



Broadcasting Decision CRTC 2007-156

Ottawa, 28 May 2007

Various applicants

Regina, Saskatchewan

*Public Hearing at Regina, Saskatchewan
30 October 2006*

Licensing of new radio stations to serve Regina, Saskatchewan, and technical change for CJLR-FM La Ronge, Saskatchewan

*The Commission **approves** the applications by Standard Radio Inc. and Aboriginal Voices Radio Inc., for broadcasting licences to operate new FM radio programming undertakings to serve Regina.*

*The Commission also **approves** the application by Natotawin Broadcasting Inc. to amend the broadcasting licence for CJLR-FM La Ronge, in order to add a transmitter of CJLR-FM to serve Regina.*

*The Commission **denies** the remaining applications for broadcasting licences to serve the Regina radio market.*

Introduction

1. At a public hearing commencing 30 October 2006 in Regina, the Commission considered six applications for new radio stations to serve Regina, some of which are mutually exclusive on a technical basis. It also considered one application that proposed to add a transmitter of a La Ronge station at Regina.
2. As part of this process, the Commission received and considered interventions with respect to each of the seven applications considered. The public record for this proceeding is available on the Commission's web site at www.crtc.gc.ca under "Public Proceedings".
3. After reviewing the applications and interventions, the Commission is of the view that there are two primary issues to be considered:
 - Can the Regina radio market sustain additional radio services without an undue negative impact on the radio market?
 - If that market can sustain additional stations, which of the applications should be approved, in light of the factors identified in Broadcasting Public Notice 2006-37 (the Call)?

The Regina radio market and its ability to sustain new stations

4. According to the BBM Bureau of Measurement, in 2005 the population of all persons over the age of 12 in Regina was 172,180. Many interveners in this proceeding noted that Aboriginal residents are a rapidly increasing component of the Saskatchewan population, one that is set, by some counts, to represent 40% of the population of Regina by 2050.
5. The Regina radio market consists of four FM stations and two AM stations operated by Rawlco Radio Ltd. (Rawlco) and Harvard Broadcasting Inc. (Harvard). Rawlco stations offer the formats Hot Adult Contemporary (CIZL-FM), Classic Rock (CKCK-FM) and News/Talk (CJME). Harvard offers Adult Contemporary (CHMX-FM), Rock (CFWF-FM) and Country (CKRM).
6. From 2001 to 2006, total Regina radio revenues increased at a compound average annual growth rate (CAGR) of 7.7%, and total Regina radio advertising revenues increased at a CAGR of 9.7%. In contrast, the profit before interest and taxes (PBIT) margin for the Regina radio market declined from 2005 to 2006, to a level below the average 2006 PBIT of 20.1% for all commercial radio stations in Canada. In 2006, the Regina radio market as a whole reported operating expenditures for programs, sales and promotion, and administration and general, as a percentage of total revenues which exceeded the Canadian averages in those categories. The higher operating expenses seen in the Regina market are reflected in the lower than average PBIT margin reported by the Regina radio market in 2006.
7. In addition to the healthy radio revenues noted above, according to the Conference Board of Canada, the labour market in Regina is improving, and overall economic growth in Regina will be steady for 2007 and 2008, at 2.3% and 2.4%, respectively.
8. Based on the evidence that Regina radio revenues are healthy (despite lower than average PBITs in the market) and taking into account that economic indicators for the Regina market are positive, the Commission is satisfied that the market could support the licensing of at least one new commercial radio station to serve the Regina market, without an undue negative impact on the Regina radio broadcasting market.
9. In Broadcasting Public Notice 2006-159, the Commission set out its concern with the relatively lower profitability of radio markets with populations under 250,000, and signalled its intent to avoid over-licensing in such markets. The Commission is of the view that the licensing of one new commercial radio station to serve the Regina market at this time is consistent with the intent of Public Notice 2006-159.
10. The Commission is also confident that the addition of up to two other services to serve Regina is possible, so long as neither would have a significant impact on the Regina radio broadcasting market.

