



Broadcasting Decision CRTC 2005-170

Ottawa, 20 April 2005

Sound of Faith Broadcasting

Kitchener, Ontario

Application 2004-0355-1

Public Hearing in the National Capital Region

29 November 2004

CJTW-FM Kitchener – Technical change

The Commission denies the application to change the frequency and authorized contours of CJTW-FM Kitchener.

The application

1. The Commission received an application by Sound of Faith Broadcasting (Sound of Faith) to amend the broadcasting licence for the radio programming undertaking CJTW-FM Kitchener, in order to change the frequency from 94.3 MHz (channel 232LP) to 106.7 MHz (channel 294A). The licensee also proposed to change the authorized contours by increasing the effective radiated power from 50 watts to 1,585 watts, and the antenna height from 55 to 58 meters.
2. CJTW-FM is currently licensed as a low-power unprotected FM service and approval of the present application would change its operating class to one that has protected status under the Department of Industry's rules.
3. Sound of Faith indicated that approval of its application would result in an improvement of the quality of CJTW-FM's signal, as well as an increase in its potential audience. In support of its request, the applicant noted that "many people outside the cities of Kitchener and Waterloo want to listen to our station, but cannot". The applicant stated that, with the use of that frequency, "we would be able to extend our reach to Cambridge and Guelph". The applicant added that the use of the proposed frequency would assist CJTW-FM financially, because "with only 50 watts, it is difficult to remain competitive for the advertising dollars".
4. As part of this process, Sound of Faith indicated that it had explored the option of increasing the power on CJTW-FM's existing frequency, but concluded that it "would certainly not be able to reach our intended audience using that alternative". Sound of Faith stated that frequency 106.7 MHz would be an excellent one for the operation of CJTW-FM that would provide a strong signal throughout the Region of Waterloo and beyond.

5. An intervention submitted by James Brown requested that the Commission postpone the consideration of the Sound of Faith application, and instead issue a call for competing applications to serve Brantford.
6. Sound of Faith did not reply to the James Brown intervention.
7. The Commission carefully considered the intervention by Mr. Brown and determined that it was appropriate to proceed with consideration of this and other applications, without issuing a call for further applications.
8. At the 29 November public hearing, the Commission also considered three other applications proposing the use of the frequency 106.7 MHz, the same frequency as that proposed by Sound of Faith. The four applications, as filed, were thus technically mutually exclusive.
9. In addition to the Commission's determination on the Sound of Faith application contained herein, in *CIKZ-FM Kitchener-Waterloo – Technical change*, Broadcasting Decision CRTC 2005-168 (Decision 2005-168), *English-language FM radio station in Haldimand County*, Broadcasting Decision CRTC 2005-169 and *FM radio station in Brantford*, Broadcasting Decision CRTC 2005-171, all published today, the Commission sets out its determinations on the three other applications proposing the use of frequency 106.7 MHz.

Interventions

10. The Commission received numerous interventions in support of this application. Opposing interventions were submitted by the Canadian Association of Broadcasters (CAB), Telephone City Broadcast Limited (TCB), and Bel-Roc Communications Inc. (Bel-Roc). TCB and Bel-Roc were also applicants at the 29 November public hearing. TCB proposed the use of frequency 106.7 MHz for a new FM radio station to serve Brantford, and Bel-Roc proposed to use 106.7 MHz for a new FM radio station to serve Haldimand County.
11. The CAB was of the view that this application is inconsistent with the Commission's licensing policy for low-power radio stations. It argued that Sound of Faith's proposal to change the operating class of CJTW-FM to protected status indicates an intent to compete more directly for advertising revenue in the Kitchener market, something that the applicant did not signify at the time of its original licensing. Further, the CAB suggested that approval of this application would create a precedent whereby low-power radio licensees could bypass the rigorous procedures for the consideration of applications for commercial radio stations. The CAB was of the opinion that low-power radio licensees should not be permitted to use this class of licence as a non-competitive low-cost stepping stone to commercially competitive status.

12. TCB and Bel-Roc both raised the issue that, in its original application in 2002, Sound of Faith indicated that the frequency 94.3 MHz would be adequate and appropriate for its purposes. Both interveners added that, if Sound of Faith has problems with the quality of its signal, there are other technical options available.

The applicant's replies

13. With respect to the CAB's concerns, Sound of Faith argued that, while CJTW-FM is a non-profit station and that making money is not its primary *raison d'être*, it is already a commercial licensee, so it is in no way attempting to create a dangerous precedent.
14. In reply to the TCB and Bel-Roc interventions, Sound of Faith indicated that, since the launch of CJTW-FM at the end of February 2004, it has received many complaints related to the quality of its signal, and that its own engineers have suggested the current proposal would be the best solution in the circumstances.

The Commission's analysis and determination

15. 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 protected undertaking, it should present compelling evidence that its authorized technical parameters are not adequate to provide the service as it was originally proposed.
16. The Commission finds that CJTW-FM's current authorized technical parameters are adequate and commensurate with those of the low-power service that Sound of Faith originally proposed. That service was approved by the Commission in *Christian music radio station in Kitchener-Waterloo*, Broadcasting Decision CRTC 2003-154, 14 May 2003. In the Commission's view, the applicant has not presented compelling evidence of either an economic or technical need for the proposed changes to CJTW-FM's signal.
17. Moreover, the frequency 106.7 MHz, which Sound of Faith requested in its application, is the same as that proposed for use by Larche Communications (Kitchener) Inc. in Kitchener. As set out in Decision 2005-168, the Commission has determined that the use of frequency 106.7 MHz to address an unforeseen signal deficiency for CIKZ-FM Kitchener represents the best use of the frequency in these circumstances.

18. Accordingly, the Commission **denies** the application by Sound of Faith Broadcasting to amend the broadcasting licence for the radio programming undertaking CJTW-FM Kitchener in order to change the frequency from 94.3 MHz (channel 232LP) to 106.7 MHz (channel 294A). The related requests to change the authorized contours of the station by increasing the effective radiated power and increasing the antenna height are also **denied**.

Secretary General

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