



## Broadcasting Decision CRTC 2021-127

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Reference: Part 1 application posted on 4 August 2020

Ottawa, 8 April 2021

**Amherst Island Radio Broadcasting Inc.**  
Loyalist Township, Ontario

*Public record for this application: 2020-0440-7*

### **CJAI-FM Stella – Technical changes**

*The Commission **approves** an application to change the authorized contours of the English-language community radio station CJAI-FM Stella, Ontario.*

#### **Application**

1. Amherst Island Radio Broadcasting Inc. (AIR) filed an application to change the authorized contours of the English-language community radio station CJAI-FM Stella, Ontario, by changing the frequency from 92.1 MHz to 101.3 MHz, increasing the maximum effective radiated power (ERP) from 250 to 4,800 watts, increasing the average ERP from 166 to 3,050 watts, increasing the effective height of the antenna above average terrain from 18 to 43.4 metres and amending the coordinates of the transmitter site. The population served by CJAI-FM would increase significantly.
2. The licensee indicated that the requested technical changes are necessary because CJAI-FM's current transmitter site is no longer available. The owner of the site wishes to repurpose the land and requested that AIR relocate the transmitter and antenna tower as soon as possible. AIR submitted that because the owner of the current site has not charged AIR rent for use of the site, the relocation will result in increased expenses for the station to cover the cost of the lease at the proposed site. As a result, the licensee also proposed to increase CJAI-FM's signal range in an effort to increase its advertising and fundraising revenues to ensure its continued viability.

#### **Intervention**

3. The Commission received one intervention in support of this application from the National Campus and Community Radio Association (NCRA). The NCRA is a not-for-profit national association working to recognize, support, and encourage volunteer-based, non-profit, public-access campus and community-based broadcasters in Canada.
4. The NCRA confirmed that moving CJAI-FM to the proposed site would increase the station's expenses and that the station would need to increase its advertising and fundraising revenues to cover the increased expenses. The NCRA stated that CJAI-FM has cultivated an engaged audience and volunteer contingent throughout Loyalist

Township. The intervener also submitted that AIR wishes to ensure that people outside of Amherst Island can receive CJAI-FM's signal and participate actively in the station.

## **Regulatory framework**

5. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), to issue licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act, and to amend any conditions on application of the licensee.
6. When the licensee of a radio station files an application for a technical amendment, the Commission generally requires that the licensee present compelling technical or economic evidence justifying the requested technical changes. The Commission may, as an exception to this general approach, approve applications that do not provide compelling technical or economic evidence where the particular circumstances of the licensee warrant.

## **Issues**

7. After examining the public record for this application in light of the applicable regulations and policies, the Commission considers that it must address the following issues:
  - whether the applicant has demonstrated a compelling technical or economic need for the requested technical changes;
  - whether the requested technical changes represent an appropriate use of spectrum;
  - whether implementation of the requested technical changes would have an undue negative financial impact on incumbent radio stations;
  - whether implementation of the requested technical changes would have an impact on programming diversity in the market; and
  - whether implementation of the requested technical changes would undermine the Commission's licensing process.

## **Demonstration of technical or economic need**

### **Technical need**

8. In its application, AIR demonstrated that CJAI-FM's current transmission site is no longer available. As a result, the licensee proposed to relocate the transmitter to a new site 1.9 km northwest of the current location.
9. AIR also requested an increase in contour size to expand CJAI-FM's coverage of Loyalist Township. In support of its application, AIR submitted 29 complaints from listeners. Of these, 27 came from outside CJAI-FM's licensed service area. The two

remaining complaints provided by the licensee were received from listeners located outside the station's primary contour.<sup>1</sup>

10. The Commission does not consider these complaints sufficient to demonstrate ongoing signal deficiencies because they were received from listeners located outside the station's primary contour, where the station is not expected to provide a reliable signal. Accordingly, the Commission does not consider these complaints to be sufficient evidence of signal deficiencies within the licensed service area.
11. In light of the above, the Commission finds that the licensee has demonstrated a compelling technical need to relocate the transmitter; however, the licensee has not demonstrated a compelling technical need for the proposed increase in coverage.

#### **Economic need**

12. The licensee stated that the relocation to the new transmitter site would result in increased expenses since the current transmitter site has been provided for free. AIR submitted that CJAI-FM's continued viability is contingent on an increase in revenue. It provided financial projections to show that, without an increase in revenue, the station would face closure, since operating expenses would exceed projected revenue.
13. The licensee proposed to make itself more attractive to local advertisers and donors by increasing its signal power to reach underserved areas of Loyalist Township.
14. In light of the above, the Commission finds that the licensee has demonstrated a compelling economic need to increase the signal strength of its transmitter.

