



Broadcasting Order CRTC 2011-176

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Route reference: 2010-911

Additional reference: Broadcasting Public Notice 2004-92

Ottawa, 11 March 2011

Amendments to the Exemption order for low-power radio programming undertakings providing information about traffic, weather conditions, highway construction and closures, conditions on bridges and in mountain passes, and information, broadcast without consideration, relating to attractions of interest to tourists

The Commission amends the Exemption order for low-power radio programming undertakings providing information about traffic, weather conditions, highway construction and closures, conditions on bridges and in mountain passes, and information, broadcast without consideration, relating to attractions of interest to tourists (the Exemption order). More specifically, the Commission modifies criterion 3 of the Exemption order in order to allow provincial and municipal governments to operate an undertaking subject to the Exemption order.

Introduction

1. On 6 December 2010, the Commission issued Broadcasting Notice of Consultation 2010-911, in which it initiated a call for comments on an amendment to the exemption order set out in the appendix to Broadcasting Public Notice 2004-92 (the Exemption order).
2. As specified in the Exemption order, the undertakings that are exempt are those low-power radio programming undertakings that provide live or pre-recorded messages containing the above-noted information and that meet certain other criteria set out in the Exemption order. Among those criteria is the following:
 3. The Commission would not be prohibited from licensing the undertaking by virtue of any Act of Parliament, of the Direction to the CRTC (Eligible Canadian Corporations) or of any direction to the Commission by the Governor in Council.
3. As a result of that criterion, the Exemption order does not apply to undertakings that the Commission would be prohibited from licensing pursuant to an Act of Parliament or a direction to the Commission by the Governor in Council. The Commission further notes that, pursuant to *Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)*, the Commission is prohibited from licensing broadcasting undertakings operated by a provincial government, an agent of a provincial

government, and municipal governments, subject to certain exceptions. As a result, provincial and municipal governments are not permitted to operate the type of undertakings covered by the Exemption order, although they may have an interest in providing the public with the type of information broadcast by such undertakings.

4. The Commission received comments in regard to this call. They can be found on the [public proceedings page](#) of the Commission's website.

Commission's determination

5. In light of the above, the Commission amends the *Exemption order for low-power radio programming undertakings providing information about traffic, weather conditions, highway construction and closures, conditions on bridges and in mountain passes, and information, broadcast without consideration, relating to attractions of interest to tourists*, in order to modify criterion 3 so as to allow provincial and municipal, on a going forward basis, to operate a low-power radio programming undertaking. Specifically, the commission modifies this criterion as follows (the change is in bold):

3. The Commission would not be prohibited from licensing the undertaking by virtue of **the *Direction to the CRTC (Ineligibility of Non-Canadians)***.

6. The amended Exemption order is set out in the appendix to the present document and replaces the order set out in Broadcasting Public Notice 2004-92.

Secretary General

Related documents

- *Call for comments on an amendment to the Exemption order for low-power radio programming undertakings providing information about traffic, weather conditions, highway construction and closures, conditions on bridges and in mountain passes, and information, broadcast without consideration, relating to attractions of interest to tourists*, Broadcasting Notice of Consultation CRTC 2010-911, 6 December 2010
- *Exemption order respecting a class of low-power radio programming undertakings*, Broadcasting Public Notice CRTC 2004-92, 26 November 2004

Appendix to Broadcasting Public Notice CRTC 2011-176

Exemption order for low-power radio programming undertakings providing information about traffic, weather conditions, highway construction and closures, conditions on bridges and in mountain passes, and information, broadcast without consideration, relating to attractions of interest to tourists

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

Purpose

The purpose of these low-power radio programming undertaking is to provide the travelling public with live or pre-recorded messages about traffic, weather conditions, highway construction and closures, conditions on bridges and in mountain passes, and information, broadcast without consideration, relating to attractions of interest to tourists.

Description

1. The undertaking meets all technical requirements of the Department of Industry (the Department) and has acquired all authorizations or certificates prescribed by that Department.
2. The low-power undertaking operates between 525 kHz and 1705 kHz in the AM frequency band or between 88 MHz and 107.5 MHz in the FM frequency band. The undertaking broadcasts with a transmitter power of less than 100 watts in the AM band, and with a maximum effective radiated power of 50 watts with a maximum transmitting antenna height of 60 metres in the FM band as defined by the Department in Parts II and III of its *Broadcasting Procedures and Rules*.
3. The Commission would not be prohibited from licensing the undertaking by virtue of the [*Direction to the CRTC \(Ineligibility of Non-Canadians\)*](#).
4. The programming provided by the undertaking consists of live or pre-recorded messages which provide the travelling public with information about traffic, weather conditions, highway construction and closures, conditions on bridges and in mountain passes, and information, broadcast without consideration, relating to attractions of interest to tourists.
5. The undertaking does not rebroadcast the programming service of any licensed or exempted radio or television undertaking.
6. The programming provided by the undertaking contains no music or advertising material.
7. The undertaking does not broadcast programming that is religious or political in nature.

8. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.