



Broadcasting Decision CRTC 2016-129

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Reference: Part 1 application posted on 26 January 2016

Ottawa, 11 April 2016

WhiStle Community Radio
Stouffville, Ontario

Application 2016-0023-9

CIWS-FM Whitchurch-Stouffville – Licence amendment

*The Commission **approves** an application by WhiStle Community Radio to amend the broadcasting licence for the low-power, community radio station CIWS-FM Whitchurch-Stouffville in order to change the frequency from 102.7 MHz (channel 274LP) to 102.9 MHz (channel 275LP).*

Background

1. In Broadcasting Decision 2006-652, the Commission approved an application by WhiStle Community Radio (WhiStle) for a broadcasting licence to operate a low-power, community FM radio station in Whitchurch-Stouffville. This station, CIWS-FM Whitchurch-Stouffville, currently operates at 102.7 MHz (channel 274LP) with an effective radiated power of 50 watts.
2. In Broadcasting Decision 2014-574, the Commission approved an application by 8041393 Canada Inc., on behalf of a corporation to be incorporated (8041393 Canada (OBCI)), for a broadcasting licence to operate a new, ethnic FM radio station in Scarborough, Ontario on frequency 102.7 MHz. Given the proximity of Whitchurch-Stouffville to Scarborough,¹ and given that CIWS-FM is a low-power radio station, the Commission indicated that WhiStle was required to vacate frequency 102.7 MHz and submit an application to use a different frequency in order to continue the operation of CIWS-FM, or find another technical solution that would enable it to continue using the same frequency and meet the Department of Industry's (the Department's) protection requirements towards 8041393 Canada (OBCI)'s station.
3. In Broadcasting Decision 2014-574, the Commission stated that it expected 8041393 Canada (OBCI) to adhere to a commitment it made to collaborate with WhiStle to find a solution that would allow for CIWS-FM's continued operation. However, the parties have not been able to arrive at a solution that would allow the continued operation of the station on frequency 102.7 MHz. Pursuant to the rules and procedures established

¹ This made the application by 8041393 Canada (OBCI) mutually exclusive on a technical basis with an application by WhiStle for a technical change for CIWS-FM that was denied in that same decision.

by the Department, and given that 8041393 Canada (OBCI) is to begin on-air testing for its new radio station CJRK-FM Scarborough, WhiStle must vacate frequency 102.7 MHz.

Application

4. WhiStle filed an application to amend the broadcasting licence for CIWS-FM in order to change the frequency from 102.7 MHz (channel 274LP) to 102.9 MHz (channel 275LP). All other technical parameters would remain unchanged. The licensee stated that the requested amendment is required in order to prevent the cessation of CIWS-FM's operations. It added that it has come to an agreement with 8041393 Canada (OBCI) in regard to the requested frequency change. The Commission received numerous interventions in support of this application.

Commission's analysis and decisions

5. When a licensee files an application for a technical amendment, the Commission expects it to demonstrate a compelling technical or economic need justifying the proposed change.
6. As noted above, WhiStle is required to vacate frequency 102.7 MHz. The frequency change proposed by the licensee would allow it to continue operating CIWS-FM, a not-for-profit community radio station and the only local station licensed to serve Whitchurch-Stouffville, as a low-power radio station. In the Commission's view, the proposed amendment is necessary for CIWS-FM to offer the service that it was licensed to provide. As such, the licensee has demonstrated a compelling technical need to justify the change.
7. As for the possibility that approval of the present application would unduly impact other services in the market, as noted above, all technical parameters other than the frequency would remain unchanged. Only minimal interference would be caused to CJRK-FM's service area, which WhiStle indicated is acceptable to both parties. The licensee added that a Letter of Understanding on the interference aspects was signed between them. Accordingly, approving the application would not result in an undue negative impact on any existing stations.

Conclusion

8. In light of the above, the Commission **approves** the application by WhiStle Community Radio to amend the broadcasting licence for the low-power, community radio programming undertaking CIWS-FM Whitchurch-Stouffville in order to change the frequency from 102.7 MHz (channel 274LP) to 102.9 MHz (channel 275LP).
9. 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.

10. Given that the technical parameters approved in this decision are for a low-power unprotected FM undertaking, the Commission also reminds the licensee that it will have to select another frequency if the Department so requires.
11. The transmitter must be operational with implemented technical changes 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 **11 April 2018**. 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 that date.
12. Pursuant to Broadcasting Regulatory Policy 2014-554, the licensee of a low-power radio station that wishes to increase the power of its station to protected status must apply for a new broadcasting licence. The Commission reminds WhiStle that any subsequent application filed with the Commission to increase the power of CIWS-FM to protected status would be subject to this process.

Secretary General

Related documents

- *Licensing of new radio stations to serve Scarborough and technical changes for existing radio stations serving Scarborough, Toronto and Whitchurch-Stouffville*, Broadcasting Decision CRTC 2014-574, 5 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Community radio station in Whitchurch-Stouffville*, Broadcasting Decision CRTC 2006-652, 11 September 2006

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