



**Canadian
Association of
Broadcasters**

**L'Association
canadienne des
radiodiffuseurs**

June 23, 2006

SENT VIA EMAIL

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

Dear Ms Rhéaume :

**RE : Broadcasting Public Notice CRTC 2006-63
Application No. 2005-1588-5 by Houssen Broadcasting Ltd
Relating to Radio Station CKOE-FM Moncton, New-Brunswick**

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 radio and television stations, networks and specialty, pay and pay-per-view televisions services – is pleased to intervene in the context of the above-mentioned application.
2. Houssen Broadcasting Ltd (Houssen) has filed an application for a technical amendment to its licence for CKOE-FM to increase the effective radiated power of its station from 50 watts to 725 watts.
3. Broadcasting Public Notice CRTC 2006-63 notes that the proposed power increase would result in a change of CKOE-FM’s licence status from low-power to a regular Class “A” station.
4. 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.
5. The CAB notes that CKOE-FM was first authorized to serve the Moncton market in August 2000. In Decision 2000-358 of 24 August 2000, approving the new service, the Commission stated that “as proposed, the new FM

station will operate (...) with an effective radiated power of 50 watts”. The Commission also stated that “The technical parameters approved in this decision are for a low-power unprotected FM service. Accordingly, the licensee would have to select another frequency for the operation of the service should optimum utilization of the broadcasting spectrum so require.” In light of the above, 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. The CAB further notes that as early as 2003 Houssen requested that the Commission amend the broadcasting licence of CKOE-FM to change the station’s frequency and to increase its effective radiated power from 50 watts to 2,800 watts. In Decision 2003-498 of 7 October 2003, the Commission denied Houssen application to amend CKOE-FM licence stating 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 high-powered, protected station, it should present compelling evidence that its authorized technical parameters are not adequate to provide the service as it was originally proposed.”* (emphasis added) It is further noted in the decision that: *“In the Commission’s view, the applicant has not presented compelling evidence of either an economic or technical need for the proposed changes to the CKOE-FM signal.”*
7. The CAB does not believe that the purpose of CKOE-FM’s current application is to improve the quality of its signal within its service area, which is Moncton. Rather, the CAB believes the primary purpose of CKOE-FM’s application is to reach more potential listeners outside of its authorized service area. Indeed, the CAB notes that in the Supplementary Brief of 29 December, 2005, filed with the application it is clearly stated that: *“Our application is being submitted in order to extend services to the rural areas of Moncton...”* (emphasis added). The licensee’s objective is also reiterated in its response of 13 March, 2006, to the Commission deficiency letter of 23 February, 2006 when it states that: *“By allowing us this license, we would be serving the communities of Richibucto, Bouctouche, Cape Pele, Shediac, St. Anthony, Notre-Dame, Ste.Marie, Barachois, Memremcook, Sackville, Salisbury, Hillborough, Havelock, Petticodiac, Cocagne, Grande Digue, Cassie Cape.”*
8. Therefore, the CAB considers that Houssen has not presented compelling evidence of either an economic or technical need that demonstrates its authorized technical parameters are not adequate to provide the service for which it was originally licensed.
9. The CAB submits that the Houssen application for technical amendments to its licence, which if approved would change CKOE-FM’s operating class from unprotected to protected, demonstrates its intention to compete more directly with its licensed commercial counterparts in the Moncton area.

10. For these reasons, the CAB reiterates what it has stated on numerous other occasions when a low-power programming radio service has applied for a technical amendment to increase its radiated power and change its operating class to one that is protected. That is, that the CAB believes that whether or not a low-power licensee has technical problems, it should be prohibited from obtaining a Class "A" licence by simply filing an application for a technical amendment. **If Houssen, 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.

11. The CAB strongly believes that approval of the Houssen application would create a dangerous precedent by allowing a low-power licensee to effectively bypass the normal procedure for considering commercial radio applications by simply filing an application for a technical amendment 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.

Yours truly,



Pierre-Louis Smith
Vice-President, Radio

c.c.: Houssen Broadcasting Ltd info@ckoefm.com

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