



Broadcasting Decision CRTC 2013-723

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Route reference: Part 1 application posted on 19 October 2012

Ottawa, 19 December

City Church Halifax
Spryfield, Nova Scotia

Application 2012-1296-9

CIRP-FM Halifax – Licence amendment and technical change

*The Commission **denies** the application to amend the broadcasting licence and to change the authorized contours for the English-language, low-power specialty radio station CIRP-FM Halifax by changing its frequency and increasing its average effective radiated power.*

The application

1. City Church Halifax (City Church) filed an application to amend the broadcasting licence and the authorized contours for the English-language, low-power specialty radio station CIRP-FM Halifax by changing its frequency from 94.7 to 97.5 MHz and increasing its average effective radiated power (ERP) from 50 to 454 watts. All other technical parameters would remain unchanged.
2. The licensee indicated that its application was not based on financial need and that it would not solicit any advertising revenue if its application was approved. Instead, the licensee cited technical deficiencies, stating that its signal suffered from poor in-building penetration and poor reception in hilly terrain and low-lying regions and that its coverage had fallen short of the predicted service area.

Interventions

3. The Commission received numerous interventions supporting the application, as well as an opposing intervention by Cobequid Radio Society (Cobequid), to which the licensee did not reply. The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
4. In its intervention, Cobequid noted that City Church was recently awarded its licence as a low-power station and questioned why the licensee would have chosen its current frequency if it had deficiencies. Cobequid also stressed that the proposed frequency

97.5 MHz was one of the last available FM frequencies in the Halifax radio market and indicated its interest in using this frequency as part of a forthcoming application.¹

Commission's analysis and decision

5. CIRP-FM was licensed as a low-power specialty FM radio station to provide Christian music in Spryfield, a community located within the Halifax radio market. In licensing the station in *Christian music FM radio station in Spryfield*, Broadcasting Decision CRTC 2011-591, 16 September 2011, the Commission stated that the service would add diversity to the Halifax market and would increase the range of programming offered. Given the targeted nature of the proposed programming and the limited coverage area, the Commission also considered that the station would have a negligible impact on existing stations in the market.
6. The Commission generally assesses the merits of applications for technical changes on the basis of economic need or technical evidence that a station's existing technical parameters are not adequate to provide the service as originally proposed. In this case, the Commission notes that the licensee did not cite any economic need to justify the requested power increase, but instead stated that the application was made on the basis of technical need.
7. Specifically, City Church stated that the proposed technical changes were the most appropriate and affordable remedies to the station's reception issues in its principal market area of Spryfield-Sambro, which it defined as the communities of Armdale, Harrietsfield, Herring Cove, Ketch Harbour, Portuguese Cove, Purcell's Cove, Sambro and Spryfield. The licensee argued that these changes were required for the station to reach its original target audience of residents in rural areas. Further, City Church argued that people living in its authorized service area should be able to listen to a clearer signal as they travel into the Halifax Peninsula. In support of its application, City Church provided realistic contour maps showing that terrain was affecting its service contours and provided letters of complaint and support.
8. The Commission notes that although the applicant claims to serve residents in rural areas, most of these communities are not serviced by CIRP-FM's 3 mV/m licensed contour. Further, the Commission notes that low-power radio stations will generally provide worse in-building penetration and will be prone to more interference than regular, protected FM stations. Although the licensee should have been aware of these limitations prior to launching and although the licensee's original proposal was not designed to provide service outside of Spryfield, the Commission acknowledges that the station suffers from legitimate reception issues.
9. With respect to the current application, the Commission notes that the licensee proposed to maintain the same transmission site and effective height of antenna above average terrain and to increase the average ERP to 454 watts. The Commission

¹ The Commission notes that Cobequid has since filed an application proposing the use of the alternate frequency 88.7 MHz.

considers that although these changes would result in improved coverage and quality of the signal in close proximity to the station, the changes would not address the licensee's stated coverage objective to provide service to residents of rural areas, including those in communities further south in the Sambro Loop area located on the edge or outside of the proposed 3 mV/m service contour. The Commission also notes that the applicant did not present compelling evidence that there were no other suitable alternatives to address reception issues caused by the hilly terrain around Spryfield.

10. The Commission further notes that few frequencies remain to provide adequate coverage of the Halifax Metropolitan Area (HMA) and that 97.5 MHz could be used to serve the HMA at parameters close to that of a maximum class A station (maximum ERP of 6,000 watts). The Commission therefore considers that the licensee's proposal does not represent an appropriate use of spectrum.
11. In addition, the Commission notes that the proposed changes would give CIRP-FM access to a significant portion of the population in the HMA outside of the station's licensed service area. Accordingly, in the Commission's view, approval of this application would permit CIRP-FM, a commercial specialty service, to enter the Halifax commercial radio market while bypassing the Commission's normal competitive process.
12. In light of all of the above, the Commission **denies** the application by City Church Halifax to amend the broadcasting licence and the authorized contours for the English-language, low-power specialty radio programming undertaking CIRP-FM Halifax by changing its frequency from 94.7 to 97.5 MHz and increasing its average ERP from 50 to 454 watts.

Secretary General