



NCRA-ANREC  
325 Dalhousie, Suite 230  
Ottawa, Ontario, K1N 7G2

Diane Rheume  
Secretary General  
Canadian Radio-television and Telecommunications Commission  
Ottawa, Ontario  
K1A 0N2

May 25, 2007

Re: Broadcasting Notice of Public Hearing CRTC 2007-6

Applications: 591989 B.C. Ltd., Application No. 2007-0004-8  
K-Rock 1057 Inc., Application No. 2007-0211-9  
CHUM Limited, Application No. 2006-1094-0

1. I am writing on behalf of the National Campus and Community Radio Association/  
l'Association nationale des radios étudiantes et communautaires (NCRA/ANREC) in support of  
Amherst Island Radio Broadcasting Inc. (CJAI FM) and their intervention regarding the  
Kingston applications noted above.
2. The NCRA/ANREC is a not-for-profit national association working to recognize, support, and  
encourage volunteer-based, non-profit, public-access campus and community-based broadcasters  
in Canada. We provide advice and advocacy for individual stations, and conduct lobbying and  
policy development initiatives for the sector with a view to advancing the role and increasing the  
effectiveness of our sector.
3. While we are neither for or against the applicants in theory, we are extremely concerned about  
the practical impact approval of all three of these applications will have on the local community  
broadcaster: essentially displacing it from its current frequency and leaving no other frequencies  
available. As a developmental community station, CJAI FM currently has unprotected status, but  
it has always been their intention to become a Type B community station. In light of this, we ask  
that you consider the following issues before moving forward with the applications at issue in

Public Hearing CRTC 2007-6.

4. Given the spectrum scarcity in the Kingston market and in the interest of ensuring diversity of voices, we propose that all Kingston applications be put on hold and that the Commission issue a public call for applications. Alternatively, we propose that the Commission consider taking CJAI FM's impending application for protected status into account when assessing the commercial applications currently before the Commission. We realize that at the time of this submission CJAI FM remains unprotected. However, considering their commitment to submit an application for protected status prior to the upcoming hearing, and considering that the submission of the three Kingston commercial applications at issue has compelled CJAI FM to complete their application two months sooner than originally scheduled, we feel it is important that they be given special consideration.

5. We have often stated our concern about the vulnerability of community stations with unprotected low power frequencies, and the potential consequences if larger commercial broadcasters appropriate their frequencies or inhabit nearby frequencies causing signal interference. This situation is particularly dire in the era of spectrum scarcity. While developmental licencees are unique in that their licences are temporary, most do not intend to remain temporary, and pursue this licence class simply because it is the most easily obtainable initially for small volunteer-run community groups. Regardless of the class of licence, we believe consideration should be given to the important role small, non-profit stations play in serving community needs and fulfilling the mandates of the Broadcasting Act, particularly if they establish themselves with the intention of continuing to serve their communities beyond the initial developmental licence term.

6. The purpose of a developmental licence, as we understand it, is to allow smaller communities develop the resources they need to apply for a more permanent licence. The Commission recognized the value and importance of this step in both the campus and community radio policies:

The Commission also announces a streamlined approach for licensing low-power "developmental" community stations that may serve as a training ground, and allow for the future establishment of higher power community stations. (Public Notice CRTC 2000-13: Community Radio Policy)

8. In the report "CRTC ACCOMPLISHMENTS 1997-2000 - A Job Well Done: Vision 1997-2000", in the section "Canadian voices at home and abroad, a solid foundation for the digital world", the Commission states:

Campus and community radio stations are important for providing alternatives to conventional broadcasting, for innovation and for their track record in nurturing Canadian talent. Our new policies for such stations provide simple and effective mechanisms to ensure that they continue to do so. They also introduce a streamlined approach for the licensing of low-power "developmental" stations that serve as training grounds and may later emerge as full-fledged, higher power stations. [Public Notices CRTC 2000-12 and 13, January 28, 2000]

9. This streamlined approach was helpful and supportive; it has allowed new stations to build a stronger foundation in preparing to become viable Canadian broadcasters. We remind the Commission of its previous recognition, in awarding broadcasting licences to these stations, of

their value to the broadcasting system and the valuable contributions they make to their local communities. Among the stations that first operated under developmental licences, the following stations have subsequently received low and high power community and community-based campus licences:

Radio Lillooet Society, Lillooet, BC

Broadcasting Decisions CRTC 2001-15 and 2003-420

"In each broadcast week, the station will offer approximately 5 hours of programming in St'at'imc, the local Aboriginal language, and will provide an emergency radio service to Lillooet and surrounding area. Radio Lillooet Society stated that high school students and other volunteers from the community have participated in the operation of the current developmental community radio station. It has extended an open invitation to all members of the community who wish to participate in the new station as DJs or as volunteers in other capacities."

Todd Foss/Mix FM Inc., Lewisporte, NL

Broadcasting Decisions CRTC 2001-50 and 2003-425

"The station's local programming will reflect the needs and interests of the local community and will include weekly community events, local and regional news and commentary, and musical programming not generally heard on local stations. The applicant stated that it already works closely with many local organizations that wish to get a message out to the community. The applicant submitted that the station will give special priority to individuals who are marginalized and underpublicized in mainstream media, such as persons with a disability, seniors, single parents, and cultural and Native groups, to help them promote awareness of their situations . . . In the area of local talent development, the applicant stated that the station will air recordings of community artists and groups, and will record talent shows and church concerts, as well as school music and drama presentations. The station will also record or broadcast live local talent shows and festivals whose purpose is to generate funds for community projects."