Assessment of the applications

Criteria for assessment

11. Having determined that there is room in the Regina radio market for additional radio services, the Commission considered the seven applications to serve Regina in light of the factors relevant to the evaluation of applications outlined in the Call, which include the factors set out in Broadcasting Decision 99-480.
12. Although the Commission has considered all of the factors in assessing the proposed services, it considers that market impact, the quality of the applications, especially with respect to the applicants' business plans (which includes proposed music formats), and commitments to the use and development of Canadian talent were particularly important and relevant to its determinations for the Regina market.

The applications

Newcap Inc.

13. Newcap Inc. (Newcap) proposed to establish an English-language commercial FM radio station that would operate at 90.3 MHz (channel 212C1) with an effective radiated power (ERP) of 100,000 watts. Newcap's proposed station would offer an Oldies Hits and Traditional Classic Hits music format (more pop-based than rock-based), targeting an audience between 35 and 64 years of age, with a core audience of males aged 45 to 64. Newcap indicated that it would broadcast over 21 hours of spoken word programming each week. Of all spoken word programming each week, at least 5 hours and 45 minutes would be devoted to news, and 75% of all news in each broadcast week would be local. The applicant indicated that it would devote \$1,505,000 to Canadian talent development (CTD) over seven consecutive broadcast years, upon commencement of operations.

Radio CJVR Ltd.

14. Radio CJVR Ltd. (Radio CJVR) submitted two applications to serve Regina, each proposing to establish an English-language commercial FM radio station. The applicant indicated that, if both applications were approved, approximately 9 hours of programming each week would be shared between the two stations.
15. Radio CJVR's first application (2006-0837-5) proposed a station that would operate at 103.1 MHz (channel 276C1) with an ERP of 100,000 watts. The proposed station would offer a Classic Rock music format designed to appeal to listeners between 25 and 54 years of age, with a core audience of males aged 35 to 44. Radio CJVR indicated that it would broadcast over 10 hours per week of spoken word programming, including over 2 hours of news and 3 hours of weather, sports and traffic reports. The applicant would devote between \$1,400,000 and \$1,575,000 to CTD over seven consecutive broadcast years, upon commencement of operations, indicating that the higher amount would be contributed if both applications to serve Regina were approved.

16. The second application filed by Radio CJVR (2006-0839-1) proposed a station that would operate at 106.3 MHz (channel 292C1) with an ERP of 100,000 watts. The proposed station would offer an Oldies music format targeted to an audience between 35 and 54 years of age, with a core audience over the age of 45. The applicant stated that it would broadcast almost 11 hours per week of spoken word programming, including over 2 hours of news and 3 hours of weather, sports and traffic reports. Radio CJVR indicated that it would devote between \$700,000 and \$875,000 to CTD over seven consecutive broadcast years, upon commencement of operations. As noted above, Radio CJVR stated that the higher amount would be contributed if both of its applications to serve Regina were approved.

Standard Radio Inc.

17. Standard Radio Inc. (Standard) proposed to establish an English-language commercial FM radio station that would operate at 92.7 MHz (channel 224C1) with an ERP of 100,000 watts. The proposed station would offer a New Country music format, designed to appeal to an audience between 25 and 64 years of age, with a core audience of persons aged 35 to 54, split equally between males and females. A minimum of 40% of all musical selections from content category 2 (Popular Music) broadcast during the broadcast week and between 6 a.m. and 6 p.m. Monday through Friday would be Canadian selections, a level which exceeds the minimum requirements set out in the *Radio Regulations, 1986* (the Regulations). The applicant stated that it would broadcast 12.5 hours of spoken word programming each week, of which 5 hours and 45 minutes would be devoted to structured information programming including news, news magazine, weather and traffic reports. Standard indicated that at least 70% of weekly news content would be devoted to local coverage. The applicant would devote \$700,000 to CTD over seven consecutive broadcast years upon commencement of operations.

Natotawin Broadcasting Inc.

