



## Broadcasting Decision CRTC 2005-171

Ottawa, 20 April 2005

**Telephone City Broadcast Limited**  
Brantford, Ontario

*Application 2003-1908-9*  
*Public Hearing in the National Capital Region*  
*29 November 2004*

### **FM radio station in Brantford**

*The Commission **denies** the application for a broadcasting licence to operate an English-language FM radio station in Brantford.*

### **The application**

1. The Commission received an application by Telephone City Broadcast Limited (TCB), for a broadcasting licence to operate an English-language FM commercial radio programming undertaking at Brantford.
2. TCB is the licensee of radio stations CKPC and CKPC-FM Brantford. The applicant indicated that the Brantford market is characterized by increasingly high levels of out-of-market tuning, and expressed the view that a second FM licence is the only way that TCB can become more competitive in terms of both national and local advertising sales.
3. The applicant proposed to offer a Modern Country musical format, operating on frequency 106.7 MHz (channel 294) with an average effective radiated power of 3,250 watts.
4. An intervention to this application submitted by James Brown requested that the Commission postpone the consideration of the TCB application and instead issue a call for competing applications to serve Brantford.
5. In reply to Mr. Brown's argument that the Commission should issue a call for competing applications, the applicant pointed out that it is the sole commercial operator in Brantford. The applicant claimed that its proposal would, therefore, qualify as an exceptional case, in accordance with *The Issuance of Calls for Radio Applications*, Public Notice CRTC 1999-111, 8 July 1999.

6. The Commission carefully considered the intervention by Mr. Brown as well as the applicant's reply, and determined that it was appropriate to proceed with consideration of this and other applications, without issuing a call for further applications.
7. At the 29 November public hearing, the Commission also considered three other applications proposing the use of the frequency 106.7 MHz, the same frequency as that proposed for use by TCB. The four applications, as filed, were thus technically mutually exclusive.
8. In addition to the Commission's determination on the TCB application contained herein, in *CIKZ-FM Kitchener-Waterloo – Technical change*, Broadcasting Decision CRTC 2005-168 (Decision 2005-168), *English-language FM radio station in Haldimand County*, Broadcasting Decision CRTC 2005-169 and *CJTW-FM Kitchener – Technical change*, Broadcasting Decision CRTC 2005-170, all published today, the Commission sets out its determinations on the three other applications proposing the use of frequency 106.7 MHz.

## **TCB's programming plans**

### **Local programming**

9. The applicant indicated that its proposed new station would not use voice tracking, automation systems, or satellite-delivered programming, other than to obtain an occasional high-quality program or concert. TCB stated that the local presence of the station would be obvious, and would be a strategic advantage over the many out-of-market signals available in Brantford.
10. TCB stated that, if approved, it would add four journalist/announcers to its existing Brantford staff. It proposed to offer more than four hours of news programming, including weekend newscasts. A further two hours of programming would be devoted to community, farm and business news, as well as sports, weather and traffic reports.

### **Canadian talent development**

11. TCB indicated that it would participate in the Canadian talent development (CTD) Plan developed by the Canadian Association of Broadcasters (CAB). Under the plan, accepted by the Commission in *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995, licensees serving markets the size of Brantford are required to contribute a minimum yearly amount of \$400 to the development of Canadian talent.

12. In addition to the contributions required under the CAB plan, TCB proposed to contribute an additional \$3,600 annually to the Foundation to Assist Canadian Talent on Record (FACTOR).

### **Interventions**

13. The Commission received numerous interventions in support of this application. An opposing intervention was submitted jointly by Global Communications Limited (Global), CHUM Limited (CHUM), Larche Communications (Kitchener) Inc. (Larche) and Rogers Media (Rogers). An individual intervention in opposition was also submitted by Larche.
14. The joint intervention by Global, CHUM, Larche and Rogers, all of which are licensees of radio stations in Kitchener, expressed the concern that approval of TCB's application would result in a new station that would further fragment the Kitchener radio market. Larche's individual intervention added that TCB's proposed Country music format would compete directly with Larche's newly-launched country music radio station CIKZ-FM, with a potentially significant negative impact.

### **The applicant's replies**

15. In response to the concerns raised by Global, CHUM, Larche and Rogers, the applicant stated that, in forming their conclusions, the interveners had used outdated technical data, and that its proposed station would in fact not be local to Kitchener. TCB also indicated that, if its application were approved, it would accept a condition of licence prohibiting the solicitation of advertising in Kitchener/Waterloo.

### **The Commission's analysis and determination**

16. The frequency 106.7 MHz, which was proposed for use by TCB, is the same as that proposed for use by Larche in Kitchener. As set out in Decision 2005-168, the Commission has determined that the use of frequency 106.7 MHz to address the signal deficiency of CIKZ-FM Kitchener represents the best use of the frequency in these circumstances, and has approved Larche's proposal to use that frequency.
17. Accordingly, the Commission **denies** the application by Telephone City Broadcast Limited for a broadcasting licence to operate an English-language FM commercial radio programming undertaking at Brantford operating on frequency 106.7 MHz (channel 294) with an average effective radiated power of 3,250 watts.

Secretary General

*This decision is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*