



Broadcasting Decision CRTC 2017-205

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References: Part 1 applications posted on 5 and 6 January 2017

Ottawa, 19 June 2017

Eternacom Inc.

Sudbury, Iroquois Falls, Sault Ste. Marie, Englehart, New Liskeard, Sundridge and Spring Bay, Ontario

Applications 2016-1296-1, 2016-1300-3, 2016-1304-2, 2016-1305-0, 2016-1306-8 and 2016-1308-4

CJTK-FM Sudbury – New transmitters in Iroquois Falls, Sault Ste. Marie, Englehart, New Liskeard, Sundridge and Spring Bay

*The Commission **approves** applications to operate FM rebroadcasting transmitters in Iroquois Falls, Sault Ste. Marie, Englehart, New Liskeard, Sundridge and Spring Bay to rebroadcast the programming of the English-language commercial specialty (Christian music) radio station CJTK-FM Sudbury, Ontario.*

The new transmitters will serve additional listeners in the above-mentioned areas.

Applications

1. Eternacom Inc. (Eternacom) filed applications to amend the broadcasting licence for the English-language commercial specialty (Christian music) radio station CJTK-FM Sudbury, Ontario, to operate FM rebroadcasting transmitters in Iroquois Falls, Sault Ste. Marie, Englehart, New Liskeard, Sundridge and Spring Bay.
2. The transmitters would operate in accordance with the following technical parameters:

Location	Frequency	Channel	Effective radiated power	Effective height of antenna above average terrain	Radiation pattern of antenna
Iroquois Falls	105.9 MHz	290A	540 watts	15.1 metres	non-directional
Sault Ste. Marie	106.5 MHz	293A	2,300 watts	21 metres	non-directional
Englehart	105.7 MHz	289A	5,100 watts	73.2 metres	non-directional
New	100.9 MHz	265A	530 watts	-32.1 metres	non-directional

Liskeard					
Sundridge	98.3 MHz	252A	540 watts	12.2 metres	non-directional
Spring Bay	104.9 MHz	285A	530 watts	26.3 metres	non-directional

3. In support of its applications, Eternacom stated that it had received interest in its service from residents of the above-mentioned areas.

Interventions

4. The Commission received an intervention commenting on the applications from Rogers Media Inc. (Rogers), to which the applicant replied. The public record for these applications can be found on the Commission's website at www.crtc.gc.ca or by using the appropriate application number, provided above.
5. In its intervention, Rogers alleged that Eternacom's applications do not meet the Commission's criteria for a technical amendment given that the applicant has not demonstrated a technical or economic need for the requested amendments. It submitted that Eternacom should either provide firm commitments to local programming or file an application to operate a new service in these markets.
6. Further, Rogers expressed concern that the proposed transmitters would have an impact on its existing stations in Sault Ste. Marie, North Bay and Timmins. Should the applications be approved, Rogers requested that the Commission impose a condition of licence on Eternacom prohibiting CJTK-FM from soliciting or accepting local advertising.
7. Rogers also argued that adding six rebroadcasting transmitters is not the best use of spectrum.
8. Finally, Rogers expressed concern over the station's long-term viability and suggested that CJTK-FM could be targeted by a purchaser looking to enter the market and convert the station into a mainstream commercial radio station. It therefore requested that the Commission also impose a condition of licence on Eternacom requiring that CJTK-FM remain under the specialty (Christian music) format for at least five years.

Eternacom's reply

9. In its reply, Eternacom pointed out that the Commission has approved similar applications relating to CJTK-FM in the past, notably its applications to add rebroadcasting transmitters in Timmins and Little Current.¹
10. Eternacom indicated that it would not solicit local advertising, as stated in its applications. It added that CJTK-FM serves a niche market of underserved

¹ See Broadcasting Decisions 2015-114 and 2005-577.

communities in Northern Ontario and has a low market share. Eternacom agreed to accept a condition of licence requiring CJTK-FM to remain under a specialty (Christian music) format for at least five years.

