



**Canadian
Association of
Broadcasters**

**L'Association
canadienne des
radiodiffuseurs**

December 23, 2005

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: Notice of Public Hearing CRTC 2005-111
Application No. 2005-0869-0 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 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 CJTW-FM Kitchener that, if approved, would increase the effective radiated power of its station from 50 watts to 141 watts which would result in a change to CJTW-FM’s status from an unprotected low power service to a regular Class “A” 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. The CAB notes that CJTW-FM applied for a power increase a little over a year ago which if approved would have given it protected status. The Commission denied Sound of Faith's application in Broadcasting Decision 2005-170 (Decision 2005-170) stating that it found "...CJTW-FM's current authorized technical parameters adequate and commensurate with those of the low-power service that Sound of Faith originally proposed."
5. In Decision 2005-170 the Commission also 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."
6. Less than two years since its launch, Sound of Faith has filed another application for a technical amendment to its licence that would increase its authorized effective radiated power and change its unprotected status. The CAB notes that the same technical arguments were made in their last application when they requested an increase from 50 watts to 1,585 watts. Now, in this current application, Sound of Faith is requesting a much lower effective radiated power to address the same problems they used to justify a substantially larger increase less than a year ago.
7. Rather, the CAB believes the primary motivation behind CJTW-FM's application is economic not technical. In its supplementary brief Sound of Faith stated that one of the reasons it has requested a change from an LP station to a Class "A" station is "...to ensure we are protected from future applicants who might want to use our frequency." Moreover, Sound of Faith noted that its current revenue stream is 20% from program sales, 20% from advertising sales and 60% from donations. In its supplementary brief the applicant indicated that a power increase will help attain its goal of changing this break down so that 60% of its revenue comes from advertising.
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. Accordingly, the CAB believes that low-power licensees should be prohibited from obtaining a Class "A" licence by simply filing an application for a technical amendment. 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.
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, info@faithfm.org
Len Katz, CRTC

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