



Broadcasting Decision CRTC 2019-63

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Reference: Part 1 application posted on 9 July 2018

Ottawa, 5 March 2019

Akash Broadcasting Inc.
Surrey, British Columbia

Public record for this application: 2018-0488-1

CJCN-FM Surrey – Technical changes

*The Commission **approves** an application by Akash Broadcasting Inc. to change the authorized contours of the unlaunched commercial ethnic specialty radio station CJCN-FM Surrey, British Columbia.*

Background

1. In Broadcasting Decision 2016-464, following a public hearing to consider applications for new ethnic radio services to serve Vancouver and Surrey, British Columbia, the Commission approved an application by Akash Broadcasting Inc. (Akash) for a broadcasting licence to operate a new commercial ethnic specialty FM radio station to serve Surrey. In the same decision, the Commission also approved applications by South Asian Broadcasting Corporation Inc. (SABC) for a rebroadcasting transmitter in Surrey and Sher-E-Punjab Radio Broadcasting Inc. (Sher-E-Punjab) for a new ethnic AM radio station in Vancouver.
2. Akash's and Sher-E-Punjab's new radio stations have not yet launched.

Application

3. Akash filed an application to change the authorized contours of the unlaunched commercial ethnic specialty radio station CJCN-FM Surrey by increasing the average effective radiated power from 290 to 320 watts, increasing the effective height of the antenna above average terrain from 121.9 to 193.9 metres and relocating the transmitter site.
4. Akash submitted that the technical changes are necessary because the transmitter site it originally proposed is no longer available. Akash explained that the Department of Industry (the Department) had conditionally permitted Akash to use the original transmitter site but that the site is now no longer available due to concerns that the transmitter would compromise the Department's spectrum monitoring equipment.

Interventions and reply

5. The Commission received one joint intervention opposing the application from I.T. Productions Ltd. (I.T. Productions), licensee of the commercial ethnic AM radio station CJRJ Vancouver, and SABC, licensee of the commercial specialty ethnic FM radio station CKYE-FM Vancouver with a rebroadcasting transmitter (CKYE-FM-1) in Surrey. The Commission also received one comment from Sher-E-Punjab, operator of an unlaunched commercial ethnic AM radio station in Vancouver. The applicant replied to both interventions.
6. The interveners were concerned about the impact of the technical changes on incumbent stations, as well as on Sher-E-Punjab's unlaunched AM station, as it would expand CJCN-FM's contours beyond Surrey and into other areas of Greater Vancouver. They suggested that other technical solutions should be considered and that the Commission should therefore deny the application.
7. Akash filed a reply to the interventions submitting, among other things, that the technical changes would improve CJCN-FM's service in Surrey, the market it is authorized to serve.

Commission's analysis and decision

8. When an applicant files an application to change a radio station's authorized contours, the Commission expects the applicant to present compelling technical or economic evidence justifying the technical change. The Commission may also give consideration to the particulars of an application and any relevant issues raised in interventions. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that it should address the following issues:
 - whether the technical changes would result in an undue negative financial impact on new and incumbent radio stations in the market; and
 - whether the applicant has demonstrated a compelling technical need for the technical changes and whether the particulars of the application weigh in favour of approving the technical changes.

Impact on other stations in the market

9. In their interventions, I.T. Productions, SABC and Sher-E-Punjab argued that the proposed technical changes would have an undue negative impact on their respective stations.
10. The Vancouver Census Metropolitan Area has a population of approximately 2.5 million people. There are five ethnic radio stations operating in the market as well as two unlaunched ethnic radio stations approved to serve the market (CJCN-FM and Sher-E-Punjab's AM station). Of these stations, four target the same primary ethnic groups: CJCN-FM, CKYE-FM, CJRJ and Sher-E-Punjab's AM station.

11. CJCN-FM's authorized contours already overlap with the primary contours of all three ethnic stations targeting the same population as CJCN-FM in Greater Vancouver (Sher-E-Punjab's AM station, CJRJ and CKYE-FM). The proposed changes would increase the overlaps within all three stations' primary contours. However, most of the increase would fall within Surrey, the market CJCN-FM is authorized to serve.
12. The technical changes as proposed would increase CJCN-FM's coverage within Surrey as well as in neighbouring cities. This would result in a significant increase in the total population served within CJCN-FM's primary contour (an increase of 85%). The majority of this increase would occur within Surrey.
13. With respect to CJCN-FM's primary target population of Punjabi, Hindi and Urdu speakers, the technical changes would result in a significant increase in the target population served within CJCN-FM's primary contour (an increase of 253%). A large majority of the increase in the primary target population would occur within Surrey (83.5%).
14. Although the proposed technical changes would result in significant increases in both overall and target populations, most of the increase in the target population would fall within Surrey, the market CJCN-FM is authorized to serve.
15. In light of the above, the Commission considers that the proposed technical changes would not have an undue negative financial impact on other stations in the market.

