



## Broadcasting Decision CRTC 2015-114

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Route reference: 2014-441

Ottawa, 30 March 2015

**Eternacom Inc.**  
Timmins, Ontario

*Application 2014-0516-8, received 9 June 2014*

**William Rowe, on behalf of a corporation to be incorporated**  
Timmins, Chapleau, Hearst, Kapuskasing, Kirkland Lake, New Liskeard, North Bay,  
Sault Ste Marie and Smooth Rock Falls, Ontario, and Red Deer, Alberta

*Application 2014-0188-5, received 25 February 2014*

*Public hearing in the National Capital Region  
28 October 2014*

### **CJTK-FM Sudbury – New transmitter in Timmins; English-language commercial FM specialty (Christian music) radio station in Timmins**

*The Commission **approves** an application by Eternacom Inc. to operate a transmitter in Timmins to rebroadcast the programming of CJTK-FM Sudbury. The new transmitter will provide Timmins residents with a Christian radio service originating from Sudbury.*

*In addition, the Commission **denies** an application by William Rowe, on behalf of a corporation to be incorporated to operate an English-language commercial FM specialty (Christian music) radio station in Timmins.*

#### **Background**

1. In Broadcasting Decision 2012-589, the Commission denied an application by 1158556 Ontario Limited to renew the broadcasting licence for the English-language commercial specialty radio station CHIM-FM Timmins and its transmitters due to its history of severe repeated non-compliance. The station ceased broadcasting in November 2012, leaving Timmins without a Christian radio service.
2. Subsequently, William Rowe, on behalf of a corporation to be incorporated (William Rowe (OBCI)) filed an application to operate an English-language commercial FM specialty (Christian music) radio station in Timmins, Ontario, with transmitters in Chapleau, Hearst, Kapuskasing, Kirkland Lake, New Liskeard, North Bay, Sault Ste Marie and Smooth Rock Falls, as well as Red Deer, Alberta.

3. In addition, Eternacom Inc. (Eternacom) filed an application to operate a transmitter in Timmins to rebroadcast the programming of its English-language commercial specialty (Christian music) radio station CJTK-FM Sudbury, Ontario. The application was initially published under Part 1 of the *CRTC Rules of Practice and Procedure*. However, in light of the application by William Rowe (OBCI), the Commission removed the Eternacom application from the Part 1 process and scheduled it to be heard at the same time as the William Rowe (OBCI) application as part of the 28 October 2014 public hearing.

## **Applications**

### **Eternacom**

4. Eternacom proposed to operate its transmitter at 105.5 MHz (channel 288A) with an effective radiated power (ERP) of 800 watts (non-directional antenna with an effective height of antenna above average terrain (EHAAT) of 61.4 metres).
5. CJTK-FM currently operates under a specialty (Christian music) format.
6. The applicant indicated that it would incorporate programming targeting the Timmins audience into its programming on the main station in Sudbury, including news, weather, sports and community local announcements.

### **William Rowe (OBCI)**

7. The proposed station would operate at 102.3 MHz (channel 272LP) with an ERP of 32 watts (non-directional antenna with an EHAAT of 76 metres) with nine rebroadcasting transmitters serving the communities listed above.
8. The applicant proposed to operate under a Christian Adult Contemporary music format, with 95% of its weekly music programming being drawn from content subcategory 35 (Non-classic religious). Its target audience would consist of those between the ages of 15 and 45.
9. William Rowe (OBCI) indicated that the proposed station would provide local programming consisting of public service announcements for non-profit charitable organizations, community notes and events, time checks, local news, weather updates, forest fire reports, traffic reports, road conditions, business reports, energy reports, snowmobile trail reports, information on local artists, as well as voice-tracking to announce musical selections.
10. The applicant also proposed to devote 16 hours per week to various syndicated music programs such as the Mad Christian Radio Program, as well as other Canadian produced programs.

## **Interventions**

11. The Commission received interventions in support of each application. With respect to the Eternacom application, it also received opposing interventions from individuals, as

well as a comment from an individual. Eternacom replied to the comment. Regarding the William Rowe (OBCI) application, the Commission also received opposing interventions from individuals, to which the applicant did not reply. The public record for this proceeding is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the appropriate application number, provided above.

### **Interventions regarding the Eternacom application**

12. The interveners submitted that approval of Eternacom's application would diminish the availability of Christian radio in Timmins, rather than enhance it. While acknowledging that the transmitter would provide some local content, the interveners argued that it would be limited to Timmins, whereas William Rowe (OBCI)'s station would serve a larger population with more hours of local content.
13. With respect to the comment, the individual submitted that Eternacom should select another frequency since the Commission approved an application by the Canadian Broadcasting Corporation (CBC) to add a transmitter in Timmins to rebroadcast the programming of CBBX-FM Sudbury in Broadcasting Decision 2007-209.
14. Eternacom replied that the Department of Industry had found its application technically acceptable. Moreover, the Commission notes that the authority granted to the CBC has lapsed given that CBBX-FM Sudbury failed to implement the transmitter in Timmins.

### **Interventions regarding the William Rowe (OBCI) application**

15. The interveners submitted that North Bay is already well served by CJTK-FM-1 North Bay, a transmitter for CJTK-FM, and is not large enough for two Christian music stations.

