



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes

Broadcasting Decision CRTC 2006-637

Ottawa, 24 November 2006

591991 B.C. Ltd.
Gatineau, Quebec

*Application 2006-0593-3
Public Hearing at Québec, Quebec
11 September 2006*

CJRC Gatineau – Conversion to FM band

In this decision, the Commission approves the application by 591991 B.C. Ltd., a wholly-owned subsidiary of Corus Entertainment Inc., for a broadcasting licence to operate a new French-language commercial FM radio station in Gatineau to replace its AM station CJRC.

The application

1. The Commission received an application by 591991 B.C. Ltd., a wholly-owned subsidiary of Corus Entertainment Inc. (Corus), for a broadcasting licence to operate a French-language commercial FM radio programming undertaking in Gatineau to replace AM station CJRC.
2. The new station would offer a Specialty talk-based format. Programming would include local news, weather and sports and the promotion of local events and activities. In the course of each broadcast week, the new station would provide not less than 21 hours of spoken word programming of direct and particular relevance to the community served.
3. With respect to Canadian talent development (CTD), the applicant confirmed that it would continue to contribute \$5,000 annually to MusicAction. The applicant also committed to contributing \$20,000 annually to the Programme de journalisme, publicité et radiotélédiffusion of La Cité collégiale of Ottawa.
4. The station would operate at 104.7 MHz (channel 284B1), with an average effective radiated power of 2,900 watts.

Interventions

5. The Commission received several interventions in support of this application, and two comments. Mr. Duchesne, a CJRC listener, indicated that he did not oppose the application but had some reservations about the contours. He was concerned that he would no longer be able to receive the signal because of the power requested by the

Canada

applicant, and because of interference from CFLG Cornwall. In its comments, My Broadcasting Corporation (MBC) noted that the frequency requested by Corus is the same as that used by MBC's transmitter CHMY-FM-1 Arnprior to retransmit the signal of CHMY-FM Renfrew. MBC added that it has filed an application to amend the licence of its transmitter CHMY-FM-1 Arnprior, to change the undertaking's status to Class A, and therefore asked the Commission to postpone any final decision until the approval of its application for a technical change.

Applicant's replies

6. In its reply to Mr. Duchesne, Corus noted that although CJRC's coverage is very good during the day, it declines markedly at night. Corus added that converting the CJRC signal to the FM band would enable it to offer a quality signal, day and night, to listeners living in the station's core market.
7. With respect to MBC's comments, Corus was of the view that it would be unfair to postpone the Commission's decision until MBC's application is approved. Corus noted that it is up to the broadcaster, when implementing a new station or requesting an increase in power, to ensure that it complies with the applicable regulations, including the protection of existing stations. Corus added that low-power stations are not protected, which MBC should have known when it filed its application for a licence to operate a low-power transmitter at Arnprior. Corus reminded MBC that it does not oppose MBC's continued operation of its transmitter at 104.7 MHz. Corus recognizes, however, that the interference caused by operating CJRC on frequency 104.7 MHz could contribute to reducing the coverage of the transmitter operated by MBC. Corus therefore suggested that MBC use 97.5 MHz (channel 248LP), and added that several other low-power frequencies could also be used.

Commission's analysis and determinations

8. In its examination of this application, the Commission considered the submissions of the interveners and is satisfied with the licensee's replies. The Commission also shares Corus' view that, by converting to the FM band, the station will be able to provide a quality signal, day and night, to listeners living in the station's core market.
9. Furthermore, the Commission notes the applicant's commitment to continue to contribute \$5,000 annually to MusicAction to satisfy its CTD requirements, as well as its additional commitment to contribute \$20,000 annually to the Programme de journalisme, publicité et radiotélédiffusion of La Cité collégiale of Ottawa. A **condition of licence** to that effect is set out in the appendix to this decision.