18. Natotawin Broadcasting Inc.'s (Natotawin) application proposed to add a transmitter of its Type B native radio station CJLR-FM La Ronge, to serve Regina. The Regina transmitter would operate at 90.3 MHz (channel 212C1) with an ERP of 43,000 watts. The applicant stated that approximately 25% of all music played on CJLR-FM is by Aboriginal artists. Natotawin indicated that it currently provides culturally and linguistically relevant programming, including Aboriginal spirituality, folklore, legends, stories, traditional medicine, Aboriginal food preparation and survival skills. While programming would be of specific interest to the Aboriginal population of Regina, Natotawin indicated that it had no immediate plans to solicit advertising revenue from the Regina market. The applicant did however envision the generation of revenue in Regina by the end of the first year of operation. The applicant stated that CJLR-FM would continue to broadcast a minimum of 20 hours of regularly scheduled Aboriginal-language programming, using three major Aboriginal languages, namely Cree, Dene and Michif. Natotawin added that it planned to incorporate programming in the Saultaux language in the future.

Touch Canada Broadcasting Inc.

19. Touch Canada Broadcasting Inc. (Touch Canada) proposed to establish an English-language Specialty FM radio station that would operate at 96.1 MHz (channel 241C1) with an ERP of 86,000 watts. The proposed station would offer a Christian music format with some religious spoken word programming, designed to appeal to primarily female listeners between 25 and 44 years of age. Touch Canada indicated that 28 hours of each week would be devoted to syndicated and brokered religious programming originating in the United States, and that over 31 hours of spoken word programming would be broadcast each week, including 15 hours of brokered programming and 6.5 hours of news. The applicant stated that 40% of all news would be local. Touch Canada stated that it would devote \$56,000 to CTD over seven consecutive broadcast years upon commencement of operations.

Aboriginal Voices Radio Inc.

20. Aboriginal Voices Radio Inc. (AVR) proposed to establish a Native Type B FM radio station that would operate at 96.1 MHz (channel 241C1) with an ERP of 100,000 watts. AVR stated that most of the proposed station's programming would originate with CKAV-FM Toronto, and would offer programming of particular interest to the urban Aboriginal population of Regina, with local programming to be implemented over time. At the hearing, AVR further offered to standardize its local programming commitments across its entire network, by agreeing to a condition of licence stipulating that, within 24 months from the commencement of operations for any new AVR undertaking, 25% of the broadcast week would be devoted to the broadcasting of local programming, including news and a local morning show. AVR also committed to rolling out local news services for its new stations within 12 months of the commencement of operations and to broadcasting every week a minimum of 20 hours of structured spoken word programming, as defined currently by the Commission. Finally, AVR committed in its presentations to ensuring that a minimum of 2% of all vocal musical selections and of all spoken word programming broadcast during each broadcast week would be in a Canadian Aboriginal language.

Commission's analysis

Standard

21. In evaluating the applications, the Commission notes that CKRM, a full-service AM station in the Regina market, offers extensive spoken word programming and mainstream Country music that attracts an audience that is predominantly over 50 years of age. The Commission further notes that out of market tuning by Regina listeners aged 24 to 49 represents approximately 12% of all tuning in the market, most of which is to CILG-FM Moose Jaw, which offers a New Country format. While recognizing that musical formats are not regulated, the Commission is of the view that the music-intensive New Country

music format proposed by Standard would provide increased musical diversity for adult Regina listeners interested in contemporary Country music, and has the potential to repatriate a good portion of the out of market tuning by adults aged 24 to 49 currently experienced by the Regina radio market, thereby strengthening the financial health of the market.

22. The Commission notes that Standard would provide a new editorial voice in the Regina radio market. It further notes the significant commitments to the support of Canadian music in excess of the minimum levels required under the Regulations, and to the financial support of Canadian talent development. The Commission notes in particular the applicant's proposal to contribute \$100,000 in each broadcast year to the support of various initiatives, as set out in its application.

