



## Broadcasting Decision CRTC 2013-654

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Route reference: Part 1 application posted on 21 January 2013

Ottawa, 4 December 2013

### **Aylesford Community Baptist Church**

Aylesford, Nova Scotia

*Application 2013-0069-9*

### **VF8023 Aylesford – Licence amendment and technical changes**

*The Commission **approves** an application to change the frequency and other technical parameters of the low-power, English-language religious radio station VF8023 Aylesford.*

#### **The application**

1. Aylesford Community Baptist Church (Aylesford Church) filed an application relating to the low-power, English-language, religious radio station VF8023 Aylesford, Nova Scotia. In its application, the licensee proposed to:
  - amend the station's broadcasting licence to change the frequency from 101.1 MHz (channel 266LP) to 98.7 MHz (channel 254B), and the station's class from unprotected low-power to protected Class B;
  - modify the station's authorized contours by increasing the average effective radiated power (ERP) from 50 to 9,600 watts (maximum ERP from 50 to 25,000 watts); and
  - increase the effective height of antenna above average terrain (EHAAT) from -4.3 to 201.4 metres.
2. Aylesford Church stated that the proposed technical changes are not necessary for the station's financial viability, and are not needed to address signal deficiencies. It indicated that the main purpose of its application is to ensure that the station's signal effectively reaches most of Kings County, as well as westward to Bridgetown in Annapolis County, Nova Scotia. In this regard, the licensee indicated that it had received numerous requests for the service from seniors and residents who reside in special care homes in various communities situated both to the east and west of Aylesford and who are unable to attend local church services on account of age or physical impairment.

3. The licensee indicated that should its application be approved, VF8023 would remain a non-commercial religious radio station and would continue to abide by its condition of licence that prohibits it from soliciting or broadcasting commercial messages.
4. The Commission did not receive any interventions in connection with this application.

## **Background**

5. In Broadcasting Decision 2003-2, the Commission approved an application by Aylesford Church to operate a low-power, English-language FM religious radio station in Aylesford that would broadcast 40 hours of religious programming per broadcast week, featuring religious celebrations and emergency announcements from various first responders. In that decision, the Commission also imposed a condition of licence prohibiting the solicitation or broadcast of commercial messages.
6. In Broadcasting Decision 2005-236, the Commission approved an application by Aylesford Church to change the authorized contours of VF8023 by increasing the ERP from 5 to 50 watts. As a result, the station was allowed to improve its service to the neighbouring communities of Kingston and Berwick, Nova Scotia.

## **Commission's analysis and decisions**

7. The Commission generally assesses the merits of applications for technical changes on the basis of demonstrated economic need or technical evidence that a station's existing technical parameters are not adequate to provide the service as originally proposed. As noted above, Aylesford Church did not cite any technical impediment or economic need to justify the proposed power increase. Instead, it stated that the purpose of the application is to expand the station's service area so that its Christian church radio service could be provided to seniors residing in various communities outside of the primary service area. Accordingly, the Commission does not consider it appropriate to assess the present application on the basis of economic or technical need.
8. Rather, after examining the public record for this application, the Commission considers that the issues it must address are the following:
  - whether the proposed technical changes represent an appropriate use of spectrum;
  - the potential financial impact of the proposed technical changes on CJLU-FM Halifax; and
  - the potential impact of the proposed technical changes on listeners in adjacent communities.

### **Appropriate use of spectrum**

9. Based on analysis of spectrum availability, the Commission considers that the technical parameters proposed by the licensee make optimal use of the frequency 98.7 MHz. Furthermore, despite the scarcity of spectrum in the region, there is at least one other frequency available to serve Eastern Kings County. In addition, the use of 98.7 MHz by VF8023 would not affect the availability of frequencies in adjacent markets.
10. The Commission also notes that the proposed technical changes would provide coverage up to Lawrence Town to the west and up to Coldbrook to the east. It considers that listeners in the populated areas of Kings County would benefit from improved service.
11. In light of the above, the Commission finds that the licensee's proposal represents an appropriate use of spectrum.

### **Financial impact on CJLU-FM Halifax**

12. CJLU-FM is currently the only specialty (Christian) programming radio station serving the Wolfville radio market, through its rebroadcasting transmitter CJLU-FM-1 Wolfville.
13. VF8023 reported modest total annual revenues between 2009 and 2012, most of which were derived from listener donations. Although the population encompassed in the station's primary contour would increase significantly from the increase in ERP, the licensee stated that it would continue to operate under its current condition of licence precluding the service from generating advertising revenue. Consequently, any additional revenue that the station could generate would continue to be drawn from non-commercial sources, such as listener donations.
14. Further, the Commission notes the absence of any competitive concerns associated with this request, in all likelihood due to the highly niche non-commercial nature of the service and its location falling outside of any competitive radio market.
15. Accordingly, the Commission finds that approval of the proposed technical changes would have no financial impact on incumbent stations, including CJLU-FM.

### **Impact on listeners in adjacent communities**

16. As noted above, in Broadcasting Decision 2005-236, the Commission approved an application by Aylesford Church to change the authorized contours of VF8023 to allow it to serve Aylesford's neighbouring communities of Kingston and Berwick. In regard to the present application, the licensee stated that the proposed technical changes are based in part on consumer demand from residents living further eastward and westward of the station's current coverage.

17. The Commission notes that approval of the proposed technical changes would result in limited overlap between the authorized contours of CJLU-FM-1 and of VF8023, and only for each station's 0.5 mV/m contour. In addition, each station operates under a distinct format. CJLU-FM, a commercial radio station operating under a niche format, is required, by condition of licence, to provide a Christian music service with limited religious spoken word programming. VF8023, on the other hand, is a non-commercial radio station that is limited, by condition of licence, to broadcast programming consisting solely of religious services, with exceptions relating to music drawn from content subcategory 35 (Non-classic religious)<sup>1</sup> and to programs that it produces to ensure balance.
18. Accordingly, the Commission finds that approval of the proposed technical changes would provide access to the type of religious programming broadcast by VF8023 to residents of areas neighbouring Aylesford, who for the most part do not have access to such programming at the present time.

## Conclusion

19. In light of all of the above, the Commission **approves** the application by Aylesford Community Baptist Church to amend the broadcasting licence for the low-power, English-language, radio programming undertaking VF8023 Aylesford to change the frequency from 101.1 MHz (channel 266LP) to 98.7 MHz (channel 254B) and the class of the station from unprotected low-power to protected Class B; to modify the authorized contours by increasing the average ERP from 50 to 9,600 watts (maximum ERP from 50 to 25,000 watts); and to increase the EHAAT from -4.3 to 201.4 metres.
20. 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.

## Other matters

21. The Commission notes that Aylesford Church appears to be in non-compliance with section 9(2) of the *Radio Regulations, 1986*, which relates to the filing of annual returns, for the 2011-2012 broadcast year. It further notes that the licensee has not had the opportunity to comment on this apparent non-compliance in the context of the present application. The Commission will address this issue in the context of the next licence renewal for the station.<sup>2</sup>

Secretary General

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<sup>1</sup> See the appendix to Broadcasting Regulatory Policy 2010-819 for a list of all content categories and subcategories for radio.

<sup>2</sup> The broadcasting licence for this station was administratively renewed until 31 August 2014 in Broadcasting Decision 2013-303.

## Related documents

- *Tourist and religious (Church) radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-303, 21 June 2013
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010
- *VF8023 Aylesford – Technical change*, Broadcasting Decision CRTC 2005-236, 3 June 2005
- *Religious FM radio station in Aylesford*, Broadcasting Decision CRTC 2003-2, 7 January 2003