



**Canadian  
Association of  
Broadcasters**

**L'Association  
canadienne des  
radiodiffuseurs**

August 13, 2004

Ms. Diane Rhéaume  
Secretary-General  
Canadian Radio-television and  
Telecommunications Commission  
1, Promenade du Portage  
Gatineau, Quebec  
K1A 0N2

Dear Ms. Rhéaume:

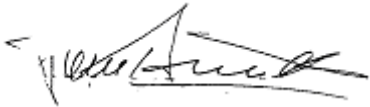
**Re: Notice of Public Hearing CRTC 2004-5  
Application No. 2004-0355-1 by Sound of Faith Broadcasting  
Relating to Radio Station CJTW-FM Kitchener**

1. The Canadian Association of Broadcasters (CAB) – the national voice of Canada’s private broadcasters, representing the vast majority of Canadian programming services, including private television and radio stations, networks and specialty, pay and pay-per-view televisions services – is pleased to intervene in the context of the above-noted application.
2. Sound of Faith Broadcasting (Sound of Faith) has filed an application for a technical amendment to its licence for CJTW-FM Kitchener that, if approved, would change its frequency from 94.3 MHz (channel 232LP) to 106.7 MHz (channel 294A) and increase the effective radiated power of its station from 50 watts to 1,585 watts.
3. Broadcasting Notice of Public Hearing CRTC 2004-5 notes that the contour of the station would be increased significantly and that the proposed power increase would result in a change of CJTW-FM’s licence status from low-power to a regular Class “A” station.

4. While the CAB appreciates that Sound of Faith's application for a new frequency is being treated as competitive with two other applicants, we believe that this application raises a number of concerns regarding the use and application of the Commission's licensing policy for low-power radio.
5. The CAB notes that CJTW-FM was licensed only 15 months ago as one of four new FM radio stations whose applications were considered at the 28 October 2002 Public Hearing in Kitchener. In Decision CRTC 2003-154 of 14 May 2003, approving the new radio service, the Commission stated that Sound of Faith "has applied for a broadcasting licence to operate a new low-power, English-language specialty FM radio programming undertaking in Kitchener-Waterloo". Given the recent issuance of its licence, one has to assume that the licensee knew the limits of a low-power frequency but nonetheless chose to apply for this class of licence because it gave it the best chance of being approved.
6. Now, less than a year after it has launched, Sound of Faith has filed an application for technical amendments to its licence that would significantly increase its authorized effective radiated power. The CAB does not believe that the purpose of CJTW-FM's application is to improve the quality of its signal within its service area. Rather, the CAB believes the primary purpose of CJTW-FM's application is to reach more potential listeners and obtain additional advertising revenue throughout the Kitchener-Waterloo market and surrounding areas. Sound of Faith confirms as much when it states, in response to deficiency questions relating to the best use of the frequency spectrum, that "[w]e are finding that with only 50 watts, it is difficult to remain competitive for advertising dollars".
7. The CAB submits that the Sound of Faith application for technical amendments to its licence, that if approved would change the operating class of CJTW-FM to one of protected status, indicates the station's intention to compete more directly with its licensed commercial counterparts not only in the Kitchener-Waterloo market but also in the Cambridge and Guelph area.
8. For these reasons, the CAB believes that low-power licensees should be prohibited from obtaining a Class "A" licence by simply filing an application for technical amendments. Sound of Faith was approved as a low-power specialty FM radio service based on criteria outlined in the Commission's Policy Framework for Community-based Media (Broadcasting Public Notice CRTC 2002-61). **If Sound of Faith, or any other low-power licensee, wishes to obtain a Class "A" commercial licence it should be required to file an application for a new licence.** Such applications should be evaluated using the Commission's policy for assessing applications for new commercial radio services that, depending on the market, may or may not trigger a call for competing applications.

9. The CAB strongly believes that approval of the Sound of Faith application would create a dangerous precedent by allowing a low-power licensee to effectively bypass the normal procedures for considering commercial radio applications by simply filing an application for technical amendments to its licence. 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.
  
10. The CAB does not wish to appear at the September 7<sup>th</sup>, 2004 hearing in Gatineau, Quebec.

Yours truly,



Pierre-Louis Smith  
Vice-President, Radio

cc: Sound of Faith Broadcasting, [info@faithfm.org](mailto:info@faithfm.org)  
Marc O'Sullivan, CRTC

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