



Broadcasting Decision CRTC 2026-17

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Gatineau, 22 January 2026

Arsenal Media Inc.
Amqui, Quebec

Public record: 2025-0230-2

CFVM-FM Amqui – Technical amendments

Summary

The Commission approves an application by Arsenal Media Inc. (Arsenal) to amend the authorized contour of its French-language commercial radio station CFVM-FM Amqui, Quebec.

The Commission finds that Arsenal's proposed technical amendments satisfy the condition of approval imposed on it in Broadcasting Decision 2025-76, since these amendments would allow the station to remain in compliance with the Common Ownership Policy for radio.

Background

1. On 11 March 2025, the Commission issued Broadcasting Decision 2025-76, in which it conditionally approved an application filed by Arsenal Media Inc. (Arsenal) to acquire the French-language commercial radio stations CFEI-FM Saint-Hyacinthe, CFVM-FM Amqui, CFZZ-FM Saint-Jean-sur-Richelieu, CHRD-FM and CJDM-FM Drummondville, CIKI-FM Rimouski and its transmitter CIKI-FM-2 Sainte-Marguerite-Marie, and CJOI-FM Rimouski, Quebec.
2. Before that transaction, Arsenal already owned CHOE-FM and CHRM-FM Matane in Quebec's Lower St. Lawrence region. Since the transaction, it also owns CIKI-FM (and its rebroadcasting transmitter CIKI-FM-2) and CFVM-FM, both located in the same region. As the markets for these four stations have different degrees of overlap, an analysis of the transaction's compliance with the Common Ownership Policy (COP) for radio was necessary. This analysis demonstrated that the populations in the areas of overlap between the CFVM-FM Amqui market and each of these three markets represented more than 15% of the population of the CFVM-FM Amqui market. Under the COP, and as clarified by Broadcasting Information Bulletin 2010-341 (the Bulletin), Arsenal would own four French-language FM radio stations in the CFVM-FM Amqui market, which would go against the COP.
3. To support approval of its CFVM-FM acquisition application, Arsenal proposed modifying that station's technical parameters to considerably reduce the overlapping areas with the

markets for CHOE-FM and CHRM-FM Matane, bringing them to between 5% and 15% of the populations of these stations' markets.

4. The Commission found this proposal acceptable since it determined that, following the implementation of the proposed technical changes, the presence of the partially overlapping markets represented a negligible risk of disrupting the competitive balance or the orientation of news and public affairs programs in the CFVM-FM Amqui market. Indeed, Arsenal argued that CHOE-FM and CHRM-FM broadcast neither advertising aimed at local businesses in Amqui nor news and public affairs programs specifically targeting listeners in this region.
5. The Commission considered it appropriate to approve the transaction, provided that Arsenal implement the proposed technical changes for CFVM-FM.
6. Accordingly, the Commission required, as a condition of approval for the application related to Broadcasting Decision 2025-76, that Arsenal file a request for technical changes for CFVM-FM in order to remain in compliance with the COP.

Application

7. Arsenal filed an application to amend the authorized contour of its French-language commercial radio station CFVM-FM, as required by the Commission.
8. In its application, Arsenal proposed to increase the maximum effective radiated power (ERP) from 23,800 to 26,000 watts, to decrease the average ERP from 23,800 to 16,154 watts, to replace the existing non-directional antenna with a new directional antenna, to increase the effective height of the antenna above average terrain (EHAAT) from 423.5 to 445.0 metres, and to amend the coordinates of the transmitter. All other technical parameters will remain unchanged.
9. In Arsenal's view, these technical modifications would enable CFVM-FM to comply with the COP, as they would sufficiently reduce CFVM-FM's areas of overlap with the CHOE-FM and CHRM-FM Matane markets.

Intervention

10. The Commission received an intervention in opposition from Groupe Simard in regard to this application, to which Arsenal replied. The intervention and the reply are addressed below.

