



## Broadcasting Decision CRTC 2006-136

Ottawa, 10 April 2006

### Sound of Faith Broadcasting

Woodstock, Kitchener and London, Ontario

*Applications 2005-0502-6, 2005-0869-0 and 2005-1198-2*

*Broadcasting Public Notices CRTC 2005-95, 2005-111 and 2005-127*

*7 October 2005, 25 November 2005, and 21 December 2005*

### CJFH-FM Woodstock, CJTW-FM Kitchener and CHJX-FM London – Technical changes

*The Commission **denies** the applications to change the authorized contours of CJFH-FM Woodstock and CJTW-FM Kitchener and to change the frequency and authorized contours of CHJX-FM London.*

### The applications

1. The Commission received applications by Sound of Faith Broadcasting (Sound of Faith) to:
  - change the authorized contours of the radio programming undertaking CJFH-FM Woodstock, by increasing the effective radiated power (ERP) from 50 watts to an average ERP of 250 watts, by increasing the antenna height and by relocating the transmitter;
  - change the authorized contours of the radio programming undertaking CJTW-FM Kitchener, by increasing the ERP from 50 watts to an average ERP of 141 watts and by increasing the antenna height; and
  - amend the broadcasting licence for the radio programming undertaking CHJX-FM London, by changing the frequency from 105.9 MHz (channel 290LP) to 98.1 MHz (channel 251A), and to change the authorized contours by increasing the ERP from 10 watts to 500 watts and by decreasing the antenna height.

2. Sound of Faith submitted that the proposed technical changes are needed to improve the quality of each station's signal. In addition, Sound of Faith stated that it wished to achieve protected status for the frequency of each station<sup>1</sup>.

### **Background**

#### *CJFH-FM Woodstock*

3. The Commission authorized the operation of the Woodstock radio station in *Low-power Christian music FM radio station in Woodstock*, Broadcasting Decision CRTC 2003-146, 7 May 2003. The station was authorized to operate at 94.3 MHz (channel 232LP) with an ERP of 50 watts.
4. Following a competitive process, the Commission, in *Denial of various applications proposing radio services for Woodstock, Ontario*, Broadcasting Decision CRTC 2005-433, 25 August 2005, denied an application by Sound of Faith to amend the broadcasting licence for CJFH-FM by changing the frequency, and to change the authorized contours by increasing the average ERP and increasing the antenna height.

#### *CJTW-FM Kitchener*

5. Following a competitive licensing process, the Commission authorized the operation of the Kitchener-Waterloo radio station in *Christian music radio station in Kitchener-Waterloo*, Broadcasting Decision CRTC 2003-154, 14 May 2003. The station was authorized to operate at 94.3 MHz (channel 232LP) with an ERP of 50 watts.
6. In *CJTW-FM Kitchener – Technical change*, Broadcasting Decision CRTC 2005-170, 20 April 2005, the Commission denied an application to change the frequency and authorized contours of CJTW-FM by increasing the ERP and the antenna height.

#### *CHJX-FM London*

7. The Commission authorized the operation of the London radio station in *Low-power Christian music FM radio station in London*, Broadcasting Decision CRTC 2002-416, 9 December 2002. The station was authorized to operate at 105.9 MHz (channel 290LP) with an ERP of 10 watts.

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<sup>1</sup> Under the Department of Industry's rules, the frequencies of low-power radio stations – i.e., those that are authorized to operate with an effective radiated power of 50 watts or less — are unprotected while the frequencies of high-power (over 50 watts) radio stations are protected. The licensee of a low-power radio station must select another frequency if a high-power radio station is authorized to operate at the same frequency currently being used by a low-power radio station.

