



Broadcasting Decision CRTC 2011-270

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Route reference: 2010-935

Ottawa, 21 April 2011

Haliburton Broadcasting Group Inc.
Kemptville, Ontario

Application 2010-1521-4, received 30 September 2010
Public Hearing in the National Capital Region
11 February 2011

English-language FM radio station in Kemptville

*The Commission **approves** the application by Haliburton Broadcasting Group Inc. for a broadcasting licence to operate an English-language commercial FM radio station in Kemptville.*

Introduction

1. The Commission received an application by Haliburton Broadcasting Group Inc. (Haliburton) for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Kemptville, Ontario. The new station would operate at 97.5 MHz (channel 248A) with an average effective radiated power (ERP) of 1,360 watts (maximum ERP of 2,800 watts with an effective height of antenna above average terrain of 80 metres).
2. Haliburton is controlled by Mr. Christopher Grossman through his ownership and control of Beaumaris Group Inc., Haliburton's controlling shareholder.
3. The new station would offer an Adult Contemporary music format with 120 hours of local programming per broadcast week, including 2 hours and 39 minutes of news. Local programming would include local newscasts, weather, sports, public service announcements, a community calendar, health and lifestyle features, as well as entertainment features. The applicant indicated that the station would target adults between the ages of 25 and 54 (skewed to women).
4. The applicant committed to devote, by condition of licence, 40% of its category 2 (Popular music) musical selections broadcast each broadcast week and from 6:00 a.m. to 6:00 p.m., Monday to Friday, to Canadian selections broadcast in their entirety, which exceeds the minimum requirement set out in the *Radio Regulations, 1986*. It further proposed to exceed the basic annual contribution to Canadian content development (CCD) by providing, by condition of licence, an additional \$6,000 a year to CCD, for a total of \$42,000 over seven broadcast years upon commencement of operations.

5. The Commission received interventions in opposition to this application from individuals. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings".

Commission's analysis and determinations

6. After examining the application in light of applicable policies and regulations, and taking into account the interventions received, the Commission considers that the issue to be addressed in making its determinations is the potential impact on other stations in the region.

Potential impact on other stations in the region

7. The opposing interveners stated that Kemptville is already well served by radio stations with the same music format broadcasting from Ottawa, Smiths Falls and Cornwall, and that the proposed radio station should have local ownership.
8. The Commission notes that the proposed station would direct its programming and its principal marketing activities towards Kemptville and the surrounding Municipality of North Grenville. The technical parameters of the station are such that its primary contour, while providing coverage to its target market, would not encompass adjacent markets such as Smiths Falls and would remain largely outside of the Ottawa-Gatineau central BBM market. Consequently, the impact on other stations in the region would be minimal. The Commission also notes that it did not receive opposing interventions from any radio station. With respect to the argument that the proposed station should have local ownership, the Commission notes that it does not impose requirements pertaining to local ownership when licensing undertakings.

Conclusion

9. In light of the above, the Commission **approves** the application by Haliburton Broadcasting Group Inc. for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Kemptville. The terms and **conditions of licence** for the new undertaking are set out in the appendix to this decision.

Secretary General

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

Appendix to Broadcasting Decision CRTC 2011-270

Terms, conditions of licence, expectations and encouragement

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Kemptville, Ontario

Terms

The licence will expire 31 August 2017.

The station will operate at 97.5 MHz (channel 248A) with an average effective radiated power (ERP) of 1,360 watts (maximum ERP of 2,800 watts with an effective height of antenna above average terrain of 80 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 21 April 2013. 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 shall 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 shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations):
 - a) devote, in each broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular music) to Canadian selections broadcast in their entirety; and
 - b) devote, between 6:00 a.m. and 6:00 p.m., in the period from Monday to Friday, a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meaning as that set out in the Regulations.

3. In addition to the required basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall, upon commencement of operations, make an annual contribution to CCD of \$6,000 per broadcast year (for a total of \$42,000 over seven consecutive broadcast years).

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR. The remaining amounts of this additional CCD contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Expectation

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.