



## Broadcasting Decision CRTC 2013-619

PDF version

Route reference: 2013-256

Ottawa, 21 November 2013

### **Hunters Bay Radio Inc.**

Huntsville and surrounding areas, Ontario

*Application 2012-0992-4, received 14 August 2012*

*Public hearing in the National Capital Region*

*22 July 2013*

### **Community radio station in Huntsville**

*The Commission **approves** an application for a broadcasting licence to operate an English-language community FM radio station in Huntsville and surrounding areas, Ontario.*

### **The application**

1. Hunters Bay Radio Inc. (Hunters Bay) filed an application to operate an English-language community FM radio station in Huntsville and surrounding areas, Ontario.
2. Hunters Bay is a not-for-profit corporation controlled by its board of directors.
3. In Broadcasting Regulatory Policy 2010-499, the Commission announced a number of changes to the regulatory framework for campus and community radio stations. To facilitate the implementation of that policy, the Commission set out the standard conditions of licence that resulted from that policy in the appendix to Broadcasting Regulatory Policy 2012-304. Hunters Bay confirmed that it would adhere to these conditions of licence.
4. The proposed station would operate at 88.7 MHz (channel 204B1) with an average effective radiated power of 5,700 watts (non directional antenna with an effective height of antenna above average terrain of 182.1 metres).
5. The applicant proposed to broadcast 126 hours of local, station-produced programming each broadcast week. This would include at least 9 hours and 40 minutes of newscasts, 6 hours and 40 minutes of which would consist of pure news.
6. The applicant indicated that spoken word programming would consist of local, regional and national news, as well as weather forecasts, sports coverage, community

announcements, interviews and specialty program segments, such as Undercurrents (local politics and current events in Muskoka), Animals and Airwaves (pet welfare experts) and K on the Bay (issues and topics of interest to women).

7. Hunters Bay also indicated that musical programming would be drawn from a variety of musical genres and would include selections from the generally underserved categories Jazz and Blues, Folk, as well as Experimental music.
8. With respect to the promotion of Canadian local talent, Hunters Bay indicated that as an established online radio station, it airs local talent throughout the day with at least one song from a local artist each hour during the morning and afternoon drive periods. It also indicated that its program Talent on the Bay features live performances of local talent. These performances are recorded in Hunters Bay's studios and added to its playlist on its YouTube channel where possible.
9. Finally, Hunters Bay stated that volunteers would be involved in different facets of the station's operations, including program development and production. It further stated that volunteers would be given one-on-one training with an experienced staff member and would be taught various CRTC regulations and policies.

## **Interventions**

10. The Commission received several interventions in support of the application. It also received interventions commenting on the application from Vista Radio Ltd. (Vista) and an individual. Hunters Bay replied to Vista's intervention. The public record for this application can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
11. In its intervention, Vista questioned whether the applicant's proposal represents an efficient use of the frequency 88.7 MHz. It also submitted that while the application was described by Hunters Bay as being truly locally-based and locally-focused, the proposed technical parameters are such that the coverage area of the station would extend well beyond Huntsville.
12. The individual expressed a concern over the possibility of interference between the proposed station and the low-power radio station CBPO-FM Parry Sound, which operates at 88.9 MHz, first adjacent to the frequency 88.7 MHz.
13. In its reply, Hunters Bay disputed Vista's contentions that its proposal was made solely to serve the community of Huntsville and that it would therefore represent an inefficient use of radio spectrum. Hunters Bay argued that in its application, it made numerous references to also serve the towns and villages situated in the vicinity of Huntsville, namely the Town of Kearney; the Townships of Perry, Armour and Ryerson; as well as the District Municipality of Muskoka. Hunters Bay also submitted that the proposed technical parameters for frequency 88.7 MHz were optimized to fit the proposed class B1 station within the available spectrum while maintaining protection to all incumbent stations.

## Commission's analysis and decision

14. With respect to the individual's intervention, the Commission notes that the Department of Industry has not identified any concerns relating to interference caused by the proposed station to CBPO-FM.
15. As regards the intervention filed by Vista, the Commission notes that Hunters Bay proposed, in its application, to serve Huntsville and surrounding towns and villages. It also notes that Hunters Bay submitted technical parameters that are close to the maximum permitted for frequency 88.7 MHz in Huntsville. Consequently, the Commission finds that the proposed service represents an appropriate use of spectrum.

## Conclusion

16. The Commission expects community radio stations to provide programming differing in style and substance from that provided by other elements of the broadcasting system, particularly commercial radio stations and the Canadian Broadcasting Corporation. Such programming should consist of music, especially Canadian music, not generally heard on commercial stations (including special interest music, as well as styles of popular music seldom broadcast), in-depth spoken word programming and programming targeted to specific groups within the community.
17. In light of all of the above, and given that the application complies with the provisions for community radio stations set out in Broadcasting Regulatory Policy 2010-499, the Commission **approves** the application by Hunters Bay Radio Inc. for a broadcasting licence to operate an English-language community FM radio programming undertaking in Huntsville and surrounding areas, Ontario. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

### Related documents

- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

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

## **Appendix to Broadcasting Decision CRTC 2013-619**

### **Terms, conditions of licence, expectation and encouragement for the English-language community FM radio programming undertaking in Huntsville and surrounding areas, Ontario**

#### **Terms**

The licence will expire 31 August 2020.

The station will operate at 88.7 MHz (channel 204B1) with an average effective radiated power of 5,700 watts (non directional antenna with an effective height of antenna above average terrain of 182.1 metres).

The Commission requires the applicant to file, within 12 months of the date of this decision, a copy of its amended and executed by-laws demonstrating that it is in compliance with the *Direction to the CRTC (Ineligibility of non-Canadians)* at all times.

The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry 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 November 2015**. 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 licensee shall adhere to the conditions of licence set out in *Standard conditions of licence for campus and community stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012.

#### **Expectation**

##### **Filing of ownership information**

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website.

## **Encouragement**

### **Employment equity**

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.