



Broadcasting Decision CRTC 2025-89

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Reference: Part 1 application posted on 2 October 2024

Gatineau, 22 April 2025

UFV Campus and Community Radio Society
Abbotsford and Chilliwack, British Columbia

Public record: 2024-0106-6

CIVL-FM Abbotsford – New transmitter in Chilliwack

Summary

The Commission approves an application by UFV Campus and Community Radio Society (UFV) to amend the broadcasting licence for the English-language community-based campus radio station CIVL-FM Abbotsford, British Columbia, to operate a new FM transmitter in Chilliwack, British Columbia, to rebroadcast CIVL-FM's programming.

CIVL-FM is located at the University of Fraser Valley in Abbotsford. The new transmitter will allow UFV to broadcast relevant programming to that university's students, faculty and staff residing in Chilliwack, the location of its second campus, and the surrounding community.

Background

1. In Broadcasting Decision 2019-157, the Commission approved an application by UFV Campus and Community Radio Society (UFV) to operate a new transmitter in Chilliwack to rebroadcast the programming of its English-language community-based campus radio station CIVL-FM Abbotsford, British Columbia. However, equipment delivery and the availability of components and contractors, among other things, caused delays in implementing the new transmitter.
2. The Commission, in administrative decisions, granted extensions in 2021 and 2023 (the final extension) to allow UFV to implement the new transmitter in Chilliwack. That authority lapsed on 16 November 2023. UFV was therefore required to submit a new application for the transmitter.

Application

3. On 12 March 2024, UFV filed an application to amend the broadcasting licence for CIVL-FM to operate an FM transmitter in Chilliwack to rebroadcast that station's programming. The Commission received interventions in support of this application.

4. The new transmitter (CIVL-FM-1 Chilliwack) would operate at 92.3 MHz (channel 222A) with an average effective radiated power (ERP) of 1,800 watts (maximum ERP of 4,320 watts), with an effective height of the antenna above average terrain (EHAAT) of -346.4 meters.¹
5. UFV stated that the University of Fraser Valley has two campuses – a main campus in Abbotsford and a second campus in Chilliwack – and that the requested transmitter would allow CIVL-FM to reach all of the university’s students, faculty and staff, as well as the surrounding community. UFV noted that the station already creates programming relevant to Chilliwack, where approximately one third of CIVL-FM’s student and community membership resides, works or attends school.

Legal framework

6. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue licences for the carrying on of broadcasting undertakings, as well as to amend those licences.
7. When the licensee of a radio station files an application for technical amendments to its licence, the Commission generally requires that the licensee present compelling technical or economic evidence justifying the requested technical amendments. 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.
8. In this case, however, UFV did not file its application on the basis of technical or economic need. Rather, the licensee wishes to expand CIVL-FM’s service area to extend into Chilliwack, which is located outside the station’s primary service area of Abbotsford, consistent with its stated intention in its original application. Through the present application, UFV wishes to revive the authority for the implementation of the transmitter that was approved in Broadcasting Decision 2019-157. As a result, the application will not be assessed on the basis of technical or economic need.

Issues

9. 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 proposed transmitter represents an appropriate use of spectrum;
 - whether approval of the application would result in an undue economic impact on incumbent stations; and
 - whether approval of the application would undermine the integrity of the Commission’s licensing process.

¹ These technical parameters differ from those approved in Broadcasting Decision 2019-157. Changes were made to reflect the parameters ultimately approved by the Department of Industry (also known as Innovation, Science and Economic Development Canada).

Appropriate use of spectrum

10. As noted above, UFV proposed the use of frequency 92.3 MHz (channel 222A) for the transmitter in Chilliwack.
11. In Broadcasting Decision 2019-157, the Commission noted that there were other FM frequencies available in Chilliwack, and considered UFV's proposal represented an appropriate use of spectrum. Since then, the Commission has not received any applications for new radio stations in Chilliwack. Further, UFV's current proposal has been approved by the Department of Industry (also known as Innovation, Science and Economic Development Canada) (the Department), and the applicant has been issued a broadcasting certificate. As such, the proposal adheres to the Department's rules governing FM spectrum coordination.
12. In light of the above, the Commission finds that UFV's proposal for the use of frequency 92.3 MHz for the rebroadcasting transmitter in Chilliwack would have little impact on the availability of frequencies in Chilliwack and surrounding areas and therefore represents an appropriate use of spectrum.

