



Broadcasting Decision CRTC 2005-176

Ottawa, 28 April 2005

CIBM-FM Mont-Bleu Itée

La Pocatière and Saint-Aubert, Quebec

Application 2004-0066-4

Broadcasting Public Notice CRTC 2004-36

31 May 2004

CHOX-FM La Pocatière – New transmitter in Saint-Aubert

*The Commission **approves** the application to amend the broadcasting licence for the radio programming undertaking CHOX-FM La Pocatière, in order to operate a transmitter in Saint-Aubert.*

The application

1. The Commission received an application by CIBM-FM Mont-Bleu Itée (CIBM-FM Mont-Bleu) to amend the broadcasting licence for the radio programming undertaking CHOX-FM La Pocatière, in order to operate a transmitter in Saint-Aubert to adequately serve Saint-Aubert and Saint-Jean-Port-Joli.
2. The new transmitter would operate at 100.1 MHz (channel 261LP) with an average effective radiated power of 12 watts.

Interventions

3. The Commission received interventions supporting and opposing this application. The opposing interventions were from CFEL-FM Montmagny, from the municipality of Saint-Aubert, and from 3819914 Canada inc. (3819914), the licensee of CJDS-FM Saint-Pamphile.
4. The Commission notes that it also received an application by 3819914 to amend the broadcasting licence for the radio programming undertaking CJDS-FM. 3819914 requested authority to operate a transmitter in Saint-Jean-Port-Joli.¹
5. In its intervention, CFEL-FM stated that the amendment requested by CIBM-FM Mont-Bleu could increase the fragmentation of advertising revenues in Saint-Jean-Port-Joli region, just as the introduction of CJDS-FM to Saint-Pamphile did. The municipality of Saint-Aubert stated that, in 64 years of existence, the applicant had not shown any

¹ In *CJDS-FM Saint-Pamphile – New transmitter in Saint-Jean-Port-Joli*, Broadcasting Decision CRTC 2005-175, also issued today, the Commission has denied 3819914's application.

special interest for the municipalities that make up the regional municipality county of l'Islet. The municipality of Saint-Aubert thus decided to adopt a resolution to support 3819914's application for a transmitter in Saint-Jean-Port-Joli instead of the application by CIBM-FM Mont-Bleu.

6. For its part, 3819914 stated that the applicant proposed only to repeat a service intended for the people in the neighbouring regional municipality county. According to this intervener, the people of Islet County would not obtain any additional benefit because they currently receive CHOX-FM's programming. 3819914 asked that, if the Commission were to approve the application, it suspend the decision for a certain period to allow CJDS-FM to complete the installation of its transmitter.

The applicant's replies

7. CIBM-FM Mont-Bleu stated that Saint-Aubert and Saint-Jean-Port-Joli are located within CHOX-FM's primary contour. The applicant added that La Pocatière is the central town for the citizens of Saint-Jean-Port-Joli because La Pocatière is closer to Saint-Jean-Port-Joli than it is to Montmagny or Saint-Pamphile. CIBM-FM Mont-Bleu stated that it was not proposing any additional local programming elements in this application because its station is already the primary radio service for Saint-Aubert and Saint-Jean-Port-Joli. According to the applicant, the addition of a low-power transmitter is only meant to improve the station's signal in these communities.

The Commission's analysis and determination

8. After having examined the arguments of the applicant and the interveners, the Commission concludes that CIBM-FM Mont-Bleu's proposal to add a transmitter of CHOX-FM in Saint-Aubert will not have an undue negative impact on the existing broadcasters because the station has been serving this area since 1938. The transmitter will also help to repatriate part of the listenership in the market. Currently 75% of the market is captured by stations in neighbouring markets, mainly those from the Québec market. The Commission is convinced that the implementation of a new transmitter will make it possible for CHOX-FM to offer a better quality signal to people in Saint-Aubert and Saint-Jean-Port-Joli.
9. Consequently, the Commission **approves** the application by CIBM-FM Mont-Bleu ltée to amend the broadcasting licence for the radio programming undertaking CHOX-FM La Pocatière, in order to operate a transmitter at Saint-Aubert. The new transmitter will operate at 100.1 MHz (channel 261LP) with an average effective radiated power of 12 watts.
10. The Department of Industry (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.

11. 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.
12. Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission also reminds the licensee that it will have to select another frequency if the Department so requires.
13. The transmitter must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 28 April 2007. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

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>