



## Broadcasting Decision CRTC 2004-101

Ottawa, 26 February 2004

### **Eternacom Inc.**

Sudbury and North Bay, Ontario

*Application 2002-0844-8*

*Broadcasting Public Notice CRTC 2003-16*

*4 April 2003*

### **CJTK-FM Sudbury – Licence amendment**

*The Commission **denies** the application by Eternacom Inc. requesting that the Commission amend the broadcasting licence for CJTK-FM Sudbury by changing the frequency of its transmitter, CJTK-FM-1 North Bay. The related request contained in the application, that being for authority to change the authorized coverage contours of the transmitter by increasing the effective radiated power, is likewise **denied**.*

### **The application**

1. The Commission received an application by Eternacom Inc. (Eternacom) requesting that the broadcasting licence for the radio programming undertaking CJTK-FM Sudbury be amended by changing the frequency of its transmitter CJTK-FM-1 North Bay. The applicant proposed that the frequency be changed from 89.5 MHz (channel 208LP) to 99.3 MHz (channel 257A). The applicant also requested authority to change the authorized coverage contours of the transmitter by increasing the effective radiated power from 33 watts to 800 watts.
2. CJTK-FM provides a Christian music service. The Commission authorized the operation of the station in *New Christian music FM radio station – Approved*, Decision CRTC 97-255, 6 June 1997. Subsequently, in *Licence amendment for CJTK-FM*, Decision CRTC 2000-383, 13 September 2000, the Commission authorized the licensee to operate a low-power transmitter in North Bay to rebroadcast CJTK-FM's programming.
3. Eternacom stated that the purpose of the proposed technical changes was to improve the quality of CJTK-FM-1's signal, particularly for residents of apartment buildings and low-lying areas of North Bay.

### **The interventions**

4. The Commission received three interventions in connection with this application. Trust Communications Ministries, the licensee of the Christian music station CJLF-FM Barrie, supported the proposed technical amendments while Joco Communications Inc. (Joco) and the Canadian Association of Broadcasters (CAB) opposed them.

5. Joco is the licensee of the primarily English-language low-power commercial radio station authorized less than one year ago to operate at 99.3 MHz (channel 257LP) in Sturgeon Falls, a community located approximately 50 kilometres from North Bay.<sup>1</sup> Joco specifically opposed the applicant's proposal to use 99.3 MHz (channel 257A). The intervener noted that, because the technical parameters approved for its station are for a low-power unprotected radio service, it would have to select another frequency if Eternacom's application were approved. The intervener further pointed out that there are six other frequencies available in North Bay and requested that it be permitted to continue operating at 99.3 MHz.
6. In its opposing intervention, the CAB cited *Policy framework for community-based media*, Broadcasting Public Notice CRTC 2002-61, 10 October 2002, which states that, when a low-power station files an application to change its operating class to one that has protected status under the Department of Industry's (the Department's) rules, the Commission could decide to issue a call for competing applications. The CAB contended that the absence of a call for competing applications from other parties interested in serving the North Bay market would encourage other low-power radio services to seek to attain "commercially competitive status" through technical enhancements. In the CAB's view, approval of the proposed amendments would enable CJTK-FM-1 to compete directly with the incumbent commercial radio stations in the North Bay market.

### **The applicant's response**

7. In response, Eternacom stated that "the Commission always has the right to issue a call for competing applications." Eternacom pointed out that there are a number of available frequencies in the North Bay area. The applicant also noted that none of the commercial radio licensees operating in the North Bay market intervened in this proceeding. It further contended that, since CJTK-FM-1 targets a niche audience, it cannot compete with the incumbent commercial radio stations.

### **The Commission's analysis and determination**

8. In its evaluation of the application, the Commission has considered the views of the applicant and of the interveners.

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<sup>1</sup> The Commission authorized the station in *Low-power FM station in Sturgeon Falls*, Broadcasting Decision CRTC 2003-52, 14 February 2003.

9. The Commission expects that, when a licensee of a low-power radio undertaking files an application to change its operating class to that of a higher-powered, protected undertaking, it should present compelling evidence that its authorized technical parameters are not adequate to provide the service as it was originally proposed. Based on its analysis, the Commission finds that CJTK-FM-1's current authorized technical parameters are adequate and commensurate with those of the low-power service that Eternacom originally proposed for the transmitter. In the Commission's view, the applicant has not presented compelling evidence of either an economic or technical need for the proposed changes to CJTK-FM-1's signal.
10. Joco was licensed in 2003 to provide Sturgeon Fall's first local radio service. The Commission recognizes the financial costs that Joco would incur if it were required to change the frequency of its Sturgeon Falls station.
11. Based on the foregoing, the Commission **denies** the application by Eternacom Inc. requesting that the Commission amend the broadcasting licence for CJTK-FM Sudbury by changing the frequency of its transmitter CJTK-FM-1 North Bay, from 89.5 MHz (channel 208LP) to 99.3 MHz (channel 257A). The related request contained in the application, that being for authority to change the authorized contours of the station by increasing the effective radiated power from 33 watts to 800 watts, is likewise **denied**.

Secretary General

*This decision is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>*