



Broadcasting Decision CRTC 2010-386

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Route reference: 2010-72

Ottawa, 17 June 2010

Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.
Summerland, British Columbia

Application 2008-1626-7, received 3 December 2008
Public Hearing in the National Capital Region
14 April 2010

CHOR Summerland – Conversion to FM band

1. The Commission **approves** the application by Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P. (Astral), for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Summerland, British Columbia to replace its AM station CHOR. The terms and **conditions of licence** are set out in the appendix to this decision. The Commission received interventions in support of this application.
2. The new station will operate on frequency 98.5 MHz (channel 253A) with an average effective radiated power (ERP) of 20 watts (maximum ERP of 100 watts with an effective height of antenna above average terrain of 348 metres). It will offer a mainstream Adult Contemporary music format targeting adults aged 18 to 54. The local programming will include 12 hours and 24 minutes of spoken word programming each broadcast week, including 3 hours and 25 minutes of pure news.

Canadian content development

3. The Commission reminds Astral that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time. Any CCD initiatives that have not been allocated to specific parties by condition of licence must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Broadcasting Public Notice 2006-158.

Situation of non-compliance

4. The Commission notes a situation of non-compliance relating to CHOR's transitional Canadian content development (CCD) condition of licence as it relates to CCD contributions for 2008. In Broadcasting Decision 2009-794, the Commission approved in part a payment plan proposed by Astral to remedy this issue.
5. As noted in Broadcasting Decision 2009-794, the Commission's usual practice is to deal with non-compliance issues at the time of licence renewal. Since Astral's application to convert CHOR to the FM band requires the issuance of a new licence, the Commission has examined the circumstances of CHOR's non-compliance in the context of the present application. Given the non-compliance with CHOR's regulatory obligations, the Commission considers that it is appropriate that the licence term for the new FM station correspond to the four-year short-term licence period that would typically have been granted to CHOR at renewal time in accordance with Circular No. 444. Accordingly, the licence for the new FM station will expire 31 August 2014. This will allow the Commission to review the station's compliance with its regulatory obligations and in particular with those regulations relating to CCD at an earlier date.

Simulcast period and revocation of AM licence

6. As set out in the appendix to this decision, the licensee is authorized to simulcast the programming of the new FM station on CHOR for a transition period of three months following the commencement of operations of the FM station. Pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act* and consistent with the licensee's request, the Commission **revokes** the broadcasting licence for CHOR effective at the end of the simulcast period.

Tangible benefits package relating to Astral's acquisition of CHOR and other stations

7. The Commission reminds the licensee that it must fulfil all of the benefits commitments set out in Broadcasting Decision 2007-359, in which it approved an application by Astral to acquire the assets of radio undertakings owned by Standard Radio Inc., including CHOR. In the context of this acquisition, a tangible benefits package was established according to the value of the transaction. The radio benefits package was comprised of CCD initiatives totalling \$10,265,000 to be paid over seven consecutive broadcast years.

Employment equity

8. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Canadian content development commitments*, Broadcasting Decision CRTC 2009-794, 22 December 2009
- *Acquisition of assets*, Broadcasting Decision CRTC 2007-359, 28 September 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

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

Appendix to Broadcasting Decision CRTC 2010-386

Terms and conditions of licence

Terms

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Summerland, British Columbia

The licence will expire 31 August 2014.

The station will operate at 98.5 MHz (channel 253A) with an average effective radiated power (ERP) of 20 watts (maximum ERP of 100 watts with an effective height of antenna above average terrain of 348 metres).

The Department of Industry (the Department) has advised the Commission that while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.

The Commission reminds the applicant that pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the licence for this undertaking will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking 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 17 June 2012. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
2. The licensee is authorized to simulcast the programming of the new FM station on CHOR Summerland for a transition period of three months following the commencement of operations of the FM station.