



Broadcasting Decision CRTC 2013-483

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Route reference: Part 1 application posted on 4 March 2013

Ottawa, 12 September 2013

CKUA Radio Foundation
Edmonton, Alberta

Application 2013-0377-6

CKUA-FM Edmonton – Deletion of an AM transmitter

*The Commission **approves** an application to amend the broadcasting licence for the English-language FM radio station CKUA-FM Edmonton by deleting its AM transmitter CKUA Edmonton.*

Introduction

1. The Commission received an application by CKUA Radio Foundation (CKUA Radio) to amend the broadcasting licence for the English-language FM radio station CKUA-FM Edmonton by deleting its AM transmitter CKUA Edmonton.
2. CKUA Radio, a not-for-profit organization, cited the cost of upgrades to the AM transmitter required by the Department of Industry as the reason for its request. In the absence of these upgrades, the AM transmitter would have to go off air by 2014. The licensee further explained that since the majority of its listeners prefer to tune in to the FM band or to listen online to its service, it was of the view that the AM transmitter represented a significant cost without adding value to its service.
3. The Commission received an intervention supporting the application. The Commission also received an opposing intervention by Multicultural Broadcasting Corporation Inc. (MBC), the licensee of a yet to be launched ethnic radio station in Calgary. MBC expressed concerns over the possible sale of CKUA Radio's AM facilities. Specifically, it noted that CKUA Radio already had an agreement in place with South Fraser Broadcasting Inc. (SFB) for the sale of these facilities and submitted that the agreement between the parties amounted to licence trafficking.
4. In reply, the licensee reiterated its position that it no longer wished to operate the AM transmitter regardless of any potential sale of its AM facilities and strongly denied participating in licence trafficking.

Commission's analysis and decision

5. With respect to the issue of licence trafficking, the Commission notes that its policy in this regard applies to the sale of newly licensed undertakings within the first two years of operation, as well as the sale of broadcasting undertakings shortly following a decision authorizing a change in effective control. In the present case, the Commission notes that CKUA Radio has not launched or acquired a new radio station within the last two years. The Commission further notes that rebroadcasting transmitters do not operate under their own broadcasting licences, but are included in the licence of the originating station. Therefore, in selling the facilities used to operate the AM transmitter, CKUA Radio would not be relinquishing its broadcasting licence. The Commission also notes that its power is to grant authority to broadcast, but that it does not have the authority to compel a licensee to continue to do so.
6. Based on the above and the information provided by the licensee, the Commission is satisfied that CKUA Radio is not participating in licence trafficking. The Commission also considers that the opposing intervention does not address the substance of the application to delete the AM rebroadcasting transmitter from the licence of CKUA-FM, but rather the agreement on the sale of the AM facilities, which is outside of the Commission's regulatory purview. The Commission notes that the intervener will have the opportunity to express its concerns regarding any application to operate a new AM service to serve Edmonton once it has been released for public comment and that those concerns will be treated separately from the present application.
7. In light of all of the above, the Commission **approves** the application by CKUA Radio Foundation to amend the broadcasting licence for the English-language FM radio programming undertaking CKUA-FM Edmonton by deleting its AM transmitter CKUA Edmonton.
8. Further, the Commission notes that in its application CKUA Radio requested to delete its transmitter within 60 days of a Commission decision regarding a new radio station in Edmonton using CKUA's frequency. However, in response to a letter from Commission staff, the licensee indicated that it only required three months to vacate the AM frequency for CKUA. Therefore, the Commission **directs** the licensee to cease operating this transmitter within three months of the date of this decision.

Secretary General

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