



Broadcasting Decision CRTC 2008-190

Ottawa, 19 August 2008

Seaside Broadcasting Organization

Eastern Passage, Nova Scotia

Application 2008-0678-9, received 12 May 2008

Broadcasting Public Notice CRTC 2008-50

3 June 2008

CFEP-FM Eastern Passage – Technical changes

*The Commission **approves** an application by Seaside Broadcasting Organization to amend the broadcasting licence for CFEP-FM Eastern Passage in order to change the frequency and to change the authorized contours.*

The application

1. The Commission received an application by Seaside Broadcasting Organization (Seaside) to amend the broadcasting licence for the English-language community Type B radio programming undertaking CFEP-FM Eastern Passage, in order to change the frequency from 94.7 MHz (channel 234A) to 105.9 MHz (channel 290A) and to change the authorized contours by decreasing the effective radiated power (ERP) from 1,400 watts to 1,360 watts and by increasing the effective antenna height to 49.2 metres.
2. The licensee indicated that, since the previous technical parameters authorized in *CFEP-FM Eastern Passage – Technical change*, Broadcasting Decision CRTC 2007-389, 23 October 2007, did not receive approval from the Department of Industry (the Department) due to interference with another station, it is now requesting the proposed technical changes.
3. The Commission received interventions in support of this application as well as one comment from Communications Michel Mathieu. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Intervention and reply

4. In its intervention, Communications Michel Mathieu stated that it was preparing an application for a client to operate an FM broadcast service within a radius of 100 miles from Halifax. It further stated that it is not opposed to the application, but to the use of 105.9 MHz, which, after an engineering study, was found to be the only frequency that provides adequate coverage for its client's project. It then suggested alternative frequencies that, in its opinion, would meet Seaside's needs.

5. In its reply, Seaside stated that this application is in response to an overwhelming number of requests from its listeners for a power increase to overcome numerous poor reception reports in the core Halifax Regional Municipality area. Seaside views the 105.9 MHz frequency as the best available frequency for its needs. Seaside stated that it would be inappropriate for the Commission and the Department to render any decision on its application based on a future application that may or may not be submitted.

Commission's analysis and determinations

6. While the Commission acknowledges the comment filed by Communications Michel Mathieu, the Commission notes that it can only assess applications that it has received. Therefore, the Commission finds that Seaside's proposal makes an appropriate use of a constrained frequency.
7. In light of the above, the Commission **approves** the application by Seaside Broadcasting Organization to amend the broadcasting licence for the English-language community Type B radio programming undertaking CFEP-FM Eastern Passage in order to change the frequency from 94.7 MHz (channel 234A) to 105.9 MHz (channel 290A) and to change the authorized contours by decreasing the ERP from 1,400 watts to 1,360 watts and by increasing the effective antenna height to 49.2 metres.
8. The Department has advised the Commission that, while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.
9. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

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>.