



## Broadcasting Decision CRTC 2008-225

Ottawa, 26 August 2008

### **La Radio touristique de Québec inc.**

Québec, Quebec

*Applications 2007-1774-6 and 2007-1775-4, received 6 December 2007*

*Public Hearing in the National Capital Region*

*13 May 2008*

### **CKJF-FM and CJNG-FM Québec – Technical changes**

*The Commission **denies** the application to change the authorized contours of CKJF-FM Québec by increasing the effective radiated power (ERP).*

*The Commission **approves** the application to change the authorized contours of CJNG-FM Québec by increasing the ERP.*

### **The applications**

1. The Commission received an application from La Radio touristique de Québec inc. (Radio touristique de Québec) to change the authorized contours of the French-language low-power radio programming undertaking CKJF-FM Québec by increasing the effective radiated power (ERP) from 12.7 watts to 79.4 watts and by decreasing the antenna height (application 2007-1774-6). The station currently operates at 90.3 MHz (channel 212LP).
2. The licensee also filed a second application to change the authorized contours of the English-language low-power programming undertaking CJNG-FM Québec by increasing the average ERP from 12.7 watts to 20.4 watts and by decreasing the antenna height (application 2007-1775-4). The station currently operates at 89.7 MHz (channel 209LP).
3. The licensee stated that the proposed changes will improve the quality of the radio signals received by listeners visiting and residing in Québec and the surrounding area. The licensee also indicated that it wishes to secure the frequencies 89.7 MHz and 90.3 MHz for Radio touristique de Québec in order to ensure the sustainability of the service offered by the company and maximize returns on the substantial investments made to operate and develop the stations.
4. The Commission notes that the power increases would result in a change in status for CKJF-FM and CJNG-FM from low-power unprotected services to regular Class A1 services. The authorized contours of the stations would therefore be significantly increased.

## **Interventions**

5. The Commission received several interventions in connection with these applications. While there were some letters in support of the applicant's requests, Radio-Classique Québec (Radio-Classique), Groupe Radio Simard and Evanov Communications Inc. (Evanov) each submitted comments opposing the two applications by Radio touristique de Québec.
6. In its comment, Radio-Classique noted the possibility of interference with the signal of its station operating at 92.7 MHz should the proposed power increases occur. The intervener also stated that it is the applicant's responsibility to decrease its station's power when there is interference and requested that the Commission impose a condition of licence to that effect.
7. According to Groupe Radio Simard, the use of 90.3 MHz proposed by the licensee would not represent the best use of the frequency. The intervener has filed an application for a broadcasting licence to operate a new commercial radio programming undertaking in Montmagny, Quebec (application 2007-1520-4). The station would operate at 90.3 MHz (channel 212B) with an average ERP of 17,460 watts. The application by Groupe Radio Simard is therefore technically mutually exclusive with the application by Radio touristique de Québec. Groupe Radio Simard was of the view that its proposed use of the frequency would be of greater benefit to the population because the new radio station would provide local programming.
8. Evanov noted that the frequency spectrum available in Québec is very limited and that 90.3 MHz and 106.9 MHz are the only frequencies able to sustain a mainstream radio station, with 101.5 MHz as a low-power alternative. Therefore, Evanov requested that the Commission withdraw the applications by Radio touristique de Québec to process them at a future public hearing because, according to Evanov, it would be in the public's interest to issue a call for applications for broadcasting licences to use the last remaining frequencies available in the market.
9. Furthermore, Evanov requested that the Commission deny the applications of Radio touristique de Québec because the applicant did not demonstrate that the existing technical parameters are insufficient to allow it to provide the service for which it obtained a licence.

## **Applicant's reply**

10. To quell the concerns of Radio-Classique, the licensee pointed out that the Department of Industry (the Department) considers the applications to be technically acceptable and has made them subject to the customary conditions. The licensee also noted that other licensees in Québec – Radio Galilée and La Société Radio-Canada – decided not to oppose the applications.

11. In response to the intervention by Groupe Radio Simard, Radio touristique de Québec stated that the choice of 90.3 MHz in Montmagny was not mandatory. Other frequencies, such as 94.7 MHz and 105.3 MHz, would be available.
12. As to Evanov's arguments, the licensee stated that the frequencies are being used very efficiently, since the programming of its radio stations is entirely local and contributes to the area's tourist industry, which is very lucrative. The licensee submitted that the loss of a frequency could have disastrous consequences on the availability and viability of tourist radio.

### **Commission's analysis and determinations**

13. When a licensee of a low-power radio station files an application to change its operating class to that of a regular Class A1 station, the Commission expects the licensee to present compelling evidence that its authorized technical parameters are not adequate to provide the service as originally proposed.
14. In the present case, given the scarcity of frequencies in Québec and the fact that 90.3 MHz is allotted specifically to the city of Montmagny, the Commission considers that the use of this frequency proposed by Radio touristique de Québec would not be optimal.
15. Further, in *French-language FM radio station in Montmagny and transmitter in Saint-Fabien-de-Panet*, Broadcasting Decision CRTC 2008-224, 26 August 2008, the Commission authorized Guy Simard, on behalf of a corporation to be incorporated, to operate at 90.3 MHz. The Commission notes, however, that Guy Simard expressed his willingness during the hearing to assist the licensee in finding a new frequency and ensuring the continuity of the service offered by Radio touristique de Québec.
16. Accordingly, the Commission **denies** the application by Radio touristique de Québec inc. to amend the broadcasting licence for French-language low-power radio programming undertaking CKJF-FM Québec.
17. Further, given that the technical parameters attributed to CKJF-FM Québec are those of a low-power unprotected FM service, the Commission reminds the licensee that it will have to select a new frequency if the Department so requires, and file an application with the Commission to use it.
18. In its application and at the hearing, the applicant stated that it wanted to increase the power of the two stations in order to protect its assets and the jobs it has created in the area. The applicant demonstrated that it has made investments commensurate with its means, that the stations earn a profit, and that it is able to make the investments required to improve its services. The Commission considers that the licensee has clearly demonstrated its desire to serve its market well.

19. In light of the above, the Commission **approves** the application by Radio touristique de Québec inc. to amend the broadcasting licence of the English-language low-power radio programming undertaking CJNG-FM Québec by increasing the average ERP from 12.7 watts to 20.4 watts. This increase will result in a change in status for CJNG-FM from a low-power unprotected service to a regular Class A1 service.
20. The Department has advised the Commission that, while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.
21. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting 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.

Secretary General

*This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.*