Technical need and particulars of the application

16. During the original application process, Akash's proposal was deemed technically acceptable by the Department, conditional on not causing interference to the Department's spectrum monitoring equipment.
17. Akash stated as rationale for the proposed technical changes that it wishes to avoid causing interference to the monitoring equipment. However, Akash did not submit any test results confirming the presence of interference or showing that the interference would be unavoidable. Given that Akash is proposing significant changes to its contours, the Commission is of the view that the applicant has not provided sufficient evidence to justify the proposed technical changes. Consequently, the Commission finds that Akash did not demonstrate a compelling technical need for the requested technical changes.
18. Although the applicant has not demonstrated a compelling technical need for the technical changes, the Commission is of the view that there are particulars relating to the application that require consideration.
19. When the Commission originally approved Akash's application in 2016, it was satisfied that the Vancouver radio market, which includes Surrey, could support the licensing of new ethnic radio stations without imposing an undue financial impact on existing licensed services. The Commission also considered that there was an opportunity to repatriate listeners and revenues from unauthorized services by licensing new radio services such as CJCN-FM. The Commission has had longstanding concerns about the

continued operations of unauthorized radio services targeting audiences in the Lower Mainland. The Commission's decision to license new radio services in Surrey and Vancouver was, in part, intended to displace the operations of unauthorized services that have historically targeted audiences in the area.

20. More than two years have passed since the release of Broadcasting Decision 2016-464 and neither CJCN-FM nor Sher-E-Punjab's ethnic AM station in Vancouver have launched. In regard to Sher-E-Punjab, the Commission approved an application to change the authorized contours of the unlaunched AM station in Broadcasting Decision 2018-283 and subsequently granted an extension to launch the new AM station by 28 November 2019.
21. Approval of the technical changes as proposed in the current application would allow Akash to pursue the launch of CJCN-FM from a new site and would avoid further delays or the potential preclusion of launching from its original site. In addition, the technical changes would allow Akash to maintain, and significantly improve upon, CJCN-FM's coverage to its target population in Surrey, the market it is authorized to serve. All of this would put Akash in a better position to repatriate listeners and revenues from, and displace the operations of, unauthorized services in the area, which is consistent with the Commission's determinations in Broadcasting Decision 2016-464.
22. While the applicant did not demonstrate a compelling technical need for the proposed technical changes, the Commission finds that the particulars of the application weigh in favour of approving the technical changes.

Conclusion

23. As stated above, the particulars associated with this application are important factors that weigh in favour of approval. In particular, the Commission had approved Akash's application for a new ethnic radio station in Surrey because it considered that the station would provide an important service to ethnic communities in Surrey and would help repatriate listeners from unauthorized services. The proposed technical changes would allow Akash to meet those objectives and serve the community better by improving the station's coverage of Surrey. Considering the scarcity of spectrum in Greater Vancouver and the factors noted above, there is a pressing need for the new station to commence operations as soon as possible.
24. Accordingly, the Commission **approves** the application by Akash Broadcasting Inc. to change the authorized contours of the unlaunched commercial ethnic specialty radio station CJCN-FM Surrey by increasing the average effective radiated power from 290 to 320 watts, increasing the effective height of the antenna above average terrain from 121.9 to 193.9 metres and relocating the transmitter site.

Reminders

25. Noting the Commission's conclusions above, the station should be operational as soon as possible; and, by no later than **28 November 2019**, in accordance with the 12-month extension to the deadline to commence operations the Commission granted the applicant.

To request a further extension, the applicant must submit a written request at least 60 days before the current deadline of 28 November 2019 using the form available on the Commission's website. The Commission will only issue a licence for CJCN-FM once the applicant has informed the Commission in writing that it is prepared to commence operations.

26. 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.

Secretary General

Related documents

- *Ethnic commercial AM radio station – Technical changes*, Broadcasting Decision CRTC 2018-283, 14 August 2018
- *Licensing of new radio stations to serve Surrey and Vancouver, and addition of a transmitter in Surrey*, Broadcasting Decision CRTC 2016-464, 28 November 2016

This decision is to be appended to the licence.