



Broadcasting Decision CRTC 2014-30

PDF version

Route reference: Part 1 application posted on 13 March 2013

Ottawa, 30 January 2014

The JOY FM Network Inc.
Fredericton, New Brunswick

Application 2013-0440-2

CIXN-FM Fredericton – Technical changes

*The Commission **approves** an application to change the authorized contours of the low-power English-language commercial specialty radio station CIXN-FM Fredericton, New Brunswick by increasing the average effective radiated power from 27 to 250 watts (non-directional antenna with an effective height above average terrain of 81.7 metres). As a result, the station's licence class will change from low-power unprotected to A1 protected.*

The application

1. The JOY FM Network Inc. filed an application to change the authorized contours of the low-power English-language commercial radio station CIXN-FM Fredericton, New Brunswick by increasing the average effective radiated power from 27 to 250 watts (non-directional antenna with an effective height above average terrain of 81.7 metres). As a result, the station's licence class would change from low-power unprotected to A1 protected.
2. The Commission did not receive any interventions in connection with this application.

Commission's analysis and decisions

3. After examining the public record for this application, the Commission considers that the issues it must address are the following:
 - whether the licensee has demonstrated a technical need for the proposed changes;
 - whether the proposed changes make appropriate use of the radio spectrum;
 - the financial impact of the proposed changes on other Fredericton stations; and
 - whether approval of the application would undermine the integrity of the Commission's licensing process.

Technical need

4. CIXN-FM is currently licensed as a low-power unprotected FM service. Approval of the application would change its operating class to that of a service that has protected status under the Department of Industry's (the Department) rules. The Commission expects a licensee that applies to change the operating class of its low-power radio station to demonstrate a compelling technical need for the proposed changes in order to provide the service as originally proposed.
5. The licensee submitted that the technical changes are necessary to provide Fredericton listeners with a signal of higher quality. In support of its application, the licensee provided 85 letters, some of them complaining of interference or complete loss of the station's signal in its primary service area.
6. The Commission notes that CIXN-FM's 3 mV/m contour does not completely encompass Fredericton and is of the view that approval of the application would improve CIXN-FM's reception in Fredericton, the market it is licensed to serve.
7. The Commission therefore finds that the licensee has demonstrated a compelling technical need for the proposed changes.

Use of spectrum

8. After examining the application, the Commission considers that approval of the licensee's proposal would not result in additional interference to other stations and makes maximum permissible use of frequency 96.5 MHz. The Commission therefore finds that the licensee's proposal makes appropriate use of the radio spectrum.

Financial impact

9. The Commission notes that CIXN-FM provides a niche format based on Christian music and that it draws a significant portion of its revenues from non-commercial sources. As such, it does not compete directly with mainstream commercial stations for revenues and audience.
10. The Commission further notes that that it did not receive any opposing interventions from operators of radio stations opposing the application.
11. Accordingly, the Commission considers that approval of the application would not have an undue negative financial impact on other stations in the market.

Integrity of the licensing process

12. When a radio licensee applies for amendments that would change a station's status from unprotected to protected, the Commission is concerned that the licensee may be attempting to enter the market on a protected basis without having to compete with other applicants. It therefore considers whether the proposal would trigger a call for competitive applications if it formed part of an application for a new station.

13. The Commission set out its policy on the issuance of calls for radio applications in *Revised policy concerning the issuance of calls for radio applications and a new process for applications to serve small markets*, Broadcasting Public Notice CRTC 2006-159, 15 December 2006. In that Notice, the Commission stated that it would not necessarily issue a call when considering proposals with very little or no commercial potential or impact. It would, however, generally issue a call when an applicant proposes to use the last frequency available in the market.
14. Given the limited commercial impact of CIXN-FM's specialty niche format and that there is still an allotted frequency available for assignment in Fredericton, the Commission considers that a call for competitive applications would not be necessary if the licensee had submitted its proposal as part of an application for a new station.
15. Accordingly, the Commission finds that the application respects the integrity of its licensing process.

Conclusion

16. In light of all of the above, the Commission **approves** the application by The JOY FM Network Inc. to change the authorized contours of the low-power English-language commercial radio programming undertaking CIXN-FM Fredericton, New Brunswick by increasing the average effective radiated power from 27 to 250 watts (non-directional antenna with an effective height above average terrain of 81.7 metres). As a result, the station's licence class will change from low-power unprotected to A1 protected.
17. The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
18. The Commission notes that CIXN-FM is in apparent non-compliance with sections 9(2) and 15(2) of the *Radio Regulations, 1986* regarding the submissions of annual returns and Canadian content development contributions. The Commission will deal with these issues in the context of the licence renewal for CIXN-FM planned for 2014.

Secretary General

**This decision is to be appended to the licence.*