



Broadcasting Decision CRTC 2006-638

Ottawa, 24 November 2006

591991 B.C. Ltd.

Trois-Rivières, Quebec

Application 2006-0591-7

Public Hearing at Québec, Quebec

11 September 2006

CHLN Trois-Rivières – 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 Trois-Rivières to replace its AM station CHLN.*

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 Trois-Rivières to replace AM station CHLN.
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 \$3,000 annually to MusicAction. The applicant also committed to an annual contribution of \$15,000 to the CÉGEP at Trois-Rivières for its Technologie de l'électronique – Option Télécommunications program and an annual contribution of \$5,000 in the form of scholarships to the Département de lettres et de communication sociale of the Université du Québec at Trois-Rivières.
4. The station would operate at 106.9 MHz (channel 295C1), with an average effective radiated power of 60,000 watts.

Interventions

5. The Commission received several interventions in support of the application, and comments from Vermont Public Radio (VPR). VPR operates on several frequencies in the state of Vermont, including 106.9 MHz. VPR did not oppose Corus' operation of the proposed station on frequency 106.9 FM as long as the new station's signal does not interfere with the signal of VPR's Brighton station.

Applicant's reply

6. In response to VPR's concerns, the applicant noted that the proposed technical parameters would eliminate the risk of interference with U.S. stations.

Commission's analysis and determinations

7. The Commission notes VPR's concerns regarding interference and is satisfied with the applicant's reply. Furthermore, the Commission notes the applicant's commitment to continue to contribute \$3,000 annually to MusicAction to satisfy its CTD requirements, as well as its additional commitment to contribute \$15,000 annually to the CÉGEP at Trois-Rivières for its Technologie de l'électronique – Option Télécommunications and its \$5,000 annual contribution in the form of scholarships to the Département de lettres et de communication sociale of the Université du Québec at Trois-Rivières. A **condition of licence** to that effect is set out in the appendix to this decision.
8. 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.
9. 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.

10. 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.
11. 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 Trois-Rivières to replace AM station CHLN. The new station will operate at 106.9 MHz (channel 295C1), with an average effective radiated power of 60,000 watts.
12. 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.
13. 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.
14. Accordingly, the licensee is authorized, by **condition of licence**, to simulcast the programming of the new FM station on CHLN 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 CHLN Trois-Rivières effective at the end of the simulcast period.

Issuance of the licence

15. The Department of Industry (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.
16. 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.

17. 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 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

18. 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 2006-638

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 \$23,000 annually to Canadian talent development during the first seven years of operation. This annual contribution shall be distributed as follows:
 - \$3,000 to MusicAction;
 - \$15,000 to the CÉGEP at Trois-Rivières for its Technologie de l'électronique – Option Télécommunications program; and
 - \$5,000 in the form of scholarships to the Département de lettres et de communication sociale of the Université du Québec at Trois-Rivières.