Economic impact on incumbent stations

13. Chilliwack is located approximately 100 kilometers east of Vancouver, British Columbia, and is served by three commercial radio stations: CHWK-FM Chilliwack (operated by Pattison Media Ltd.), and CKKS-FM Chilliwack and CKSR-FM Chilliwack (both operated by Rogers Media Inc.).
14. UFV noted that the addition of a transmitter in Chilliwack would not result in a change to its existing financial projections and is not necessary for the financial viability of the station. The applicant added that it does not have any plans to generate revenue from Chilliwack.
15. Further, the Commission notes that it did not receive any interventions in opposition to the application.
16. In light of the above, the Commission finds that the proposed rebroadcasting transmitter would not have an undue economic impact on incumbent stations in the Chilliwack market.

Integrity of the Commission's licensing process

17. As noted above, when a licensee of a radio station files an application for a technical amendment, including cases where a radio station's signal would expand into an adjacent market by way of a rebroadcasting transmitter, the licensee is generally expected to present compelling technical or economic evidence justifying the technical amendment. This protects the integrity of the Commission's licensing process by ensuring that technical amendments are not used as a "back door" to enter into markets when such entry would usually require the submission of an application to operate a new service.
18. As an exception to its general approach to technical amendments, the Commission has, at times, approved applications that do not provide compelling technical or economic evidence. Such applications are evaluated on a case-by-case basis and take into account the unique

factors of a station's situation. The Commission may dispense with the requirement to provide compelling technical or economic evidence if warranted by the particular circumstances of the licensee and when it is in the public interest to do so. In these situations, the Commission will however require that the applicant provide alternative rationale and evidence, often in the form of community letters of support, to demonstrate that approving the application would allow the licensee to offer programming that is relevant and of interest to the community to be served.

19. As noted above, for the present case, UFV did not submit its application on the basis of technical or economic need. As a result, the Commission examined the specific circumstances of UFV on a basis other than technical and economic need in order to determine whether the application to add a rebroadcasting transmitter in Chilliwack respects the integrity of the Commission's licensing process.
20. As noted above, the main campus of the University of Fraser Valley is in Abbotsford, where the CIVL-FM studios are housed, with a second campus in Chilliwack. Although UFV's original intention, as approved by the Commission in Broadcasting Decision 2006-479, was to serve its school community in both Abbotsford and Chilliwack, UFV had to change the originally approved frequency and authorized contours of CIVL-FM because of technical limitations. In its application for that technical amendment, which was approved in Broadcasting Decision 2010-297, UFV indicated that the relocation of its tower site resulted in the coverage area no longer extending to Chilliwack as originally approved but that it still intended to serve Chilliwack at a later date. As a result, at this time, UFV only serves Chilliwack and the surrounding communities online, as CIVL-FM's signal does not reach Chilliwack. This application serves to remedy that situation and fulfill UFV's commitment to serve both communities.
21. The proposed transmitter would allow UFV to broadcast content to reach all of the University of Fraser Valley's students, faculty and staff, and the communities around its two campuses. UFV indicated that the station already creates programming relevant to Chilliwack, runs public service announcements and covers arts and other community events in and around that community. It also stated that the new transmitter would allow it to provide content to marginalized community members, and to inform them of resources available to help them in their communities, arts groups and community services. The Commission notes that several interveners from Chilliwack emphasized the important role that CIVL-FM plays in the broadcast of local programming and music in that community.
22. In the Commission's view, the addition of a transmitter in Chilliwack would enable UFV to offer programming that is relevant and of interest to the Chilliwack community and would be consistent with the approval originally granted by the Commission in Broadcasting Decision 2019-157. Accordingly, the Commission finds that approval of UFV's application for a rebroadcasting transmitter in Chilliwack does not undermine the integrity of the Commission's licensing process.

Conclusion

23. In light of the all of above, the Commission approves the application by UFV Campus and Community Radio Society to amend the broadcasting licence for the English-language community-based campus radio programming undertaking CIVL-FM Abbotsford, British Columbia, to operate an FM transmitter in Chilliwack, British Columbia, to rebroadcast the programming of CIVL-FM.
24. The transmitter must be in operation by no later than **22 April 2027**. 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

25. 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 authorized contours of the new FM transmitter CIVL-FM-1 resulting from 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 CIVL-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.

Related documents

- *CIVL-FM Abbotsford – New transmitter in Chilliwack*, Broadcasting Decision CRTC 2019-157, 16 May 2019
- *CIVL-FM Abbotsford – Licence amendment*, Broadcasting Decision CRTC 2010-297, 21 May 2010
- *Use of frequency 88.5 MHz by the new community-based campus FM radio station in Abbotsford, British Columbia*, Broadcasting Decision CRTC 2006-479, 7 September 2006

Secretary General

This decision is to be appended to the licence.