



Broadcasting Decision CRTC 2006-547

Ottawa, 22 September 2006

United Christian Broadcasters Canada
Belleville and Foymount, Ontario

Application 2005-1298-0
Broadcasting Public Notice CRTC 2006-54
26 April 2006

CKJJ-FM Belleville – New transmitter at Foymount

*The Commission **denies** an application to amend the broadcasting licence for commercial radio station CKJJ-FM Belleville, Ontario, in order to operate a transmitter at Foymount, Ontario.*

The application

1. The Commission received an application by United Christian Broadcasters Canada (UCBC) to amend the broadcasting licence for the radio programming undertaking CKJJ-FM Belleville, Ontario, in order to operate a transmitter at Foymount, Ontario. The proposed transmitter would operate at 106.5 MHz (channel 293 C1) with an average effective radiated power of 26,915 watts.
2. CKJJ-FM offers a Christian music service to listeners in Belleville and surrounding area. UCBC stated that the proposed transmitter at Foymount, which is located approximately 193 kilometres northeast of Belleville, would enable it to respond to the many requests it has received for CKJJ-FM's service from residents in the Upper Ottawa Valley.
3. UCBC stated that the proposed transmitter's marketing activities would be targeted to Renfrew County, Bancroft, Barry's Bay, Maynooth and Denbigh, Ontario. UCBC stated that it would accept advertising from businesses in those communities that cannot access, or do not wish to advertise on, the existing radio stations in their area.

Interventions

4. The Commission received many interventions in connection with this application, the majority of which were in support. In addition, Christian Hit Radio Inc. (Christian Hit) filed an intervention in opposition to the application.
5. Christian Hit is the licensee of CHRI-FM Ottawa, Ontario, which operates a Christian music service in Ottawa with low-power transmitters in Pembroke and Cornwall, Ontario. Foymount is located approximately 145 kilometres west of Ottawa, and approximately 62 kilometres south of Pembroke.

6. In its intervention, Christian Hit claimed that UCBC is a company that is based in New Zealand. Christian Hit further contended that the proposed transmitter's signal would cover Pembroke and the neighboring community of Petawawa and reach Ottawa. Noting that CHRI-FM and CKJJ-FM offer many of the same national, daily programs, Christian Hit contended that the introduction of a second radio station broadcasting the same programs within CHRI-FM's authorized service area would have a significant negative impact on its revenues. Specifically, Christian Hit claimed that the proposed transmitter would split the audiences for Christian music radio in Ottawa and Pembroke and consequently reduce CHRI-FM's value to local commercial advertisers. Christian Hit also noted that many of its donors live in the Pembroke area and expressed concern that approval of this application would result in CHRI-FM losing donors to CKJJ-FM.

Applicant's reply

7. In response to Christian Hit, the applicant provided documentation confirming that UCBC is a company that is incorporated in Canada under the *Canada Corporations Act*. UCBC contended that the addition of the proposed transmitter would not impede CHRI-FM's ability to attract advertisers because the proposed transmitter would cover a different contour than the one authorized for CHRI-FM in Pembroke and would not cover the Ottawa market. UCBC added that many of the people residing in the proposed transmitter's coverage area are current listeners to its Belleville station. With respect to Christian Hit's concern about the impact that the proposed transmitter might have on CHRI-FM's donor base, the applicant stated that it would arrange with program providers to ensure that no Ottawa donations are directed to CKJJ-FM by checking the postal codes of donors.

Commission's analysis and determination

8. Given that FM frequencies are public property and a scarce resource, the Commission must ensure, in the public interest, that any application for a frequency represents the best use of the proposed frequency with consideration given to assigning a channel that would be commensurate with the nature of the proposed service. A Class C1 channel is a highly desirable channel because it provides a large coverage contour: only Class C channels provide greater coverage.
9. In the present case, the Commission finds that UBCB's proposal to use a Class C1 channel to add a transmitter to broadcast the programming of an originating radio station would not utilize the full potential of a Class C1 channel. The Commission considers that the public interest would be better served if this Class C1 channel were available for a future applicant proposing to serve the area with a locally-based, originating radio station that would offer more diversity to listeners. Accordingly, the Commission concludes that the allocation of the proposed Class C1 channel to UCBC for the addition of a transmitter would not represent the best use of the frequency.

10. Furthermore, in *An FM Policy for the Nineties*, Public Notice CRTC 1990-111, 17 December 1990, the Commission defined the market of an FM station to be any area within either the 3 mV/m signal contour or the Central Area of the community served by the station as defined by the Bureau of Broadcast Measurement, whichever is smaller. The Commission notes that the applicant indicated that proposed transmitter's marketing activities would be targeted to Renfrew County, Bancroft, Barry's Bay, Maynooth and Denbigh. However, Bancroft, Maynooth and Denbigh all fall outside the proposed transmitter's 3 mV/m contour, and are therefore outside its market.
11. The Commission notes that the proposed transmitter's 3 mV/m contour would not overlap the 3 mV/m contour of CHRI-FM's originating station at Ottawa, nor that of CKJJ-FM's originating station at Belleville. However, the coverage area of the proposed transmitter's 3 mV/m contour would encompass that of CHRI-FM's low-power transmitter serving Pembroke. The Commission's examination of the respective program schedules of CHRI-FM and CKJJ-FM reveals that the stations offer similar programming and broadcast many of the same programs, particularly U.S. syndicated programs. The Commission concludes that the proposed transmitter would offer little diversity to listeners in Pembroke.
12. In light of all of the above, the Commission **denies** the application by United Christian Broadcasters Canada to amend the broadcasting licence for the radio programming undertaking CKJJ-FM Belleville, in order to operate a transmitter at Foymount.

Secretary General

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