



## Broadcasting Decision CRTC 2007-389

Ottawa, 23 October 2007

### **Seaside Broadcasting Organization** Eastern Passage, Nova Scotia

*Application 2007-0661-6, received 30 April 2007*  
*Broadcasting Public Notice CRTC 2007-71*  
*29 June 2007*

### **CFEP-FM Eastern Passage – Technical change**

*The Commission **approves** an application to change the authorized contours of CFEP-FM Eastern Passage by increasing the effective radiated power from 50 watts to 1,400 watts.*

#### **Introduction**

1. The Commission received an application by Seaside Broadcasting Organization (Seaside) to change the authorized contours of the English-language, Type B community radio programming undertaking CFEP-FM Eastern Passage by increasing the effective radiated power (ERP) from 50 watts to 1,400 watts. Eastern Passage is part of the Halifax Regional Municipality (HRM).
2. CFEP-FM, one of the radio stations currently licensed to serve the Halifax radio market, was licensed in accordance with the Community Radio Policy and pursuant to Decision 2001-771. This Type B community radio station operates at 94.7 MHz (channel 234LP) and is presently in its first licence term. It broadcasts traditional and contemporary East Coast music. At least 80% of the musical selections are drawn from the easy listening subcategory of category 2 (Popular) music.
3. The Commission received numerous interventions in support of the proposed technical change for CFEP-FM. There were no opposing interventions.
4. After examining the application and the interventions, the Commission finds that the primary issue to be considered is whether it is appropriate to permit CFEP-FM to implement a technical change that would expand its authorized contours significantly and change its status from that of a low-power unprotected FM station to a regular Class A FM station.<sup>1</sup>

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<sup>1</sup> Under the Department of Industry's rules, the licensee of a low-power station, e.g. those operating with an ERP of 50 watts or less, must select another frequency if optimum utilization of the broadcasting spectrum requires.

## Commission's analysis and determinations

5. The Commission expects that, when a licensee of a low-power radio station files an application to change its operating class to that of a higher powered, protected station, it should present compelling evidence that its authorized technical parameters are not adequate to provide the service as originally proposed. In evaluating such applications, the Commission also considers the impact that the proposed technical change would have on the radio market.
6. In the present case, Seaside provided evidence that some of CFEP-FM's listeners are subject to a fading signal and static within the station's licensed area. Based on its analysis, the Commission finds that, if the proposed technical parameters were approved, CFEP-FM's primary 3 mV/m contour would not cover the HRM heavily populated areas. The station's secondary 0.5 mV/m contour would ensure good reception of the signal by motorists travelling between Eastern Passage and other parts of the HRM. Due to limitations on 94.7 MHz, the Commission considers that Seaside's proposal represents an appropriate use of the frequency.
7. In evaluating the potential impact of the proposed technical change on the Halifax radio market, the Commission took into consideration the fact that CFEP-FM is licensed as a community radio station. As stated in the Community Radio Policy, the primary objective of a community radio station is to provide community access to the airwaves and to offer diverse programming that reflects the needs and interests of the community that it is licensed to serve. Consistent with its mandate as a community radio station, CFEP-FM generates a considerable portion of its revenues from community-based fundraising initiatives while the proportion of its commercial advertising revenues is small in relation to the advertising revenues generated in the overall Halifax radio market. Seaside does not anticipate significant increases in its commercial advertising revenues as a result of the expanded coverage that would result from the proposed increase in power. Further, no incumbent radio stations filed interventions opposing the proposed technical change.

## Conclusion

8. In light of all of the above, the Commission finds that Seaside has provided compelling evidence that CFEP-FM's authorized technical parameters are not adequate to provide service to Eastern Passage, as proposed in the original licensing application approved in Decision 2001-771. Furthermore, the Commission is satisfied that approval of the present application would have minimal economic impact on the Halifax radio market. Accordingly, the Commission **approves** the application by Seaside Broadcasting Organization to change the authorized contours of CFEP-FM Eastern Passage by increasing the ERP from 50 watts to 1,400 watts.

9. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry notifies the Commission that its technical requirements have been met, and that a broadcasting certificate will be issued.

Secretary General

**Related documents**

- *Introduction to Broadcasting Decisions CRTC 2004-513 to 2004-525 – Licensing of new FM radio stations in Halifax, Moncton, Saint John and Fredericton*, Broadcasting Public Notice CRTC 2004-91, 26 November 2004
- *New community radio station*, Decision CRTC 2001-771, 20 December 2001
- *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000

*This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*