### **Commission's analysis and decisions**

#### **Eternacom**

16. The Commission generally assesses the merits of applications for technical changes on the basis of demonstrated economic need or technical evidence justifying the proposed technical change. In this case, while the applicant did cite a technical need, the Commission is of the view that the application primarily reflects the applicant's desire to re-introduce a Christian service to the Timmins community.
17. Should its application be approved, Eternacom has stated its plans to provide some Timmins-oriented programming on its service originating from Sudbury. The Commission is of the view that this offering would provide programming diversity to Timmins through its Christian music, spoken word, news and community activity announcements, given that there is no Christian music service currently licensed in that market.
18. Further, the Commission considers that the technical parameters chosen would provide adequate coverage of Timmins and notes that there are allotments available for

assignment in Timmins, as well as additional drop-in frequencies that could be used to serve the area. Accordingly, the Commission finds that Eternacom's proposal makes appropriate use of spectrum.

19. In addition, if Eternacom's application were approved, it would not be allowed to solicit local advertising from the Timmins radio market, given that its proposal consists of the addition of a rebroadcasting transmitter rather than the introduction of a local station. The applicant also stated that the proposed transmitter would not result in a change to existing financial projections. As such, the Commission finds that approval of the application would not have an undue negative impact on stations operating in the Timmins radio market.
20. In light of the above, the Commission **approves** the application by Eternacom Inc. to amend the broadcasting licence for the English-language commercial specialty (Christian music) radio programming undertaking CJTK-FM Sudbury to operate a transmitter in Timmins.
21. The new transmitter will operate at 105.5 MHz (channel 288A) with an ERP of 800 watts (non-directional antenna with an EHAAT of 61.4 metres).
22. 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.
23. The new transmitter must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **30 March 2017**. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

#### **William Rowe (OBCI)**

24. In evaluating an application for a new commercial radio station, the Commission generally examines, among other things, the quality of the business plan—including the proposed format—plans for local programming and other matters relating to the operation of the proposed station.
25. Applicants that apply under a specialty format are required to submit a sample music list that is representative of the proposed musical format—including one hour during the morning drive, one hour during the afternoon drive and one hour during the non-peak period. If operating under a specialty format, the applicant must identify the subcategory of music in its sample music list. The music list submitted by the applicant only identified music broadcast from 12 a.m. to 8 a.m. and did not specify the music category for each musical selection. The Commission is therefore uncertain whether the musical programming would adhere to the applicant's commitment to operate under the specialty format, drawing 95% of its musical selections from subcategory 35.

26. Further, the Commission requested clarification regarding the applicant's plans in the area of live-to-air and voice-tracked or automated programming. In response, the applicant indicated that it would use voice-tracking "...all the time. 24/7." In light of this response, it is unclear how the station could deliver quality and timely relevant spoken word programming if it is voice-tracked all the time, particularly during the peak listening hours in which live broadcasting is common. It is also unknown how the applicant would provide timely updates through voice-tracking with respect to its local news, weather, road conditions and traffic reports, which are generally presented live.
27. The Commission also requested that William Rowe (OBCI) provide more details with respect to its programming schedule. However, the additional information provided was sparse and in some cases contradicted information provided in its original application. In the absence of program details, the Commission researched the identified programs and notes that all of the programs identified in its sample block schedule appear to be syndicated and would amount to 44.5 hours per broadcast week. Although the use of syndicated programming is common among Christian music stations, 44.5 hours is significantly higher than the 16 hours of syndicated programming that the applicant has committed to undertake. Consequently, the Commission is uncertain as to the level of syndicated programming that the applicant would undertake.
28. Finally, William Rowe (OBCI) proposed to exceed the basic contributions to Canadian content development (CCD), as required by section 15(5) of the *Radio Regulations, 1986* (the Regulations), committing to devote at least \$100 per year in direct contributions over and above the required basic amount to CCD commencing in the first year of operations. However, it also indicated that its over-and-above contributions would vary between \$100 and \$300 per broadcast year. Further, it indicated that it would devote \$600 per year directly to FACTOR. In light of this discrepancy, the Commission requested clarification. In response, the applicant stated that the \$600 per year would be the minimum given to FACTOR and that it would increase to \$900 by Year 7. Due to the absence of details and the additional conflicting information provided by the applicant, the Commission is uncertain as to what financial level William Rowe (OBCI) would commit to over-and-above basic CCD contributions on an annual basis.
29. Given the preceding, the Commission finds that William Rowe (OBCI) has not provided a quality application and has not demonstrated an understanding of key policies and regulations as it relates to radio programming undertakings. It also finds that the application lacks significant details regarding programming and CCD commitments necessary to allow it to properly evaluate the merits of the application, particularly as regards the local programming offering.
30. Accordingly, the Commission **denies** the application by William Rowe, on behalf of a corporation to be incorporated for a broadcasting licence to operate an English-language commercial FM specialty (Christian music) radio programming undertaking in Timmins.

Secretary General

## Related documents

- *CHIM-FM Timmins – Non-renewal of licence*, Broadcasting Decision CRTC 2012-589, 23 October 2012
- *CBBX-FM Sudbury – New transmitter at Timmins*, Broadcasting Decision CRTC 2007-209, 29 June 2007

\* *This decision is to be appended to the licence.*