Legal Framework

11. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (Act), to issue licences for the carrying on of broadcasting undertakings and to amend those licences.
12. When a licensee files an application for technical amendments, the Commission generally requires the licensee to present compelling technical or economic evidence justifying the

requested amendments. However, in the present case, the request was submitted specifically to meet a condition of approval, as mentioned above.

13. In its analysis, the Commission can take into account the history of an application and the relevant issues raised in the interventions.
14. Finally, under subsection 31(1) of the Act, Broadcasting Decision 2025-76 is final. The present application is not an opportunity for stakeholders to challenge the Commission's decision on that matter.

Common Ownership Policy for radio

15. The Revised Commercial Radio Policy has imposed¹ a new limit on the number of stations a licensee can control under the COP. It provides that, in a market² of fewer than eight commercial radio stations operating in a given language, a person may be permitted to own or control as many as three stations in that language, with no limits on frequency band.
16. However, the Bulletin states that in cases where adjacent markets are so close together as to create overlapping areas, a station will generally be excluded from the calculation if the population in the overlapping area represents less than 5% of the population of the market. A station will be included in the calculation if the population of the overlapping area represents 15% or more of the market. The Bulletin also acknowledges that certain economic or technical circumstances may justify an exception to the COP.
17. In cases where the overlapping area represents less than 15% but more than 5% of the market, if the competitive balance of the market is maintained and the orientation of news and public affairs coverage is unaffected, the Bulletin guidelines state that the application may be approved without a justification based on economic or technical circumstances.

Issue

18. After examining the record for this application in light of the context of this file and the applicable regulations and policies, the Commission considers that it must address the following issue:
 - whether Arsenal's proposed technical amendments allow its station CFVM-FM to remain in compliance with the COP.

Intervener's position

19. In its intervention, Groupe Simard questioned the relevant market for the purpose of determining compliance with the COP. It expressed the view that CFVM-FM, with its

¹ Broadcasting Regulatory Policy 2022-332.

² According to the *Radio Regulations, 1986*, in the case of an FM station, the "market" is defined by the theoretical 3 mV/m contour or the central area as defined by Numeris (formerly Bureau of Broadcast Measurement), whichever is smaller.

existing or proposed parameters, cannot comply with the COP since CFVM-FM's signal (existing or proposed) would be received clearly in the Matane and Rimouski markets, regardless of the proposed theoretical contours proposed in this application, which equals a de facto presence in these two markets.

20. Groupe Simard expressed the view that using the 3 mV/m contour to delimit the relevant market is outdated and does not consider the actual reception of a radio station; since modern FM receivers are much more sensitive, the difference in reception quality between the 3 mV/m and 0.5 mV/m contours has been eliminated. It added that perimeter calculations are based on models developed in 1950, improved in 1966, and which have since remained unchanged.
21. Furthermore, Groupe Simard indicated that the 3 mV/m contour does not apply to the Matane and Amqui stations, and that these stations should qualify as "regional stations" under the Department of Industry's (also known as Innovation, Science and Economic Development Canada, hereafter, the Department) *Application Procedures and Rules for FM Broadcasting Undertakings* (BPR-3). It added that these rules are applicable because of the definition of "contour" set out in the *Radio Regulations, 1986* (Regulations), which refers to the service contour shown on the latest map published by the Department.
22. In its intervention, Groupe Simard also alleged that, although the Lower St. Lawrence stations' market was defined by the 3 mV/m contour, the CFVM-FM station, with its existing and proposed parameters, does not comply with the COP since:
 - the area of overlap between CFVM-FM and the CIKI-FM Rimouski's market would increase from 15% to 18.5%;
 - the area of overlap between CFVM-FM and the CHRM-FM Matane market would decrease from 92.7% to 17.5%;
 - the area of overlap between CIKI-FM and the CFVM-FM Amqui market would increase from 30.5% to 53.0%; and
 - CFVM-FM's existing and proposed contours cover 100% of CIKI-FM-2 Sainte-Marguerite-Marie's market.
23. Considering the above, in the view of Groupe Simard, Arsenal operates more than three French-language FM stations in the CFVM-FM Amqui market.
24. Groupe Simard also indicated that a restriction on advertising solicitation will be very difficult to implement, and even more difficult to prove in the event of advertising sales for all "Arsenal network" stations in this region. It argued that it would be very simple for Arsenal to demonstrate that Rimouski advertisements sold on CFVM-FM were "non-solicitation," whereas solicitations were being made for CIKI-FM and CJOI-FM.