## **Interventions**

8. The Commission received many interventions in support of the present applications as well as a comment on all three applications by the Canadian Association of Broadcasters (CAB). In addition, Tillsonburg Broadcasting Company Limited (TBCL), the licensee of CKOT and CKOT-FM Tillsonburg, Ontario filed an intervention that commented on the proposed technical changes for CJTW-FM Kitchener.
9. The supporting interveners commended the quality of the programming offered by Sound of Faith's radio stations in their respective communities, but expressed frustration at not always being able to receive a reliable signal.
10. The CAB expressed concern that approval of the proposed technical changes, which would result in a change in each station's status from unprotected low-power to a regular Class A protected, would enable these radio stations to compete directly with incumbent commercial radio stations in the Woodstock, Kitchener and London markets, respectively. Further, the CAB contended that approval of these applications would create a precedent whereby low-power radio licensees could obtain commercially competitive status by filing applications for technical amendments rather than by following the Commission's usual procedures for commercial radio applications. The CAB maintained that a low-power radio licensee who wishes to obtain a Class A commercial licence should be required to file an application for a new radio licence.
11. TBCL stated that it planned to file an application for the use of 94.3 MHz in response to *CKOT Tillsonburg – Conversion to FM band*, Broadcasting Decision CRTC 2005-432, 25 August 2005, in which the Commission approved in part the conversion of CKOT to the FM band but directed TBCL to file an application proposing the use of another frequency and technical parameters. Given that CJTW-FM operates at 94.3 MHz, TBCL expressed concern that approval of the proposed technical changes for that station, which would change its status from low-power unprotected to regular Class A protected, could have a negative impact on the intervener's search for an alternative frequency. In TBCL's view, approval of the proposed technical changes for CJTW-FM could also have a negative financial impact on the intervener's operations even before it has had an opportunity to convert its AM station to the FM band.

## **Licensee's replies**

12. In response, Sound of Faith maintained that the large number of supporting interventions to these applications demonstrates that listeners in Woodstock, Kitchener and London want to receive its radio services. Sound of Faith contended that it provides unique services to these communities, services that no CAB member offers. According to Sound of Faith, the fact that its radio stations continue to attract more listeners is evidence that they are wanted and needed.
13. Sound of Faith further argued that the views presented in TBCL's intervention indicate that CJTW-FM must have protected status, as requested.

## Commission's analysis and determination

14. In its evaluation of these applications, the Commission has considered the views expressed by Sound of Faith and by the interveners. With respect to the concerns raised by TBCL, the Commission notes that, in Broadcasting Public Notice CRTC 2006-32, 16 March 2006, it announced that it has received an application by TBCL for the use of 107.3 MHz (channel 297B) in Tillsonburg.
15. The Commission notes that approval of Sound of Faith's applications would result in a change in the status of each of its radio stations from low-power unprotected to regular Class A protected. The Commission expects that, when a licensee of a low-power radio undertaking files an application to change its operating class to that of a higher-powered, protected undertaking, it should present compelling evidence that its authorized technical parameters are not adequate to provide the service as it was originally proposed. Based on its analysis, the Commission finds that the current authorized technical parameters of CJFH-FM, CJTW-FM and CHJX-FM, respectively, are adequate and commensurate with those of the low-power services that Sound of Faith originally proposed for each of these radio stations. In the Commission's view, Sound of Faith has not presented compelling evidence of either an economic or technical need for the proposed technical changes to the signals of CJFH-FM, CJTW-FM and CHJX-FM.
16. In light of all of the above, the Commission **denies** the applications by Sound of Faith Broadcasting to change the authorized contours of CJFH-FM Woodstock and CJTW-FM Kitchener, and to change the frequency and authorized contours of CHJX-FM London.
17. The Commission notes that its policy for low-power radio services that it licences is one of the matters that will be considered in the context of the radio policy review announced in *Review of the Commercial Radio Policy*, Broadcasting Notice of Public Hearing CRTC 2006-1, 13 January 2006. In that public notice, the Commission invited comments on the matters for consideration in the radio policy review, including whether there are "circumstances under which low-power radio licensees should be allowed to apply for power increases which would accord them protected status."

Secretary General

*This decision 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>*