



Broadcasting Decision CRTC 2004-363

Ottawa, 20 August 2004

Rock 95 Broadcasting (Barrie-Orillia) Ltd.
Barrie, Ontario

*Application 2003-1449-3
Public Hearing in the National Capital Region
7 June 2004*

CKMB-FM Barrie – Technical changes

*The Commission **approves** the application by Rock 95 Broadcasting (Barrie-Orillia) Ltd. to amend the broadcasting licence for the radio programming undertaking CKMB-FM Barrie in order to change the frequency from 107.5 MHz (channel 298C1) to 107.7 MHz (channel 299C1) and to change the authorized contours by relocating the transmitter.*

The application

1. The Commission received an application by Rock 95 Broadcasting (Barrie-Orillia) Ltd. (Rock 95) to amend the broadcasting licence for the radio programming undertaking CKMB-FM Barrie in order to change the frequency from 107.5 MHz (channel 298C1) to 107.7 MHz (channel 299C1) and to change the authorized contours by relocating the transmitter 22 kilometres south of the present site.¹
2. The applicant stated that the proposed technical changes are needed to resolve severe reception problems within the station's primary market. While the average effective radiated power (ERP) would remain unchanged at 17,000 watts, the maximum ERP would decrease from 50,000 watts to 30,000 watts.
3. Rock 95's application is technically mutually exclusive with the application filed by Durham Radio Inc. (Durham), which was also considered at this public hearing, to amend the licence for CKDO Oshawa in order to operate an FM transmitter in Oshawa at 107.7 MHz (channel 299A1) with an ERP of 250 watts.

¹ This decision relates to the technical parameters and coverage contours proposed in the applicant's original application filed with the Commission in October 2003. A subsequent amendment of the application filed in March 2004 proposing augmented technical parameters was withdrawn at the applicant's request.

Interventions

4. The Commission received eleven interventions in connection with Rock 95's application. Nine interveners supported the application and one opposed it. In addition, while one intervener did not expressly oppose Rock 95's application, he supported approval of Durham's proposal rather than the proposal filed by Rock 95.
5. The opposing intervention was submitted by Durham, the licensee of CKDO-FM Oshawa.
6. Rock 95 did not reply to the opposing intervention.
7. Durham subsequently filed correspondence with the Commission indicating that it would be prepared to operate the proposed FM transmitter of CKDO Oshawa at 107.5 MHz instead of at 107.7 MHz, in order to avoid technical conflict with Rock 95's proposal. Durham further stated that the proposed use of the alternative frequency has been discussed with and accepted by Corus Entertainment Inc., which operates CILQ-FM at 107.1 MHz in North York (Toronto).

The Commission's analysis and determination

8. The Commission notes that Durham has indicated that it is prepared to use a frequency other than 107.7 MHz. The Commission has also taken into consideration all of the favourable views expressed in the interventions in support of the application. The Commission has determined that approval of the application is in the public interest.
9. Accordingly, the Commission **approves** the application by Rock 95 Broadcasting (Barrie-Orillia) Ltd. to amend the broadcasting licence for CKMB-FM Barrie in order to change the frequency from 107.5 MHz (channel 298C1) to 107.7 MHz (channel 299C1) and to change the authorized contours by relocating the transmitter 22 kilometres south of the present site.
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.

Related matter

12. In *CKDO Oshawa – New transmitter in Oshawa*, Broadcasting Decision CRTC 2004-362, also released today, the Commission has approved in part Durham's application to operate an FM transmitter of CKDO Oshawa in Oshawa. Durham must submit for approval an application proposing the use of a suitable frequency other than 107.7 MHz (channel 299A1).

Secretary General

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