programming undertaking CKHA-FM Haliburton, Ontario, in order to operate a new transmitter in Minden, Ontario to rebroadcast the programming of CKHA-FM.
2. The new transmitter would operate on frequency 97.1 MHz (channel 246 LP) with an average and maximum effective radiated power (ERP) of 27 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 85.3 metres).

3. HCCRA stated that the proposed amendment is necessary to correct signal deficiencies within its service area. The unreliable signal in and around Minden has led to listener complaints who have trouble reliably receiving CKHA-FM's signal.
4. HCCRA also stated that the proposed transmitter could attract new advertisers in Minden and help diversify its client base, contributing to the station's viability.
5. The Commission received 27 interventions in support of the application, mostly from Minden residents. Residents noted the importance of a clearer signal to hear local news and information. It also received an intervention in support from the National Campus and Community Radio Association.
6. The Commission also received an intervention in comment from an individual which questioned if 97.1 MHz is the best option for this rebroadcasting transmitter considering that CIGL-FM Belleville uses the same frequency.
7. HCCRA replied that the signal of CIGL-FM Belleville does not reach Minden and the proposed low-power transmitter would not cause any reception problem with CIGL-FM Belleville.

Background

8. In Broadcasting Decision 2003-42, the Commission approved an application by HCCRA for a broadcasting licence for CKHA-FM Haliburton to serve Haliburton, Ontario.
9. The Commission renewed the broadcasting licence for the station in Broadcasting Decision 2018-204. At the time of this renewal the licensee was in compliance with regulatory requirements.
10. Finally, in Broadcasting Decision 2023-230 the Commission administratively renewed the licence CKHA-FM Haliburton until 31 August 2026.

Regulatory framework

11. The Commission has the authority, pursuant to subsections 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.
12. When a licensee of a radio station files an application for technical changes to its licence, 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 it. The Commission has deviated from this general approach in the past to approve applications that primarily reflect a desire to serve additional communities when it is in the public interest to do so.

Issues

13. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
- whether the licensee has demonstrated a compelling technical need for the proposed rebroadcasting transmitter;
 - whether the amendment would represent an appropriate technical solution;
 - whether the proposed new transmitter represents an appropriate use of spectrum;
 - whether the approval of the application would result in an undue economic impact on incumbent stations;
 - whether the approval of the application would be in the public interest; and
 - whether the approval of the application would undermine the integrity of the Commission's licensing process.

Technical need

14. To demonstrate a compelling need for the proposed technical changes, the Commission generally requires an applicant to submit evidence in support of its technical deficiencies. Such evidence should demonstrate deficiencies in the station's licensed market, which in this case is its authorized primary (3mV/m) contour.
15. The Commission notes that the evidence provided by the licensee indicates that a signal deficiency may exist in Minden, which falls in the station's secondary (0.5 mV/m) contour, and outside its primary (3 mV/m) contour¹. HCCRA did not submit any evidence of technical deficiencies within its authorized primary (3 mV/m) contour.
16. Therefore, the Commission considers the application is to improve the service quality in a neighbouring market and is not based on any signal deficiencies within CKHA-FM's licensed market.
17. In light of the above, the Commission finds that the licensee has not demonstrated a compelling technical need to justify the amendment within the primary (3 mV/m) contour.

¹ As per the definition of a market according to the *Radio Regulations, 1986*, CKHA-FM's market is its primary (3 mV/m) contour.

Appropriate technical solution

18. The proposed amendment to add a low-power rebroadcasting transmitter would strengthen the reach of CKHA-FM Haliburton to better serve the neighbouring area of Minden, in the station's secondary (0.5 mV/m) contour.
19. The Commission considers that the addition of a rebroadcasting transmitter is generally an appropriate solution to improve coverage and should provide sufficient service to the desired community.
20. In light of the above, the Commission finds that the addition of the proposed transmitter would represent an appropriate technical solution for providing extension of coverage for CKHA-FM to Minden.

Appropriate use of spectrum

21. The licensee proposed the use of frequency 97.1 MHz (channel 246 LP) for the new rebroadcasting transmitter in Minden.
22. HCCRA has requested approval to operate a low-power rebroadcasting transmitter, which is considered a secondary assignment operating on an unprotected channel². Therefore, the proposed rebroadcasting transmitter would not remove the availability of this FM frequency, or prevent the Commission from approving an application for a full-power radio station with protected status operating at 97.1 MHz in the future.
23. In light of the above, the Commission finds that the licensee's proposal for a rebroadcasting transmitter would have little impact on the availability of frequencies in the market and represents an appropriate use of spectrum.

