



Broadcasting Decision CRTC 2003-196

Ottawa, 2 July 2003

Canadian Broadcasting Corporation
Montréal, Quebec

Application 2002-0272-1
Public Hearing at Montréal, Quebec
3 February 2003

CBME-FM Montréal – New transmitter in Montréal

*In this decision, the Commission **approves** the application by the Canadian Broadcasting Corporation to amend the broadcasting licence for CBME-FM Montréal in order to operate a transmitter in Montréal.*

Introduction

1. The Commission received an application by the Canadian Broadcasting Corporation (CBC) to amend the broadcasting licence for the radio programming undertaking CBME-FM Montréal in order to operate a transmitter at the intersection of Sherbrooke West and Cavendish Streets in Montréal. The transmitter would rebroadcast the programming of the CBC's national English-language network service Radio One, at 104.7 MHz (channel 284A1) with an effective radiated power (ERP) of 98 watts.
2. The CBC indicated that the proposed transmitter would correct significant reception problems in the Westmount, Notre-Dame-de-Grâce, Côte-des-Neiges, Hampstead and Snowdon communities.
3. The Commission considered this application at a public hearing held in Montréal from 3 to 19 February 2003. At the public hearing, the Commission heard eleven other applications in connection with the Montréal market, including an application by Canadian Hellenic Cable Radio Ltd. (Hellenic Radio) to operate an ethnic radio station at 105.1 MHz.
4. The Department of Industry (the Department) advised that the use of 104.7 MHz, as proposed in CBC's application, would be second adjacent¹ with the use of 105.1 MHz, as proposed in Hellenic Radio's application. The Department stated that, while these applications would usually be considered to be technically mutually exclusive, it would

¹ In FM radio broadcasting, the second adjacent channel is a term used when two frequencies are separated by an interval of 400 kHz. FM radio broadcasting frequencies are separated by intervals from 88.1 MHz to 107.9 MHz. Department of Industry rules governing frequency allocation prohibit the licensing of stations located within the same community or in neighbouring communities and that use any frequency deemed to be a second adjacent frequency.

be possible for the two operations to co-exist if each applicant were willing to accept a zone of interference around the other's transmitter site. At the hearing, each applicant stated that it was willing to accept interference from the other party's station.

5. Of the twelve applications related to the Montréal market, the Commission today approves five: the present proposal, the operation of a commercial French-language specialty (jazz and blues) FM radio station (Broadcasting Decision CRTC 2003-192), a commercial French-language AM radio station (Broadcasting Decision CRTC 2003-193), an ethnic commercial FM radio station (Broadcasting Decision CRTC 2003-194) and of a native FM radio station (Broadcasting Decision CRTC 2003-195).
6. The criteria used by the Commission to evaluate the applications considered at the 3 February 2003 public hearing are set out in *Introductory statement to Broadcasting Decisions CRTC 2003-192 to 2003-203: Applications related to radio stations in the Province of Quebec*, Broadcasting Public Notice CRTC 2003-33, 2 July 2003 (the Introductory Statement). In the Introductory Statement, the Commission also addresses the various proposals that were technically mutually exclusive and the general interventions to most of the applications, and states its conclusions on the capacity of the markets in Montréal, in Sherbrooke, in Trois-Rivières and in Saguenay to support the addition of one or more new radio stations, taking into account the competitive state of each market.
7. The present decision addresses the particulars of the CBC's application.

The interventions

8. The Commission received an intervention by Catharine Findlay in support of the CBC's application. Interventions in opposition were received by la radio communautaire intergénération Jardin du Québec (Radio intergénération), the licensee of CHOC-FM Saint-Rémi, and by Mr. Sheldon Harvey.
9. Radio intergénération opposed the CBC's application for the use of 104.7 MHz in Montréal. The intervener stated that it was studying the possibility of using this frequency to reduce interference problems with its station in Saint-Rémi and suggested that the CBC consider using 100.1 MHz.
10. Mr. Sheldon Harvey stated that the CBC is already using four FM frequencies in the Montréal region. He noted that, although the CBC had indicated in 1997 that a move from AM to FM would result in a better signal and coverage, the CBC has submitted several applications for relay transmitters of 88.5 FM to cover areas which it was unable to adequately serve after its conversion to the FM band. The intervener also mentioned that the CBC could use a low power AM relay or repeater on the same frequency to resolve its coverage problem.

11. Communications Michel Mathieu commented that, if the 104.7 MHz were assigned to the CBC, there would be no frequency available to broadcast short-term special events in the Montréal region. In response, the CBC stated that its proposed use of 104.7 MHz as a permanent and protected operation represents the best use of the frequency.
12. An opposing intervention filed by the Association des radiodiffuseurs communautaires du Québec and the comments submitted by the Union des artistes are discussed in the Introductory Statement.

The applicant's replies

13. In response to Radio intergénération's intervention, the CBC stated that its proposed technical parameters are actually protecting CHOC-FM's coverage. The CBC stated that, if Radio intergénération has experienced interference problems since 2001, it should have submitted an application when the Commission issued a call for applications to serve the Montréal market. The CBC stated that it did not want to use 100.1 MHz because this frequency could be used commercially in Montréal. Furthermore, the CBC considered that operating at 100.1 MHz in Montréal would reduce CBME-FM's coverage in Trois-Rivières.
14. In response to the intervention by Mr. Harvey, the CBC stated that, since its Radio One service began operating at 88.5 MHz in 1998, the use of that frequency has improved service for many Montréalers and has made its programming accessible to younger people who never tuned to the AM band. The CBC also stated that in *Approval of application to convert CBM Montréal to FM*, Decision CRTC 97-294, 4 July 1997, the Commission had noted the CBC's commitments to modify the radiation pattern, or install additional transmitters, should the signal be deficient in certain areas.

The Commission's analysis and determination

15. The Commission notes that the Department has indicated that there is no possibility that the proposed operation of a transmitter of CBME-FM at 104.7 MHz would cause interference to CHOC-FM's signal.
16. The Commission is of the view that Mr. Harvey's proposal that the CBC use a low power relay would not permit more efficient use of the spectrum and that the use of repeaters on the same frequency would be very difficult to implement.
17. The Commission finds that the proposed transmitter will allow the CBC to correct significant reception problems in the Westmount, Notre-Dame-de-Grâce, Côte-des-Neiges, Hampstead and Snowdon communities. Accordingly, the Commission **approves** the application by the Canadian Broadcasting Corporation to amend the broadcasting licence for the radio programming undertaking CBME-FM Montréal, in order to operate a transmitter in Montréal to rebroadcast the programming of its national English-language network service Radio One. The new transmitter will operate at 104.7 MHz (channel 284A1) with an ERP of 98 watts.

18. 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.
19. 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.
20. 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 2 July 2005. 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 this 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 at the following Internet site: <http://www.crtc.gc.ca>