



Broadcasting Decision CRTC 2007-116

Ottawa, 23 April 2007

Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership
Kelowna, British Columbia

Application 2006-1105-5
Public Hearing at Calgary, Alberta
12 February 2007

CKOV Kelowna – Conversion to FM band

1. The Commission **approves** the application by Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership (Pattison), for a broadcasting licence to operate a new English-language FM radio programming undertaking at Kelowna to replace its AM station CKOV. The terms and **conditions** for the new service are set out in the appendix to this decision.
2. The Commission received one intervention in support of this application and one comment.
3. The new station will offer a Soft Vocals music format. It will continue to offer CKOV's traditional style of news and information programming, including *Open Line with John Michaels*, a daily current affairs show. The new FM station's music format and spoken word programming will target Kelowna listeners in the 35-to-64-year-old age group.
4. With respect to the development of Canadian talent, Pattison indicated that it would contribute \$3,000 annually to eligible third parties.
5. In the *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Public Notice 2006-158), the Commission set out a new approach to the development and promotion of Canadian artists that is expected to be implemented on 1 September 2007. In order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcasting Canadian resources, the Commission will replace the expression "Canadian talent development" (CTD) with "Canadian content development" (CCD). Each radio station holding a commercial radio licence will be required to make a basic annual CCD contribution based on its revenues in the previous broadcast year.

6. The Commission notes that the applicant has made commitments for CTD that will be imposed as a condition of licence. Amounts required under this condition of licence may be deducted from the amounts that will be required under the new basic CCD contribution.
7. The Commission reminds the licensee that any development initiatives that have not been allocated to specific parties by condition of licence should be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Public Notice 2006-158.
8. As set out in the appendix to this decision, the licensee is authorized to simulcast the programming of the new FM station on CKOV for a transition period of three months following the commencement of operations of the FM station. Pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act*, and consistent with the licensee's request, the Commission **revokes** the licence for CKOV effective at the end of the simulcast period.

Employment equity

9. 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 2007-116

Terms and conditions of licence

Terms

Issuance of the broadcasting licence to operate an English-language FM radio programming undertaking in Kelowna

The licence will expire 31 August 2013.

The station will operate at 103.1 MHz (channel 276B) with an average effective radiated power of 11,000 watts.

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.

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.

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 23 April 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

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 of licence number 5.
2. The licensee shall make direct expenditures of at least \$3,000 in each broadcast year for the development of Canadian talent to eligible third parties.
3. The licensee is authorized to simulcast the programming of the new FM station on CKOV for a transition period of three months following the commencement of operations of the FM station.