



Broadcasting Decision CRTC 2010-145

Route reference: 2010-12

Ottawa, 12 March 2010

My Broadcasting Corporation
Kincardine and Port Elgin, Ontario

Application 2009-1634-8, received 2 December 2009

CIYN-FM Kincardine – New transmitter in Port Elgin

1. The Commission **approves** the application by My Broadcasting Corporation (MBC) to amend the broadcasting licence for the radio programming undertaking CIYN-FM Kincardine in order to operate a transmitter in Port Elgin at 90.9 MHz (channel 215A) with an effective radiated power of 3,100 watts (non-directional antenna with an effective height of the antenna above average terrain of 47.3 metres). There were no interventions to this application. The implementation is subject to the notification by the Department of Industry (the Department) discussed in paragraph 7 below.
2. MBC submitted that the proposed transmitter is needed for CIYN-FM to adequately serve the people of Port Elgin.

Background

3. In Broadcasting Decision 2005-68, the Commission approved the addition of transmitters of CIYN-FM in Port Elgin and Goderich, Ontario. Because the licensee did not implement the transmitters within the required timeframe and did not request an extension of time to commence operation, the authority for the transmitters granted in that decision became null and void on 17 February 2007.
4. Subsequently, in Broadcasting Decision 2008-68, the Commission approved the addition of a transmitter of CIYN-FM in Goderich.
5. In Broadcasting Decision 2009-269, the Commission approved an application by MBC, on behalf of 2079966 Ontario Limited (2079966), to effect a change in the effective control of 2079966, the licensee of CIYN-FM, but denied the addition of a transmitter in Port Elgin. The Commission determined that, if it were to approve the proposed transmitter at that time, the profit to be realized from its sale would be significant, particularly because the vendor had not fulfilled the original requirements set out in Broadcasting Decision 2005-68 to establish a transmitter in Port Elgin and had not made any financial investment in the undertaking. The Commission noted that, under the Share Purchase Agreement of that transaction, MBC could file another application for the addition of a transmitter in Port Elgin nine months from the date of Broadcasting Decision 2009-269. In that case, MBC would not be required to pay extra compensation to 2079966 for the additional transmitter in Port Elgin.

6. The present application included an agreement between MBC and 2079966 stating there will be no further payment required for the addition of a transmitter in Port Elgin. Approval of this application will have no impact on the value of the ownership transaction approved in Broadcasting Decision 2009-269.

Condition prior to the implementation of the transmitter

7. The Commission reminds the applicant that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued. Therefore, in the absence of the notification by the Department, the applicant will not be able to implement the transmitter approved in this decision.
8. The 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 12 March 2012. 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.

Secretary General

Related documents

- *Change in effective control and addition of a transmitter of CIYN-FM Kincardine in Port Elgin*, Broadcasting Decision CRTC 2009-269, 13 May 2009
- *CIYN-FM Kincardine – New transmitter at Goderich*, Broadcasting Decision CRTC 2008-68, 25 March 2008
- *Adult Classic Hit FM radio station in Kincardine, with transmitters in Goderich and Port Elgin*, Broadcasting Decision CRTC 2005-68, 17 February 2005

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>.