11. Eternacom argued that its applications constitute an appropriate use of spectrum given that CJTK-FM would bring diversity to the markets it intends to serve by means of its proposed transmitters. It added that there are plenty of frequencies available in Northern Ontario.
12. With respect to Rogers' questioning the long-term viability of CJTK-FM, Eternacom stated that its station has been broadcasting for 20 years and has a long history of financial viability.
13. As part of its reply, Eternacom attached a letter from Rogers that waives its procedural concerns provided that Eternacom agrees to:
 - neither solicit nor accept local advertising in New Liskeard, Englehart, Sault Ste. Marie, Iroquois Falls, Spring Bay and Sundridge;
 - maintain CJTK-FM's specialty (Christian music) format for a period of five years; and
 - not sell CJTK-FM for a period of five years.

Eternacom agreed to these terms.

Commission's analysis

14. The Commission generally assesses the merits of applications for technical changes, including the addition of transmitters, on the basis of compelling economic need or technical evidence justifying the proposed technical change. However, in the past, the Commission has deviated from this approach and approved applications that primarily reflected a desire to serve additional communities. In this case, the Commission is of the view that the applications primarily reflect the applicant's desire to introduce a new Christian service in Iroquois Falls, Sault Ste. Marie, Englehart, New Liskeard, Sundridge and Spring Bay.
15. The proposed transmitters would provide programming diversity to the targeted communities through its Christian music, spoken word, news and community activity announcements, given that no Christian music service is currently licensed in those markets. Accordingly, the Commission finds it appropriate to make an exception to its usual test in this particular case.
16. With respect to Rogers' concern over the potential financial impact of the proposed transmitters on its stations in Sault Ste. Marie, North Bay and Timmins, Eternacom would not be allowed to solicit local advertising in any of the communities that it proposed to serve, given that its proposal consists of the addition of rebroadcasting transmitters rather than the introduction of local stations. As such, the Commission

finds that approval of the applications would not have an undue financial impact on stations operating in the markets that Eternacom proposed to serve. Therefore, it would be unnecessary for the Commission to impose a condition of licence on Eternacom prohibiting the solicitation of local advertising.

17. In addition, the technical parameters chosen would provide coverage of the areas in question. There are allotments available for assignment, as well as additional drop-in frequencies that could be used to serve those areas.
18. Finally, if Eternacom wished to change the ownership of its station, it would need to file a new application in that regard, which the Commission would consider on its own merits. As such, it would be unnecessary for the Commission to impose a condition of licence on Eternacom requiring CJTK-FM to maintain its specialty (Christian music) format for at least five years, as proposed by Rogers.

Conclusion

19. In light of all of the above, the Commission **approves** the applications by Eternacom Inc. to amend the broadcasting licence for the English-language commercial specialty (Christian music) radio programming undertaking CJTK-FM Sudbury, Ontario, to operate FM rebroadcasting transmitters in Iroquois Falls, Sault Ste. Marie, Englehart, New Liskeard, Sundridge and Spring Bay.
20. The new transmitters will operate in accordance with the technical parameters set out in the table above.
21. Pursuant to section 22(1) of the *Broadcasting Act*, the authority for the new transmitters will only be effective when the Department of Industry notifies the Commission that its technical requirements have been met and that broadcasting certificates will be issued.
22. The transmitters must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **19 June 2019**. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

Reminder

23. Eternacom is prohibited from soliciting local advertising in any of the markets that it serves by means of a rebroadcasting transmitter.

Secretary General

Related documents

- *CJTK-FM Sudbury – New transmitter in Timmins; English-language commercial FM specialty (Christian music) radio station in Timmins*, Broadcasting Decision CRTC 2015-114, 30 March 2015

- *CJTK-FM Sudbury – New transmitter in Little Current*, Broadcasting Decision CRTC 2005-577, 5 December 2005

This decision is to be appended to the licence.