



Broadcasting Decision CRTC 2004-203

Ottawa, 9 June 2004

788813 Ontario Inc.
Niagara Falls, Ontario

Application 2003-1044-1
Public Hearing in the National Capital Region
19 April 2004

CFLZ-FM Niagara Falls – Technical change

The application

1. The Commission received an application by 788813 Ontario Inc. to change the authorized contours of the radio programming undertaking CFLZ-FM Niagara Falls, by increasing its effective radiated power from 406 watts to 7,200 watts, while upgrading the licensee's undertaking on channel 286A to 286B.
2. The applicant stated that the proposed technical change would improve the station's signal quality and enable it to provide better service to the local area. While the applicant acknowledged that the proposed change would also result in improved coverage in the United States, it made a commitment to continue to provide local news focusing on Niagara Falls, Ontario and the adjoining area in Canada, as well as reports on traffic and road conditions for that region, and local community-oriented programs such as the community bulletin board *Cruising Niagara*.
3. The applicant confirmed that, although it does hope to continue generating U.S. advertising revenues, it has not counted on the sale of a substantial amount of U.S. advertising as part of its business plan. This is consistent with the applicant's commitment to continue to focus on Niagara Falls, Ontario and adjacent area in Canada.

Intervention

4. The Mouvement des intervenants et intervenantes en communication radio de l'Ontario (MICRO) filed an intervention opposing this application. MICRO represents seven French-language community radio stations in Ontario.

5. MICRO submitted that the proposed power increase would have a negative impact on the coverage of the French-language community radio station approved by the Commission in *French-language FM community radio station in Toronto*, Broadcasting Decision CRTC 2003-116, 17 April 2003 (Decision 2003-116)¹. The intervener noted that this station was licensed following a public process that was initiated by the Commission in *Call for applications for a broadcasting licence to carry on a radio programming undertaking to serve Toronto, Ontario*, Public Notice CRTC 2001-39, 22 March 2001. In that public notice, the Commission invited applications for licences to operate radio programming undertakings that clearly reflect the diversity of languages, as well as the multicultural and multi-ethnic reality of the Greater Toronto Area.
6. In MICRO's view, the proposed power increase would not result in the addition of new French-language programming that would better reflect the community and would, in fact, limit the possibility of increased French-language coverage of local and community events, as contemplated by the *Broadcasting Act*.

The applicant's reply

7. In response, the applicant stated that the proposed technical change would "in no way limit the ability of the newly-licensed [community radio station] to serve its French-speaking audience in the greater Toronto area." The applicant reiterated that the objective of the proposed amendment is to enable CFLZ-FM to better serve its English-speaking audience in the Niagara Falls area. The applicant noted that CFLZ-FM and the new French-language community radio station are geographically distinct and that, once the latter begins operation, it will serve an entirely different audience from the audience served by CFLZ-FM.
8. The applicant stated that, since the new French-language community radio station plans to operate at 105.1 MHz, the frequency currently used by CFLZ-FM, some technical issues have arisen with respect to potential signal overlap in the St. Catharines' area. The applicant further stated that the two stations have discussed these technical issues with the Department of Industry (the Department) and have resolved them to the satisfaction of both parties.

The Commission's analysis and determination

9. The Commission is satisfied that the technical issues raised by MICRO have been appropriately addressed and that approval of this application will not have a negative impact on the operation of the French-language community radio station approved in Decision 2003-116.

¹ To date, the station has not yet implemented operations.

10. Based on the foregoing, the Commission **approves** the application by 788813 Ontario Inc. to change the authorized contours of the radio programming undertaking CFLZ-FM Niagara Falls, by increasing its effective radiated power from 406 watts to 7,200 watts, while upgrading the licensee's undertaking on channel 286A to 286B.
11. 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.
12. 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 at the following Internet site: <http://www.crtc.gc.ca>