Applicant's reply

25. As for the market in question, Arsenal emphasized that the Commission and the Department have established the 3 mV/m threshold as a standard that delimits a market and is recognized throughout the industry. It added that this standard applies uniformly to all stations, and the methodology it uses fully respects this criterion regardless of the technical capabilities of certain receivers.
26. It recalled that the question of market delimitation was addressed for the consultations that led to the revised Commercial Radio Policy. As a result, definitions based on the 3 mV/m contours can be applied consistently, as they are clear and predictable and comply with current policies.
27. Arsenal also commented on Groupe Simard's allegation that CFVM-FM cannot comply with the COP even if the markets for Lower St. Lawrence stations were defined by the 3 mV/m contour.
28. Arsenal confirmed that CFVM-FM is already accounted for in the Rimouski market and that its overlap, which would increase from 16.1% to 18.7% following the proposed technical changes, would not change its status.
29. Arsenal also pointed out that it respects the COP in Matane, where it owns three stations: CHOE-FM, CHRM-FM, and CFVM-FM. It added that, in Broadcasting Decision 2025-76, the Commission indicated that it remained in compliance with the COP, even with the presence of CIKI-FM (which has an overlapping area of between 5% and 15% with the markets for Matane stations), since it represents a negligible risk of disrupting the competitive balance or the orientation of news and public affairs programs specifically aimed at listeners in Matane.
30. Arsenal also pointed out that although the Commission indicated in Broadcasting Decision 2025-76 that CHOE-FM and CHRM-FM represented a third and fourth presence in Amqui, it also recognized that following the technical amendments, Arsenal would remain in compliance with the COP since the Matane stations present a negligible risk of disrupting the competitive balance or coverage of local news in the market.
31. Arsenal stated that reducing CFVM-FM's footprint would reduce the population in the area of overlap with the CHOE-FM Matane market from 41.8% to 10.8%, and the population in the overlapping area with the CHRM-FM Matane market from 43.1% to 12.5%, i.e., below the 15% threshold required by the Commission in its decision.
32. Finally, Arsenal reiterated its intention to comply with the Commission's expectations set out in Appendix 1 of Broadcasting Decision 2025-76, particularly in regard to advertising. Specifically, it stated that it would refrain from soliciting or accepting advertising in markets outside its primary service areas for CFVM-FM, CIKI-FM and its transmitter CIKI-FM-2, and CJOI-FM.

Commission's analysis

Relevant market for FM stations

33. The Commission notes that Groupe Simard's argument is intended to support the use of an alternative market in the analysis of this application (i.e., the secondary contour [0.5 mV/m]), or the Lower St. Lawrence region. According to Groupe Simard, if the Commission accepts this market argument, the technical solution proposed by Arsenal would not enable it to remain in compliance with the COP.
34. However, the Commission notes that the Revised Commercial Radio Policy and the Bulletin refer to the concept of "market" as defined in the Regulations. These regulations refer to the 3 mV/m contour for defining the market for an FM station.
35. The Commission notes that although the Regulations define "contour" as a "service contour marked ... on the map that pertains to that station and that is most recently published by the [Department]," this reference to the Department does not involve either the BPR-3 document referred to by Groupe Simard or its concept of a "regional station."
36. The shared authority of the Commission and the Department in regard to off-air broadcasting is well established. However, each organization has its own separate responsibilities. The Department exercises authority under the *Radiocommunication Act*, and it is within this framework that it published BPR-3. The Commission, however, regulates broadcasting under the Act. It is in this capacity that the Commission enacted the Regulations and the COP and is processing this application.
37. The Commission is of the view that its definition of an FM station's market may thus differ from the coverage requirements established by the Department, namely under BPR-3. Therefore, while the Department's rules and procedures may serve as a technical reference, they are not binding on the Commission in regulatory terms.
38. The Revised Commercial Radio Policy defines the FM station markets as the FM 3 mV/m contour or the central area as defined by Numeris (formerly BBM), whichever is smaller.³ This decision was made following a public consultation, and the Commission is thus of the view that there are no ambiguities in this respect.
39. The Commission notes that the current process sets out to apply the existing policy in order to determine whether Arsenal's proposed technical amendments meet the condition of approval imposed in Broadcasting Decision 2025-76.
40. The Commission is of the view that, considering the stations concerned as "regional" and not applying the market definition (i.e., the 3 mV/m contour) would be incompatible with the approach adopted in Broadcasting Decision 2025-76 and, more generally, with the way in