10. In *Exchange of radio assets in Quebec between Astral Media Radio inc. and Corus Entertainment Inc.*, Broadcasting Decision CRTC 2005-15, 21 January 2005, the Commission imposed a condition of licence on CJRC Gatineau, CHLT Sherbrooke, CHLN Trois-Rivières and CKRS Saguenay with respect to the minimum level of local programming to be broadcast by each of these stations. The levels set by the Commission were to be staggered progressively throughout the term of the licence of these stations. This condition of licence held that each station must broadcast at least 27 hours of local programming in each broadcast week during the period ending 2 September 2006, at least 32 hours of local programming in each broadcast week in the period commencing 3 September 2006 and ending 1 September 2007, and at least 37 hours of local programming in each broadcast week during the period commencing 2 September 2007 and ending 31 August 2009.
11. Nevertheless, given the conversion of these stations to the FM band, the Commission considers it unnecessary to renew the condition of licence regarding the level of local programming. The Commission reminds the licensee that, as set out in *Local programming policy for FM radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993, it is a condition of licence for all commercial FM stations serving markets other than single-station markets that the licensee refrain from soliciting or accepting local advertising for broadcast during any broadcast week when less than one-third, i.e., 42 hours, of the programming aired is local.
12. Consequently, in order to solicit or accept local advertising in the markets in question, Corus must broadcast a minimum of 42 hours of local programming over the course of the broadcast week. This represents an increase in local programming when compared to the current conditions of licence of the AM stations.
13. With respect to MBS' request in its intervention, the Commission notes that in *CHMY-FM Renfrew – New transmitter in Arnprior*, Broadcasting Decision CRTC 2005-453, 1 September 2005, it reminded MBC that, given that the technical parameters approved were for a low-power unprotected FM service, MBC would have to select another frequency if the Department of Industry (the Department) so required.
14. In this instance, the Commission is persuaded that approving Corus' application is in the public interest. The Commission considers that the use of 104.7 MHz by Corus is the best use of the frequency and, as a result, MBC will have to find another frequency for its CHMY-FM-1 Arnprior transmitter if the operation of the latter is incompatible with the operation of the station authorized in this decision.
15. In light of the above, the Commission **approves** the application by 591991 B.C. Ltd., a wholly-owned subsidiary of Corus Entertainment Inc., for a broadcasting licence to operate a French-language commercial FM radio programming undertaking in Gatineau to replace AM station CJRC. The new station will operate at 104.7 MHz (channel 284B1), with an average effective radiated power of 2,900 watts.

16. The licence will expire 31 August 2009 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 conditions 5 and 8. The licence will also be subject to the **conditions** set out in the appendix to this decision.
17. The Commission notes that in *CKRS Saguenay – Conversion to FM band*, Broadcasting Decision CRTC 2006-640, also issued today, the Syndicat des Employé(e)s de CJAB-FM et CKRS filed an intervention in which it asked Corus, the licensee of CKRS, why it did not want to continue broadcasting the station's signal on the AM band for a three-month transition period. Corus replied that it intended to simulcast the new FM station's programming on the AM band for a three-month transition period, and added that it would seek authorization from the Commission to broadcast on both the AM and FM bands for a transition period of not more than 90 days if the applications to convert stations CJRC, CHLN and CHLT to the FM band were approved. The Commission considers that Corus' proposal will benefit listeners.
18. Accordingly, the licensee is authorized, by **condition of licence**, to simulcast the programming of the new FM station on CJRC for a transition period of three months following the commencement of operations of the FM station, or for any other period granted by the Commission subsequent to the submission of an application. Pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act* (the Act), and consistent with the applicant's request, the Commission **revokes** the broadcasting licence for CJRC Gatineau effective at the end of the simulcast period.

Issuance of the licence

19. 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.
20. The Commission reminds the applicant that, pursuant to section 22(1) of the 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.
21. Furthermore, the licence for this undertaking will be issued once the licensee 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 24 November 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

22. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

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 2006-637

Conditions of licence

1. The licence is 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 conditions 5 and 8.
2. The station shall be operated within the Specialty format as defined in *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. Not less than 50% of the programming broadcast during the broadcast week shall be drawn from category 1 (Spoken Word).
4. The licensee shall broadcast, in each broadcast week, not less than 21 hours of spoken word programming of direct and particular relevance to the community served. This programming shall include local news, weather and sports and the promotion of local events and activities.
5. The licensee shall contribute \$25,000 annually to Canadian talent development during the first seven years of operation. This annual contribution shall be distributed as follows:
 - \$5,000 to MusicAction;
 - \$20,000 in the form of scholarships to the Programme de journalisme, publicité et radiotélédiffusion of La Cité collégiale of Ottawa.