



Broadcasting Decision CRTC 2007-265

Ottawa, 31 July 2007

663975 B.C. Ltd.

Fort St. John, British Columbia

Application 2007-0216-9, received 8 February 2007

Broadcasting Public Notice CRTC 2007-26

13 March 2007

CKFU-FM Fort St. John – Technical change

*The Commission **denies** the application by 663975 B.C. Ltd. to change the authorized contours of the radio programming undertaking CKFU-FM Fort St. John by increasing the effective radiated power from 23 watts to 20,000 watts, by increasing the antenna height and by relocating the transmitter.*

Introduction

1. The Commission received an application by 663975 B.C. Ltd. to change the authorized contours of the radio programming undertaking CKFU-FM Fort St. John, by increasing the effective radiated power from 23 watts to 20,000 watts, by increasing the antenna height and by relocating the transmitter. The applicant noted in its application that the proposed increase in power would enable CKFU-FM to provide the rest of the communities in the North Peace region with the “same great service” that residents of Fort St. John have become accustomed to from the station.
2. The Commission notes that the increase in power would change the status of CKFU-FM from that of an unprotected low-power service to that of a regular Class B service, and that the technical changes would result in a significant increase in the authorized contours of the station.

Commission’s analysis and determination

3. The Commission received numerous interventions in support of this application, as well as two interventions in opposition, from the Canadian Association of Broadcasters (CAB) and from Standard Radio Inc. (Standard). After considering the positions of the parties, the Commission finds that the issues relevant to its determination relate to whether it is appropriate to permit CKFU-FM to implement technical changes that would move it from a low-power unprotected status to a Class B protected status, and to the increased competition that granting the applicant a Class B broadcasting licence would introduce with the incumbent Class B radio stations CKNL-FM and CHRX-FM.

4. In their interventions, both the CAB and Standard expressed their concerns over “backdoor” entry into wider commercial broadcasting, which relates to a low-power station bypassing regulatory obligations carried by private commercial radio operators in order to obtain a high-power radio station licence. The CAB maintained that if the applicant wishes to obtain a Class B licence, it should be required to file an application for a new licence. This would allow the Commission to assess the application and determine whether it would be appropriate to issue a call for applications.
5. Standard also noted that should the application be approved, the reach of the station would extend beyond Fort St. John into the North Peace region, and would consequently have a further negative impact on the existing market, leaving all stations unprofitable.
6. The Commission notes that CKFU-FM is currently licensed as a low-power unprotected FM service and that approval of the present application would change its operating class to that of a high-power service that has protected status under the Department of Industry’s rules. As noted in previous decisions, most recently Broadcasting Decision 2007-154, the Commission expects that, when a licensee of a low-power radio station files an application to change its operating class to that of a higher powered, protected station, it should present compelling evidence that its authorized technical parameters are not adequate to provide the service as it was originally proposed. The Commission considers that the applicant did not provide evidence of technical need.
7. The Commission notes the applicant’s arguments that Fort St. John has outgrown the station’s original licence, and that the increase would allow the station to more adequately serve the city of Fort St. John, to improve signal quality for this city’s residents, and to provide the rest of the communities in the North Peace with the same service as the residents of Fort St. John. However, as noted in Broadcasting Decision 2006-185, as well as in Broadcasting Decision 2003-43, Fort St. John is CKFU-FM’s principal marketing area and the area for which the original licence was approved. Approval of this application would therefore result in the applicant being granted a service area much larger than originally proposed and approved in Broadcasting Decision 2003-43. As such, the Commission considers that the proposed technical changes, which would change the station’s status from that of a low-power unprotected local service to that of a Class B protected regional service, do not constitute an appropriate solution under the circumstances.
8. The Commission is not convinced that the technical solution proposed by the applicant is the only solution that would enable it to improve its signal and to adequately serve the city of Fort St. John, and considers that other possible technical solutions merit further consideration.

Conclusion

9. In light of the above, the Commission **denies** the application by 663975 B.C. Ltd. to change the authorized contours of the radio programming undertaking CKFU-FM Fort St. John by increasing the effective radiated power from 23 watts to 20,000 watts, by increasing the antenna height and by relocating the transmitter.

Secretary General

Related documents

- *Licensing of two new radio stations to serve Medicine Hat, Alberta and technical changes for CJLT-FM Medicine Hat*, Broadcasting Decision CRTC 2007-154, 28 May 2007
- *CKFU-FM Fort St. John – Technical change*, Broadcasting Decision CRTC 2006-185, 8 May 2006
- *Low-power FM radio station in Fort St. John*, Broadcasting Decision CRTC 2003-43, 12 February 2003

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