



Broadcasting Decision CRTC 2011-640

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Route reference: Part 1 application posted on 18 April 2011

Ottawa, 6 October 2011

Pritchard Broadcasting Inc.

Saint John, New Brunswick

Application 2011-0666-7

CJRP-FM Saint John – Licence amendment

*The Commission **denies** an application by Pritchard Broadcasting Inc. to amend the broadcasting licence for the low-power, English-language specialty radio station CJRP-FM Saint John in order to change the frequency and the station's authorized contours.*

The application

1. The Commission received an application by Pritchard Broadcasting Inc. (Pritchard) to amend the broadcasting licence for the low-power, English-language specialty radio programming undertaking CJRP-FM Saint John in order to change the frequency from 103.5 MHz (channel 278LP) to 96.3 MHz (channel 242A) and change the authorized contours of the station by increasing the effective radiated power (ERP) from 50 watts to 3,950 watts and by changing the effective height of antenna above average terrain from 40 metres to 41.8 metres.
2. The applicant stated that the amendment would improve the signal's strength and quality in Saint John.
3. The Commission received interventions in opposition to the application from Acadia Broadcasting Limited, Mr. Geoffrey Rivett and CINB-FM Saint John, to which the applicant replied. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public proceedings."

Commission's analysis and decisions

4. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:
 - evidence of an economic or technical need for the proposed change; and
 - the change in operating class that would result from the proposed change.

Evidence of an economic or technical need

5. When a licensee files an application to change its authorized technical parameters, the Commission expects it to present compelling economic or technical evidence that its existing technical parameters are not adequate to provide the service as originally proposed.
6. In regard to demonstrating an economic need, the applicant indicated in its application that it does not consider its proposed amendment necessary for its financial viability and does not anticipate a change in its financial projections. The Commission therefore considers that there is no compelling economic need to support the proposed amendment.
7. In regard to demonstrating a technical need, the applicant submitted a number of complaints from listeners stating that they have difficulty receiving the signal in areas such as Hampton, Kennebecasis Valley and Kingston Peninsula. In this respect, the Commission notes that the station is a low-power radio station that is limited in terms of its coverage. Its 3mV/m contour does not extend beyond a distance of eight kilometres in any direction of the antenna site and this distance can be further reduced due to several reasons, such as topography. The Commission also notes that most of the complaints submitted originated from listeners in areas outside of the radio station's existing coverage area. The Commission is of the view that the applicant did not provide sufficient proof that it is not adequately serving Saint John, the community it was originally licensed to serve, with its existing technical parameters. The Commission therefore considers that the applicant did not provide compelling evidence of a technical need for the proposed amendment.

Change in operating class

8. The Commission notes that the technical parameters proposed in the application would change the station's operating class from an unprotected low-power station to that of a service that has protected status under the Department of Industry's rules. Furthermore, there would be a considerable increase (139%) in the population served within the primary contour of the station.
9. The Commission considers that the requested technical amendment is similar to a new application to serve the Saint John market. As a result, the Commission is of the view that approval of the application without a call for applications would circumvent the normal competitive entry process into the Saint John market as it would allow the applicant to transform its low-power radio station into a protected class A commercial station.

Conclusion

10. In light of all of the above, the Commission **denies** the application by Pritchard Broadcasting Inc. to amend the broadcasting licence for the low-power, English-language specialty radio programming undertaking CJRP-FM Saint John in order to change the frequency from 103.5 MHz (channel 278LP) to 96.3 MHz (channel 242A)

and change the authorized contours of the station by increasing the ERP from 50 watts to 3,950 watts and by changing the effective height of antenna above average terrain from 40 metres to 41.8 metres.

Secretary General