



**Canadian  
Association of  
Broadcasters**

**L'Association  
canadienne des  
radiodiffuseurs**

November 14, 2005

***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 2005-95  
Application No. 2005-0502-6 by Sound of Faith Broadcasting  
Relating to Radio Station CJFH-FM Woodstock**

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. Sound of Faith Broadcasting (Sound of Faith) has filed an application for a technical amendment to its licence for CJFH-FM to increase the effective radiated power of its station from 50 watts to 250 watts.
3. Broadcasting Public Notice CRTC 2005-95 notes that the contour of the station would increase significantly and that the proposed power increase would result in a change of CJFH-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 CJFH-FM was first authorized to serve the Woodstock market in May 2003 and according to the applicant has been in operation for just over two (2) years. In decision 2003-146 of 7 May 2003, approving the new service, the Commission stated that Sound of Faith has applied for “a low-power English-language specialty FM radio programming undertaking in Woodstock, Ontario”. 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. The CAB notes that as early as the beginning of 2005, less than two years after being licensed, the licensee had already applied to the Commission to change its frequency from 94.3 FM to 104.7 FM and to increase its effective radiated power. Along the way it decided to keep its current frequency but maintained its request to increase its radiated power from 50 watts to 250 watts. The CAB also notes that in a letter dated July 7, 2005 stating its rationale for the power increase, the licensee simply indicated that “It is our desire at Hope FM (94.3) to reach all of Oxford County in general...”.
7. The CAB does not believe that the purpose of CJFH-FM’s application is to improve the quality of its signal within its service area, which is Woodstock. Rather, the CAB believes the primary purpose of CJFH-FM’s application is to reach more potential listeners outside of its authorized service area. Therefore, the CAB considers that Sound of Faith 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.
8. The CAB submits that the Sound of Faith application for technical amendments to its licence, which if approved would change CJFH-FM’s operating class from unprotected to protected, demonstrates its intention to compete more directly with its licensed commercial counterparts in the Woodstock area.
9. For these reasons, the CAB reiterates what it has stated in its August 13, 2004 intervention on a similar application filed by Sound of Faith for its station in Kitchener, and 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. 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 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,

A handwritten signature in black ink, appearing to read 'Pierre-Louis Smith', written over a horizontal line.

Pierre-Louis Smith  
Vice-President, Radio

c.c.: Sound of Faith Broadcasting [hopefm@execulink.com](mailto:hopefm@execulink.com)  
Marc O'Sullivan, CRTC

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