The Kamloops Campus/Community Radio Society, Kamloops, BC

Broadcasting Decisions CRTC 2001-76, 2003-422 and 2003-584

"The Commission also notes that local and Canadian artists will occupy a predominant position within programming, offered by the station."

Manitoulin Radio Communication Inc., Little Current, ON

Broadcasting Decisions CRTC 2001-578, 2002-186 and 2005-361

"The applicant submitted that it is applying for a Type A community radio licence because its current developmental community radio station is the only radio station operating on Manitoulin Island, an island surrounded by Lake Huron. It added that the closest radio station operates in Elliot Lake, a community located approximately 120 kilometres from Little Current. The applicant stated that the proposed station would broadcast 24 hours a day and offer a wide variety of music targeting young adults. The proposed station would provide news, weather, sports, marine information, commentary and community information as well as information on upcoming events. In each broadcast week, the station would offer a minimum of two hours of programming in Aboriginal languages. The station would continue to be part of Manitoulin Island's regional emergency team that is designated to provide vital information on behalf of various island municipalities when unforeseen events arise, such as power outages."

Bluewater Community Radio, Hanover, ON

Broadcasting Decisions CRTC 2001-576 and 2005-401

"The new station will provide all community groups, regardless of age and culture, with opportunities to express themselves artistically, culturally and religiously, by means of music and spoken word. It will also continue to act as a training ground for students and others wishing to enter the field of broadcasting."

Denis Benoit/La radio campus communautaire francophone de Shawinigan inc., Shawinigan, QC

Broadcasting Decisions CRTC 2001-598, 2002-134, 2002-223, 2003-333, 2004-427, 2005-434, 2005-501

". . . the licensee stated in its application that it wished to obtain a licence for a regular French-language

Type B community FM radio programming undertaking in view of the entire community's involvement in its community radio project . . ."

Radio CFXU Club, Antigonish, NS

Broadcasting Decisions CRTC 2002-257 and 2006-478

"The new community-based campus station will broadcast 108 hours of locally produced programming in each broadcast week, including six hours of programming in languages other than English. The station will offer an alternative to the radio stations currently operating in Antigonish."

Powell River Model Community Project for Persons with Disabilities, Powell River, BC  
Broadcasting Decisions CRTC 2002-283 and 2006-492

Education Alternative Radio Society, Prince George, BC  
Decision CRTC 2001-580 and 2007-65

"Interventions in support of the proposed application cited CFUR Radio's providing of an alternative for listeners in the Prince George area and its support of local musical talent through its organization of concerts and its on-air play of local artists. One intervener also mentioned the applicant's contribution to the community through its support for community volunteerism."

10. As you will read in their comment, CJAI FM is no different from the successful stations described above. From the decision approving the station's developmental licence:

The new station will broadcast 126 hours of programming per week, of which a minimum of 28 hours will be live programming. The applicant indicated that it would exceed the minimum weekly Canadian content requirements by broadcasting 100% Canadian music during weekends. Programming will showcase local musicians and other performing artists, community events, service groups and the history of Amherst Island. Programs will include tourist information, ferry schedules, road closures, council proceedings, news and weather. Station volunteers will consist of members from the community."  
(Broadcasting Decision CRTC 2005-550)

11. Upon learning of the Kingston applications, CJAI FM phoned the NCRA/ANREC in an effort to determine the options available to it. It is our understanding that CJAI FM also contacted CRTC Staff, Industry Canada, and K-Rock 1057 Inc. We understand that some discussions have taken place with respect to accommodating the station, but given the spectrum scarcity and the short time frame, these discussions have not been fruitful.

12. CJAI FM has always intended to file a Class B application within its original licensing timeframe. The Kingston applications in this proceeding all put CJAI FM's position and application in jeopardy, given that the engineering survey and application already underway by CJAI FM relies on the availability of their existing frequency, which was still available at the time their initial decision to proceed with the application was made. If the Commission approves all three Kingston applications in this proceeding, there will be no frequency available for CJAI FM at all. Even if a frequency remains available for CJAI FM, it does not now have sufficient time or finances to conduct a second engineering brief and submit another application prior to the expiry of its existing licence.

13. More notice from the applicant proposing to appropriate CJAI FM's frequency may have helped avoid this situation. We implore the Commission to mandate a notification process for stations in similar situations in the future so that they may have sufficient time to prepare and avoid putting their stations in jeopardy.

14. We therefore file this request in the hope that CJAI FM will be able to remain on the air without disruption, and that suitable accommodation be made to allow them to do so. If the Commission is unable to support CJAI FM to retain its existing frequency and approves the application of K-Rock 1057 Inc., we request that the Commission grant an extension on the terms of CJAI FM's licence to enable it to submit a new application. Further, we note that CJAI has the necessary resources to complete the application already underway and does not require financial support if allowed to retain their current frequency. However, if they are required to re-submit and apply for a new frequency – if one remains available at the conclusion of this hearing – they will not be able to do so without financial support.

15. We note that commercial broadcasters have assisted our stations significantly in the past in similar situations, in order to ensure that unprotected stations do not cease broadcasting as a result of the approval of their new commercial enterprises. For example we note CFMH FM, the community-based campus radio station in Saint John, New Brunswick. In that case, Newcap offered to assist the station to relocate to a new frequency, as Newcap's proposed new station (CFRK FM) was likely to interfere with CFMH FM's signal. If it becomes necessary, we ask the Commission to obtain a commitment from K-Rock 1057 Inc. to assist with the costs of a frequency change.

16. We would be pleased to appear at the public hearing to present solutions and discuss the situation and its policy implications further.

Sincerely,



Joanne Penhale  
NCRA Board Member  
Pacific Region Representative