



Broadcasting Decision CRTC 2006-66

Ottawa, 14 March 2006

Norm Wright and Brian Perkin, on behalf of a corporation to be incorporated
Perth, Ontario

Application 2004-0801-4
Public Hearing in the National Capital Region
14 November 2005

English-language FM radio station in Perth

*The Commission **approves** the application by Norm Wright and Brian Perkin, on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language commercial FM radio station in Perth.*

The application

1. The Commission received an application by Norm Wright and Brian Perkin, on behalf of a corporation to be incorporated (the applicant or Wright-Perkin), for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Perth, Ontario. The station would operate at 88.1 MHz (channel 201A) with an average effective radiated power (ERP) of 700 watts.
2. The applicant proposed to offer an adult contemporary/easy listening music mix, targeted to an audience 40 years of age and over, which would include a blend of pop songs from the 50's, 60's and 70's. The station would also feature some music from Category 3 (Special Interest), to be aired in the evenings and on weekends.
3. The applicant proposed that a maximum of 75% of the music to be aired by the station would consist of hit material, as an alternative to the standard condition of licence requiring FM stations to broadcast a level of hit material that is less than 50%. In *Revised Policy on the Use of Hits by English-language FM Radio Stations*, Public Notice CRTC 1997-42, 23 April 1997, the Commission defined a hit as “any selection that, up to and including 31 December 1980, reached one of the top 40 positions in the charts used by the Commission to determine hits.”
4. In support of its request, Wright-Perkin stated that the Perth region is becoming a popular place to retire, and that there is a need for an older popular music mix. The applicant submitted that the older music it proposed to play would attract the adult population 40 years of age and older. The applicant further argued that the proposed hit level would expand the possibilities for programs produced by members of the community during the periods of community access programming that it proposed to offer.

5. The applicant indicated that the proposed station would devote 70% of its schedule to locally originated programming, including local news, weather, traffic, sports and community information. Fifteen percent of the broadcast week would be devoted to spoken word content, of which a minimum of 15% would consist of news.
6. The applicant further proposed to establish a programming advisory board to offer advice concerning the interaction of the radio station with the community.
7. The applicant stated that it would not participate in the Canadian talent development (CTD) plan created by the Canadian Association of Broadcasters. Instead, it proposed to fund CTD initiatives over seven consecutive years following the commencement of operations. Annual expenditures would rise in stages from \$1,200 in year one to \$2,600 in year seven. The applicant indicated that the funding, \$12,800 in all, would be used to support local Canadian musical and other artistic talent through such organizations as Perth's Stewart Park Festival, the Perth Performing Arts Committee, The Folks Upstairs and \$300 annually to support initiatives related to the local Perth high school.

Interventions

8. The Commission received numerous interventions in support of this application. It also received interventions commenting on the application by Corus Entertainment Inc. (Corus) and by Christian Hit Radio Inc. (Christian Hit), the licensee of CHRI-FM Ottawa.
9. Corus filed its intervention when the Wright-Perkin application was first published in Broadcasting Notice of Public Hearing CRTC 2004-11, 22 December 2004. At the time, the applicant proposed to use frequency 88.5 MHz. The intervener noted that, on 1 December 2004, the Commission had held a public hearing to consider applications for new commercial radio stations in Ottawa/Gatineau, and that four of the applicants in that proceeding, including Corus, had proposed to use frequency 88.5 MHz. While Corus had no objection to the applicant's proposal for a new commercial FM station in Perth, it requested that the Commission first render a decision on the Ottawa applications before hearing the Wright-Perkin application.
10. Christian Hit expressed concern about the Wright-Perkin's use of frequency 88.1 MHz to serve Perth. The intervener indicated that it operates a low-power transmitter, CHRI-FM-1, in Cornwall at 88.1 MHz. While acknowledging that the applicant's proposal does not interfere with CHRI-FM-1's use of frequency 88.1 MHz at this time, Christian Hit submitted that the applicant's use of the frequency would place constraints on a planned power increase for CHRI-FM-1. Further, Christian Hit was concerned that, if Wright-Perkin were to eventually apply for a power increase on 88.1 MHz, CHRI-FM-1 would no longer be able to operate on that frequency.

Applicant's reply

11. On 9 February 2005, the applicant replied to the intervention by Corus concerning its first proposal that involved the use of frequency 88.5 MHz. Wright-Perkin submitted that there were not several frequencies from which to choose in order to serve Perth, and indicated that, if Corus were the successful applicant for a new FM station to serve Ottawa/Gatineau, it would urge the Commission to ask Corus to find another frequency.
12. In response to Christian Hit, the applicant stated that both its consulting engineer and the Department of Industry (the Department) had determined without a doubt that its use of frequency 88.1 MHz would, in no way, interfere with CHRI-FM-1 Cornwall.

Commission's analysis and determinations

13. The Commission acknowledges all of the interventions received in connection with this application and has taken them into account in arriving at its decision. With respect to the intervention by Corus, the Commission notes that the use of frequency 88.5 MHz was awarded to Newcap Inc. in *English-language alternative rock FM radio station in Ottawa*, Broadcasting Decision CRTC 2005-253, 23 June 2005. Subsequently, Wright-Perkin withdrew its application and later refiled it, proposing to use frequency 88.1 MHz, which would not interfere with the use of frequency 88.5 MHz in Ottawa.
14. With respect to the concerns raised by Christian Hit regarding the use of frequency 88.1 MHz, the Commission notes that the Department has indicated that the Wright-Perkin application is conditionally technically acceptable as proposed. The Commission considers that the use of frequency 88.1 MHz to provide service to Perth is appropriate.
15. In light of the above, the Commission **approves** the application by Norm Wright and Brian Perkin, on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Perth. The Commission notes that the 3 mV/m service contour signal will not encompass any community currently served by a radio station so there are no significant concerns about the impact of a 75% hit level on other stations. The Commission therefore finds that the applicant's proposal to devote a maximum of 75% of its musical selections from content category 2 to hit material is appropriate. A **condition of licence** to this effect, as well as a **condition of licence** requiring the licensee to devote a total of \$12,800 over seven years to CTD, is set out in the appendix to this decision.
16. The licence will expire 31 August 2012 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 number 5 and 10. The licence will also be subject to the **conditions** set out in the appendix to this decision.

Issuance of the licence

17. 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.
18. The Commission reminds the licensee 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.
19. Furthermore, the licence for this undertaking will be issued once the applicant:
 - has satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects, and
 - has informed the Commission in writing that it is prepared to commence operations.
20. 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 14 March 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

21. In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee 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 2006-66

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 number 5 and 10.
2. The licensee shall, in any broadcast week devote a maximum of 75% of its musical selections from content category 2 to hit material, as defined in *Revised Policy on the Use of Hits by English-language FM Radio Stations*, Public Notice CRTC 1997-42, 23 April 1997, as amended from time to time.

For the purposes of this condition, the terms “broadcast week” and “musical selection” shall have the meaning set out in section 2 of the *Radio Regulations, 1986*.

3. The licensee shall devote a total of \$12,800 over seven years in direct expenditures, to support the development of Canadian talent, based upon the following annual budgets:

Year 1	\$1,200
Year 2	\$1,400
Year 3	\$1,600
Year 4	\$1,800
Year 5	\$2,000
Year 6	\$2,200
Year 7	\$2,600

The Commission reminds the licensee that all direct cost expenditures related to Canadian talent development must comply with the criteria set out in *An FM policy for the nineties*, Public Notice CRTC 1990-111, 17 December 1990, which describes initiatives generally accepted by the Commission.