



**Canadian
Association of
Broadcasters**

**L'Association
canadienne des
radiodiffuseurs**

January 25th, 2006

Via e-mail

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

Dear Ms. Rhéaume:

**Re: Broadcasting Public Notice CRTC 2005-127
Application No. 2005-1198-2 by Sound of Faith Broadcasting
Relating to Radio Station CHJX-FM London**

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 submit its comments 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 CHJX-FM London that, if approved, would change its frequency from 105.9 MHz (channel 290LP) to 98.1 MHz (channel 251A) and increase the effective radiated power of its station from 10 watts to 500 watts which would result in a change to CHJX-FM's status from an unprotected low power service to a regular protected (Class A1) FM station.
3. The CAB submits that this application raises a number of concerns regarding the use and application of the Commission's licensing policy for low-power radio.

4. In Broadcasting Decision CRTC 2005-170 the Commission stated that it "...expects that when a licensee of a low-power radio station files an application to change its operating class to that of a protected undertaking, it should present compelling evidence that its authorized technical parameters are not adequate to provide the service as was originally proposed."
5. CHJX-FM currently operates at 10 watts with an antenna height of 127 metres. This operation on 105.9 MHz produces the maximum coverage possible for a low-power unprotected FM station (LPFM). In other words, they cannot increase power without moving up to at least Class A1 protected status. CHJX-FM's 3mV/m city-grade service contour currently reaches a radius of about 3km and the 0.5mV/m contour reaches approximately 8 km. Should the station's proposed increase to 500 watts on 98.1 MHz be approved, its 3mV/m contour would reach about 9.5 km and the 0.5mV/m contour would reach approximately 23 km. This represents a substantial increase in CHJX-FM's 3mV/m contour which would now reach four (4) times the population of its current service.
6. The CAB submits that CHJX-FM was fully aware of the technical limitations of its service when it applied for licensing and was granted the maximum service coverage for an unprotected LPFM station. Accordingly, the CAB suggests CHJX-FM is using the well known technical limitations of its LPFM service to justify what it is really seeking, which is protected status - a status normally reserved for commercial stations that have undergone a rigorous and competitive licensing process. The CAB notes that CHJX-FM was licensed in December 2002 after consideration in a non-appearing public hearing.
7. The CAB also notes that over the course of the past year Sound of Faith, which owns and operates LPFM stations in Kitchener, Woodstock and London, has systematically applied for an increase in power for all three of its LPFM stations which, if approved, would give each of them protected status. Accordingly, the CAB concludes that Sound of Faith is aggressively pursuing a strategy not only to increase the coverage area in all of its licensed markets but also ensure its stations are given protected status, both of which will allow it to compete directly with commercial radio stations in those markets.

8. For these reasons, the CAB submits that the Sound of Faith application for a technical amendment to its licence has failed to provide compelling evidence that its authorized technical parameters are not adequate to provide the service for which it was originally licensed.
9. Moreover, the CAB believes that low-power licensees should be prohibited from obtaining protected licences by simply filing applications for technical amendments. Sound of Faith was approved as a low-power English-language 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.
10. 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.
11. The CAB appreciates the opportunity to provide these comments.

Yours truly,



Pierre-Louis Smith
Vice-President, Radio

cc: Sound of Faith Broadcasting, doug@gracefm.ca
Len Katz, CRTC

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