



## Broadcasting Decision CRTC 2006-571

Ottawa, 3 October 2006

**My Broadcasting Corporation**  
Strathroy, Ontario

*Application 2006-0119-7*  
*Public Hearing at Edmonton, Alberta*  
*19 June 2006*

### **English-language FM radio station in Strathroy**

*The Commission **approves** an application for a broadcasting licence to operate an English-language, commercial FM radio station in Strathroy, Ontario.*

#### **The application**

1. The Commission received an application by My Broadcasting Corporation (MBC) for a broadcasting licence to operate an English-language, commercial FM radio programming undertaking in Strathroy, Ontario. The proposed station would operate at 91.1 MHz (channel 216A) with an effective radiated power (ERP) of 1,750 watts.
2. MBC is also the licensee of radio programming undertakings CHMY-FM Renfrew, Ontario and its transmitter CHMY-FM-1 Arnprior, Ontario, and of CIMY-FM Pembroke, Ontario.
3. MBC stated that 90% of all programming broadcast on the proposed station would be locally originated, and would include news, surveillance material and the coverage of community events. The remaining programming would originate from its sister stations, CHMY-FM and CIMY-FM. The applicant indicated that it would offer an Adult Contemporary/Middle of the Road music format.
4. The applicant proposed that it would broadcast, twice during each broadcast week, a one-hour program to be called *Kwe-Kew*. This program would focus on the heritage of the Chippewas of Thames and the Oneida Nation of Thames. The program would consist of interviews and round table discussions and all music featured would be Canadian Aboriginal selections. A portion of the non-music content of the program would be presented in Aboriginal languages.

5. With respect to Canadian content, the applicant proposed that 38% of all musical selections drawn from category 2 (Popular music) broadcast during each broadcast week would be Canadian selections. The applicant also made a commitment that 38% of all category 2 musical selections broadcast between 6:00 a.m. and 6:00 p.m., Monday to Friday, would be Canadian. The applicant stated that it would adhere to these commitments as conditions of licence.
6. The proposed station would also promote local talent by broadcasting a one-hour weekly program which would showcase local artists through interviews and the presentation of their music in an all-Canadian environment.
7. The applicant indicated that it would not participate in the Canadian talent development (CTD) funding plan created by the Canadian Association of Broadcasters. Instead, the applicant proposed to contribute \$2,000 in each broadcast year to the development of Canadian talent, for eligible direct cost CTD expenditures. The applicant indicated that it would adhere to a condition of licence requiring adherence to this commitment. MBC stated that it would promote Canadian talent by directing its contributions to the entertainment components of community events such as the Strathroy Agricultural Society Fair, the Homesteaders Show and Arkona's Fantastic Days, all of which feature local talent.

### **Interventions**

8. The Commission received interventions in support of this application, as well as three interventions expressing opposition to it.
9. CHUM Limited (CHUM), and Standard Radio Inc. (Standard) submitted a joint intervention in opposition to this application. CHUM is the licensee of CHST-FM and CFPL-FM London, Ontario. Standard is the licensee of CJBK, CKSL, CIQM-FM and CJBX-FM London. The interveners expressed the opinion that, due to the potential for negative financial impact on their London undertakings, MBC's proposed station should be subject to a condition of licence prohibiting the solicitation of local advertising in London.
10. In its intervention, the Canadian Independent Record Production Association (CIRPA) indicated that it opposed MBC's proposal to commit the majority of its CTD funding to local fairs instead of to the Foundation to Assist Canadian Talent on Records (FACTOR).
11. CJRT-FM Inc., licensee of CJRT-FM Toronto expressed concerns over MBC's proposed use of frequency 91.1 MHz related to the potential for interference to CJRT-FM.

### **Applicant's replies**

12. In response to the joint intervention submitted by CHUM and Standard, MBC maintained that it had no interest in soliciting advertising in London, and that it would be unfair to single out its proposed station with such a restriction.
13. With respect to CIRPA's intervention, MBC indicated that it stood by its proposed allocation of CTD funds since it would allow 100% of its contributions to be given directly to local talent in the region.
14. In reply to CJRT-FM Inc., MBC agreed that, although the Department of Industry (the Department) had deemed its proposal for the use of 91.1 MHz acceptable, the use of that frequency could cause some interference to the signal of CJRT-FM. MBC also indicated that it was willing to submit a technical brief to the Department for the 105.7 MHz frequency in order to address CJRT-FM Inc.'s concerns. MBC further indicated that it wished to proceed with its original application proposing the use of frequency 91.1 MHz, and would agree to change frequencies if the Department agreed that the 105.7 MHz frequency was technically acceptable.

### **Commission's analysis and determinations**

15. The Commission is satisfied that the applicant has proposed a service that would respond to the needs and interests of listeners in the Strathroy area. The Commission also considers that a new radio station offering an Adult Contemporary/Middle of the Road music format with a focus on local news will add to the variety of the radio programming available in the Strathroy market.
16. The Commission notes that the proposed levels of Canadian content for category 2 musical selections exceeds the minimum regulatory requirement, and would therefore provide enhanced exposure for Canadian music. **Conditions of licence** requiring the applicant to adhere to its commitments are set out in the appendix to this decision.
17. With regard to CIRPA's comments regarding the allocation of funds to FACTOR, the Commission notes that licensees of new radio stations are under no obligation to direct their contributions to FACTOR. The Commission is satisfied that the CTD initiative proposed by the applicant meets the eligibility criteria set out in *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995. A **condition of licence** requiring the applicant to adhere to its commitment is set out in the appendix to this decision.
18. The Commission notes the concerns expressed in the intervention submitted by CJRT-FM Inc., and further notes MBC's willingness to file an application to amend its licence to use frequency 105.7 MHz, if necessary.

19. Based on all the foregoing, the Commission **approves** the application by My Broadcasting Corporation for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Strathroy at 91.1 MHz (channel 216A) with an ERP of 1,750 watts
20. The licence will expire 31 August 2013 and will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition of licence 5. The licence will also be subject to the **conditions** set out in the appendix to this decision.

### **Issuance of the licence**

21. 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.
22. 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.
23. 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 3 October 2008. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

### **Employment equity**

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

Secretary General

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

## Appendix to Broadcasting Decision CRTC 2006-571

### Conditions of licence

1. The licence will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition number 5.
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*, in any broadcast week:
  - (a) devote, in that broadcast week, a minimum of 38% of its musical selections from content category 2 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 of the same broadcast week, a minimum of 38% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.
3. Upon commencement of operation, the licensee shall make direct expenditures of at least \$2,000 in each broadcast year on the development of Canadian talent.

The Commission reminds the applicant that all CTD expenditures must be made in accordance with the Commission's policy on qualifying contributions to CTD, as set out in Appendix I to *An FM policy for the nineties*, Public Notice CRTC 1990-111, 17 December 1990.

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 *Radio Regulations, 1986*.