#### **Appropriate use of spectrum**

15. The licensee proposed to change the frequency from 92.1 MHz to 101.3 MHz because an increase in power would not be possible on the original frequency.
16. The Commission determined the proposed frequency is not the last available frequency in this radio market.
17. In light of the above, the Commission finds that the proposal represents an appropriate use of spectrum.

#### **Impact on incumbent stations**

18. CJAI-FM projected that implementation of the requested technical changes would increase its advertising revenue by \$2,500 per year. The licensee also provided a letter in support of the application from CFRC-FM Kingston, a campus radio station broadcasting in a neighbouring market.

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<sup>1</sup> The primary contour is the area in which listeners will generally receive reliable indoor service.

19. The Commission recognizes that, as a community radio station, CJAI-FM has limited advertising revenue potential. The increase in revenue projected by the licensee is small in relation to the total advertising revenues reported by the Kingston commercial radio market.
20. The Commission also notes that no opposing interventions were filed by incumbent licensees in regard to this application.
21. In light of the above, the Commission finds that implementation of the requested technical changes would not have an undue financial impact on incumbent stations.

### **Programming diversity**

22. Section 3(1)(b) of the Act provides that the broadcasting system comprises private, public and community elements. AIR stated that no community radio station currently serves Loyalist Township and that this represents a service gap for the community. To support this claim, it provided statements in support of this application from regional political representatives, community associations and individual local residents.
23. The licensee submitted that CJAI-FM's spoken word programming often focuses on topics of particular relevance to the communities of Loyalist Township. In contrast, the programming of the commercial stations that broadcast into Loyalist Township focuses on topics relevant to their primary markets.
24. The Commission notes that the requirements set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, ensure that the programming of community radio stations distinguishes itself from that of commercial and public radio stations in both style and substance, offering programming that is rich in local information and reflection.
25. The Commission is of the view that CJAI-FM, in accordance with the *Campus and community radio policy* and the objectives set out in the Act, adds to the diversity of programming in Loyalist Township by facilitating communication among members of the community; fostering diversity in the broadcasting of opinions, spoken word content and musical programming; participating in local socio-economic endeavours and cultural enrichment; and reflecting the diversity of the community served.
26. In light of the above, the Commission finds that implementation of the requested technical changes would add to the diversity of programming in this market.

### **Integrity of the Commission's licensing process**

27. The licensee is seeking to serve communities within Loyalist Township that were not identified in AIR's original licensing application for CJAI-FM.
28. The Commission notes that these communities are aggregated into a single municipal entity, and that they share publicly-run and community-run events. The Commission considers that the wider community of Loyalist Township represents a region of common

interest. The Commission also notes that CJAI-FM is the only community station serving Loyalist Township.

29. In addition, the Commission recognizes that the proposed technical changes represent the smallest increase that would allow for the entirety of Amherst Island to fall within CJAI-FM's primary contour. Further, the Commission reiterates that other frequencies are available in the region.
30. In light of the above, the Commission finds that approval of this application would not undermine the integrity of the Commission's original licensing process.

## **Conclusion**

31. In light of all of the above, the Commission **approves** the application by Amherst Island Radio Broadcasting Inc. to change the authorized contours of the English-language community radio programming undertaking CJAI-FM Stella, Ontario, by changing the frequency from 92.1 MHz to 101.3 MHz, increasing the maximum effective radiated power (ERP) from 250 to 4,800 watts, increasing the average ERP from 166 to 3,050 watts, increasing the effective height of the antenna above average terrain from 18 to 43.4 metres and amending the coordinates of the transmitter site.
32. The licensee must implement the technical changes by no later than **8 April 2023**. To request an extension, the licensee must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

## **Reminders**

33. Pursuant to section 22(1) of the Act, this authority will be effective only when the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
34. As set out in section 16 of the *Radio Regulations, 1986* (the Regulations), all radio station licensees have obligations relating to the broadcast of emergency alert messages received from the National Alert Aggregation and Dissemination System. In regard to the changes to CJAI-FM's authorized contours resulting from the implementation of the technical changes approved in this decision, the Commission reminds AIR that continued compliance with section 16 of the Regulations may require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages on that station be reprogrammed to properly account for the new authorized contours.

Secretary General

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