³ See paragraphs 17 and 30 of Broadcasting Regulatory Policy 2022-332.

which the Commission considers population and stations located within the 3 mV/m contour when assessing market overlaps for FM stations.

41. Consequently, the Commission is of the view that the technical amendments proposed by Arsenal must be assessed according to the market consisting of CFVM-FM's 3 mV/m contour.

Compliance with the COP

42. In Broadcasting Decision 2025-76, the Commission approved the transaction on the condition that Arsenal submit an application to amend CFVM-FM's primary contour to reduce the overlap with the Matane station markets, and thus remain in compliance with the COP.

CIKI-FM-2 does not constitute an additional presence in the CFVM-FM Amqui market

43. In its analysis leading up to Broadcasting Decision 2025-76, the Commission identified an area of overlap between CIKI-FM and the CFVM-FM Amqui market. Nevertheless, the Commission approved Arsenal's application on the condition that it submit an application to amend the CFVM-FM contour as proposed. However, in the intervention related to this application, Groupe Simard argued that the proposed amendments make it impossible to comply with the COP for the CFVM-FM Amqui market, given the overlap with the CIKI-FM-2 Sainte-Marguerite-Marie transmitter market.
44. The Revised Commercial Radio Policy states that rebroadcasting transmitters can have an impact on the competitive balance of a market and must therefore be counted among the number of stations owned by the same owner in the COP analysis.
45. However, the policy does not foresee situations such as the one under review in this application, in which the rebroadcasting transmitter and the originating station are already part of the same market. In this case, the given market is that of CFVM-FM. When the originating station and the rebroadcasting transmitter are part of the same market, the rebroadcasting transmitter is not considered an additional station.
46. The population of the market for CIKI-FM-2 Sainte-Marguerite-Marie (a rebroadcasting transmitter of CIKI-FM) is therefore amalgamated with that of the CIKI-FM Rimouski market, since these two stations are part of the same market.
47. The Commission notes that since the CIKI-FM-2 rebroadcasting transmitter is not considered an additional station in the CFVM-FM Amqui market, the presence of CIKI-FM-2 has no impact on the results of the common ownership analysis.
48. Moreover, even if CIKI-FM-2 were considered a station in its own right for the purposes of the COP, the Commission notes that Arsenal would own a maximum of three FM stations with an overlap of more than 15% of CFVM-FM Amqui's given market, namely CFVM-FM, CIKI-FM, and CIKI-FM-2.

Overlaps of more than 15%

49. The Commission notes that as a result of the proposed technical amendments, the area of overlap between CFVM-FM and the CIKI-FM Rimouski market will increase from 15% to 18.5%, and the area of overlap between CIKI-FM and the CFVM-FM Amqui market will increase from 30.5% to 53.0%. However, according to the Bulletin, these increases have no impact on Arsenal's compliance with the COP. The Bulletin makes no distinction according to the overlapping percentage when it is equal to or greater than 15%. As a result, these stations are already included in these markets.
50. Consequently, the Commission is of the view that this application, including the increased overlap, would not change the situation in this respect: CIKI-FM would remain in the CFVM-FM Amqui market and vice versa.