Economic impact on incumbent stations

24. The proposed rebroadcasting transmitter would be in Minden, Ontario, a small community in Haliburton County located southwest of the originating station. The licensee did not cite an economic need for the proposed rebroadcasting transmitter.
25. The primary contour of the proposed rebroadcasting transmitter would not overlap with the primary contour of any other radio licensee.
26. In light of the above, the Commission finds that the proposed rebroadcasting transmitter would not have an undue economic impact on the market.

² Pursuant to the Department of Industry (also known as Innovation, Science and Economic Development Canada)'s *BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings*.

Public interest

27. While HCCRA did identify a technical need for this application, they did not meet the requirements for it since Minden is in a neighbouring market of the station. However, the Commission has permitted licensees to expand into other markets where there is a demonstrated public interest in receiving locally relevant programming. This includes where there is a connection between neighbouring communities, or where a rural and remote community might not otherwise be served by its own radio station³.
28. The Commission received 27 supporting interventions for the application, mostly from Minden residents. Supporters indicated the unreliable signal from CKHA-FM impacts their ability to receive valuable local information from the only community radio station in the county. Some further stated that radio is an important community resource as Minden is a rural area with unreliable Internet.
29. The Commission notes that the location of the proposed, and existing, transmitters would allow CKHA-FM to provide a community radio service to a combined area with common interests. It would also allow Minden residents to have better access to local news, community events and local programming. Further, this community station provides local and regional programming consistent with the Campus and Community Radio Policy (Broadcasting Regulatory Policy 2010-499).
30. In light of the above, the Commission finds that the approval of this application would be in the public interest for the community of Minden, which would receive a quality signal from a neighbouring community radio station.

Integrity of the Commission's licensing process

31. As mentioned above, when seeking to add a rebroadcasting transmitter for the purpose of expanding service to an adjacent or distinct market, the applicant is expected to provide a compelling rationale as to why an exception to the general rule regarding technical amendments and the licensing process is justified. It must also provide evidence supporting that exception. This protects the integrity of the Commission's licensing process by ensuring that these exceptions are not used as a "back door" to enter markets when this entry would usually require a justification for the requested technical changes or the submission of an application to operate a new service.
32. The Commission has, as an exception to this general approach, approved applications that do not provide compelling technical or economic evidence where the circumstances permit. This includes where the application seeks to serve additional communities, when it is in the public interest. These applications are evaluated on a case-by-case basis and consider the unique factors of each station's situation.

³ See Broadcasting Decision 2020-369 and Broadcasting Decision 2021-336.

33. While the addition of the rebroadcasting transmitter would expand coverage into a market not currently part of the licensee's market, as it is outside of their primary contour, the Commission notes that the low-power transmitter would improve the signal of a station already in the county and close to its current market. Further, the expanded signal would not reach nearby markets served by commercial stations.
34. The Commission notes that there is frequency availability in all communities concerned. Additionally, as a low-power transmitter, in which the frequency is not protected, CKHA-FM-1 would be required to vacate the frequency if another applicant for a full-power station receives approval for its use in this market.
35. Finally, the Commission did not receive any interventions in opposition to this application.
36. In light of the above, the Commission finds that the proposed technical amendment would not undermine the integrity of the Commission's licensing process.

Conclusion

37. The Commission **approves** the application by HCCRA to amend the broadcasting licence for the English-language community radio programming undertaking CKHA-FM Haliburton, Ontario, to operate a new low-power rebroadcasting transmitter in Minden, Ontario to rebroadcast the programming of CKHA-FM.
38. This approval is on an exceptional basis since Minden is not part of the station's licenced area. A technical amendment of this type would normally need to show a compelling technical or economic need to justify the change. However, the Commission is of the view that ensuring that listeners in a rural area such as Minden receive a strong radio signal, that broadcasts local news, programming and information about community events, justifies making an exception to the Commission's usual policies.
39. 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.
40. The transmitter must be in operation by no later than **8 May 2026**. 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.

Reminder

41. 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 addition of CKHA-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 CKHA-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

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2023-230, 28 July 2023
- *CJRO-FM Carlsbad Springs – New transmitter in Sarsfield*, Broadcasting Decision CRTC 2021-336, 4 October 2021
- *CJRO-FM Carlsbad Springs – New transmitter in Embrun*, Broadcasting Decision CRTC 2020-369, 9 November 2020
- *Various campus and community radio stations – Licence renewals*, Broadcasting Decision CRTC 2018-204, 13 June 2018
- *Campus and Community Radio Policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *English-language FM community radio station in Haliburton*, Broadcasting Decision CRTC 2003-42, 10 February 2003

This decision is to be appended to the licence.