



## Broadcasting Decision CRTC 2006-509

Ottawa, 13 September 2006

### Thunder Bay Christian Radio

Thunder Bay and Candy Mountain, Ontario

*Application 2006-0550-4*

*Broadcasting Public Notice CRTC 2006-70*

*6 June 2006*

### **CJOA-FM Thunder Bay and its transmitter CJOA-FM-1 Candy Mountain – Technical amendment**

*The Commission **denies** an application by Thunder Bay Christian Radio to change the authorized contours of CJOA-FM Thunder Bay. The Commission, however, **approves** the applicant's proposal to delete the FM transmitter CJOA-FM-1 from the licence for CJOA-FM, given that CJOA-FM-1 has ceased to operate.*

#### **The application**

1. The Commission received an application by Thunder Bay Christian Radio (TBCR) to amend the licence of the radio programming undertaking CJOA-FM Thunder Bay, Ontario. The applicant proposed to change the authorized contours of CJOA-FM's transmitter by increasing the effective radiated power (ERP) from 50 watts to 250 watts and by decreasing the antenna height. The proposed increase in power would result in a change of the status of CJOA-FM from a low-power unprotected service to a regular Class A1 service.
2. The applicant further proposed to amend its licence by deleting the FM transmitter CJOA-FM-1 Candy Mountain, given that it had ceased to operate CJOA-FM-1 in June 2004.
3. The establishment of CJOA-FM was approved in *New Christian music FM radio station – Approved*, Decision CRTC 98-459, 28 September 1998 (Decision 98-459). Decision 98-459 stated that the new station would provide Christian music on a 24 hour basis and would be subject to a condition of licence prohibiting the broadcast of commercial messages. In *Addition of a transmitter of CJOA-FM*, Decision CRTC 2000-403, 5 October 2000, the Commission approved an application by TBCR to add a low-power FM transmitter for CJOA-FM to be known as CJOA-FM-1 on nearby Candy Mountain to extend coverage of CJOA-FM to residents west of Thunder Bay. In the current application, TBCR noted that it had ceased to operate CJOA-FM-1 because the property on which the transmitter was located had been taken over by the Ministry of Natural Resources (MNR) and the lease was terminated. The land on which the tower was located was then occupied by the city for police and fire service communications.

The MNR informed the applicant that, if it wished to re-establish a transmitter on Candy Mountain, it would have to erect its own tower. Besides subleasing the land from the city, there would be an extra charge for use of the land by the MNR and a further charge for access to the property.

4. As a result, the applicant indicated that CJOA-FM had experienced signal deficiencies to the southwest of the city, for instance in areas such as Westfort and Vickers Heights as well as in the Slate River Valley and Rabbit Mountain since CJOA-FM-1 ceased operations. TBCR submitted that a power increase to 250 watts for CJOA-FM would remedy those signal deficiencies.

### **Interventions**

5. The Commission received an intervention from an individual in support of the application and interventions in opposition from C.J.S.D. Inc. (CJSD), licensee of CJSD-FM and CKPR Thunder Bay, and from the Canadian Association of Broadcasters (CAB).
6. The supporting intervener submitted that the proposed power increase would help ensure the future stability of CJOA-FM. The intervener also stated that, given that CJOA-FM is not allowed to solicit advertising, there is no justifiable reason for private radio stations to object.
7. CJSD submitted that the applicant was using a “back door” approach to obtain a regular Class A1 licence and requested that TBCR be required to appear at a public hearing to satisfy the Commission that the nature and scope of the proposed power increase is in accordance with the *Radio Regulations, 1986* and in keeping with the objectives of the *Broadcasting Act*. CJSD argued that the applicant had the option of relocating the transmitter for CJOA-FM-1 and that, under the current proposal, CJOA-FM would cover most of the area served by Thunder Bay’s commercial stations. CJSD was further of the view that, should the Commission approve the application, it should grant the same consideration to low-power stations operated by CJSD’s associated company Northwest Broadcasting Inc. to ensure equality for radio stations serving the Thunder Bay market.
8. The CAB argued that any licensee of a low-power station seeking to increase its power so that it achieves protected status should be required to file an application for a new licence. The CAB was of the view that approval of the TBCR application would create a dangerous precedent by allowing a low-power licensee to effectively bypass the normal

procedure for considering commercial radio applications by simply filing an application for a technical amendment to its licence. The CAB submitted that, “as a matter of policy, low-power radio licensees should not be permitted to use this class of licence as a non-competitive, low-cost stepping stone to achieving full commercially competitive status.”

#### **Applicant’s reply**

9. In reply to CJSD, the applicant stated that a power increase for the CJOA-FM transmitter would be more cost effective than re-establishing the CJOA-FM-1 transmitter on another site. The applicant further submitted that its goal was to provide a better signal for the supporters of CJOA-FM and that approval of the application would not have an impact on the market since its listeners do not listen to local commercial radio stations.
10. In reply to the CAB, TBCR radio stated that it had no intention of changing the format or programming style of CJOA-FM, and that the station would remain a non-commercial radio service. The applicant re-iterated that the main reason for the power increase was to serve CJOA-FM listeners and supporters with a better signal.

#### **Commission’s analysis and determinations**

11. According to TBCR, CJOA-FM has experienced signal deficiencies to the southwest of the city, for instance in areas like Westfort and Vickers Heights as well as is in the Slate River Valley and Rabbit Mountain. The applicant is of the view that these deficiencies would be rectified by a power increase from 50 to 250 watts.
12. The Commission notes, however, that according to the Department of Industry’s Broadcasting Procedure and Rules 3, a minimum field strength of 3 mV/m is required for satisfactory service to a station’s principal target centre. Under TBCR’s proposal, the communities of Westfort and Vickers Heights would be situated outside the 3 mV/m contour and within the 0.5 mV/m service contour, while the Slate River Valley would be situated well outside the 0.5 mV/m service contour. Further, the proposed service contours of CJOA-FM would not overlap any area that was initially covered by CJOA-FM-1. As well, in its application, TBCR stated that residents west of Rabbit Mountain cannot receive the current signal, but the problem would be resolved with a power increase to 250 watts. The Commission notes, however, that Rabbit Mountain would be situated well outside the 0.5 mV/m contour of CJOA-FM under the applicant’s proposal. The Commission is therefore of the view that the coverage deficiencies identified by the applicant would not be alleviated by the proposed power increase for CJOA-FM.

13. In light of the above, the Commission **denies** the application by Thunder Bay Christian Radio to amend the licence of the radio programming undertaking CJOA-FM Thunder Bay, Ontario increasing the ERP of CJOA-FM from 50 watts to 250 watts and by decreasing the antenna height. The Commission, however, **approves** the applicant's proposal to delete the FM transmitter CJOA-FM-1 from the licence for CJOA-FM, given that CJOA-FM-1 has ceased to operate.

Secretary General

*This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*