Perceived presence of more than three stations in the CFVM-FM Amqui market

51. As noted in paragraph 47, CIKI-FM-2 is not counted in the number of stations in the CFVM-FM Amqui market. Consequently, only CIKI-FM, CHOE-FM, CHRM-FM, and CFVM-FM should be considered part of the CFVM-FM Amqui market.
52. The Commission is of the view that Groupe Simard did not adequately consider the "given market" concept in the Bulletin, which led to an erroneous conclusion about the number of stations in the CFVM-FM Amqui market.
53. To calculate the number of stations and the percentage of population overlap in a given market, it is necessary to refer to the relevant market. For the purposes of this analysis, the relevant market is CFVM-FM Amqui, defined by its authorized contour of 3 mV/m. Overlapping percentage is the ratio between the population of the overlapping areas and the total population of the given market. Therefore, in this market, with the proposed technical amendments, Arsenal would own two French-language FM stations (CIKI-FM and CFVM-FM) whose areas of overlap with the CFVM-FM market are equal to or greater than 15%, and two French-language FM stations (CHOE-FM and CHRM-FM) whose areas of overlap with the CFVM-FM Amqui market are between 5% and 15%.
54. According to the Bulletin, the competitive balance and the risk of influence on the direction of news and public affairs programming must be considered in determining whether CHOE-FM and CHRM-FM should be counted as part of the CFVM-FM Amqui market.
55. In its application for transfer of assets, Arsenal stated that CHOE-FM and CHRM-FM do not broadcast advertising for local businesses in the Amqui market, nor do they broadcast news and public affairs programs aimed specifically at listeners in the Amqui market. Arsenal also stated that it would not change these practices, should the transaction be approved.
56. Consequently, the Commission is of the view that under the guidelines set out in the Bulletin, Arsenal would remain in compliance with the COP, given the negligible risk that the presence of CHOE-FM and CHRM-FM would alter the competitive balance or the direction of news and public affairs programming in the Amqui market.

Solicitation of advertising

57. Arsenal has stated that it does not solicit or accept advertising in markets outside its primary service areas for the stations CFVM-FM, CIKI-FM and its transmitter CIKI-FM-2, and CJOI-FM. Currently, no evidence on the record suggests an eventual breach of this expectation. The Commission expects Arsenal to honour its commitment in this respect and remains ready to review any complaint received to this effect in the case of a breach of this commitment.

Commission's decision

58. In light of the above, the Commission finds that the technical amendments Arsenal proposed in its application fulfil the condition for approval of Broadcasting Decision 2025-76 since they would allow CFVM-FM to remain in compliance with the COP.

Conclusion

59. In light of all of the above, the Commission approves the application by Arsenal to change the technical parameters of the French-language commercial FM radio programming undertaking CFVM-FM Amqui, Quebec.

60. The Commission is of the view that the technical amendments proposed by Arsenal meet the above-mentioned condition of approval.

61. 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 a broadcasting certificate will be issued.

62. The licensee must implement the technical amendments by no later than **22 January 2028**. To request an extension, the licensee must submit a written request to the Commission at least 60 days before that date, using [Form 300](#) available on the Commission's website.

63. 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. The implementation of the technical amendments approved in this decision could result in changes to CFVM-FM's authorized contours. 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 CFVM-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. In so doing, the licensee will satisfy the condition of approval set out in Broadcasting Decision 2025-76.

64. This decision is to be appended to the licence.

Secretary General

Related documents

- *CFEI-FM Saint-Hyacinthe, CFVM-FM Amqui, CFZZ-FM Saint-Jean-sur-Richelieu, CHRD-FM and CJDM-FM Drummondville, CIKI-FM Rimouski and its transmitter CIKI-FM-2 Sainte-Marguerite-Marie, and CJOI-FM Rimouski – Change in ownership and effective control*, Broadcasting Decision CRTC 2025-76, 11 March 2025, modified by Broadcasting Decision CRTC 2025-76-1, 15 May 2025
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Revised guidelines for the application of the Common Ownership Policy for Radio*, Broadcasting Information Bulletin CRTC 2010-341, 4 June 2010
- *Diversity of voices –Regulatory Policy*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998