AVR and Natotawin

23. AVR is a not-for-profit corporation incorporated under federal law. It is the licensee of a Native FM radio station in Toronto as well as of Aboriginal Voices Radio Network, which distributes the programming of its Toronto station to other AVR radio stations. The Commission has approved applications by AVR for radio stations to be operated in Ottawa, Calgary, Vancouver, Kitchener-Waterloo, Edmonton and Montréal. In Broadcasting Decision 2007-155, also issued today, the Commission has approved an application by AVR to operate an FM radio station in Saskatoon.
24. The Commission notes that it received an intervention in opposition to AVR's application by the Western Association of Aboriginal Broadcasters (WAAB), the Lac La Ronge Indian Band, the Prince Albert Grand Council, and the Missinipi Broadcasting Corporation (MBC), which is a not-for-profit corporation related to Natotawin, licensee of CJLR-FM La Ronge.
25. In reply to the interventions, AVR noted that it is a not-for-profit undertaking that does not solicit local advertising and poses no economic threat to any Saskatchewan broadcaster, whether Aboriginal or not, and that its application to provide a national Aboriginal radio service to Saskatchewan listeners enjoyed the support of many members of the community.
26. The Commission's policies and decisions are guided by the *Broadcasting Act* (the Act), which specifically requires the Commission to ensure a place for Aboriginal persons and programming that reflects the Aboriginal cultures of Canada within the Canadian broadcasting system as resources become available for that purpose. Particularly given the demographics and the virtual absence of programming specifically targeted to Aboriginal listeners, the Commission is of the view that approval of both the AVR and Natotawin applications would be consistent with the objectives set out in the Act.

27. In its evaluation of the present application, the Commission has considered the views expressed by the interveners both in the light of AVR's response and in the light of the commitments to local, spoken word and Aboriginal-language programming made by AVR during the hearing. Given the presence of a significant Aboriginal population in Regina which is projected to grow significantly over the next number of years, the Commission is of the view that the presence of additional Aboriginal services would provide a social benefit through the increased exposure of Aboriginal cultures and perspectives and would be consistent with the objectives set out in the Act.
28. As it relates specifically to AVR's condition of licence regarding structured spoken word programming, the Commission notes that in the interest of fairness to AVR's stated capacities and the Commission's expectations, it has imposed a definition of structured spoken word which is specific to AVR's application. This definition has also been applied in the context of AVR's recent licence renewals for its radio broadcasting undertakings in Toronto, Vancouver, Calgary and Ottawa, as well as in the case of the Commission's decision for its application in Saskatoon.
29. The Commission notes that there are no incumbent licensees in Regina currently providing a full-time service similar to the services proposed by AVR and Natotawin, and the Commission recognizes that the services to be provided would offer niche programming that would not directly compete with the conventional commercial services currently offered in the market, or with the new Standard station approved today.

Determinations

30. Based on all of the above, the Commission **approves** the applications for broadcasting licences to operate new radio stations in Regina by the two parties listed below. Terms and **conditions** for the two new services are set out in the appendices to this document.

Standard Radio Inc.

Application 2006-0821-8, received 26 June 2006

Aboriginal Voices Radio Inc.

Application 2006-0832-5, received 27 June 2006

31. In approving the AVR proposal, the Commission has imposed **conditions of licence** requiring AVR to devote at least 25% of its weekly broadcast schedule to local programming within 24 months of the commencement of operations, and requiring the new station to broadcast regular daily local newscasts within twelve months of the commencement of operations. AVR must file with the Commission a letter indicating that the above-noted conditions have been met.

32. The Commission also **approves** the application by Natotawin Broadcasting Inc. (*Application 2006-0975-3, received 2 August 2006*) for an amendment to its licence to operate the Type B Native radio station CJLR-FM La Ronge, in order to add a transmitter of CJLR-FM to serve Regina. The terms of this approval are set out in an appendix to this document.
33. Together with the approval of the Natotawin application, the two new stations resulting from these approvals will increase programming diversity by providing a musical format not currently offered in Regina, augment the diversity of radio voices in the Regina market, and provide significant new support for Canadian talent and cultural diversity. The addition of one new commercial radio service to be provided by Standard will have a limited impact on the Regina radio market. Further, the Commission is confident that the addition of the new Type B Native service proposed by AVR, as well as the addition of a transmitter of CJLR-FM La Ronge, also a Type B Native radio station, will not have any significant negative economic impact on the Regina radio market.
34. The Commission is of the view that the applications by Standard and AVR best fulfil the criteria set out above for evaluating competing applications for new radio stations to serve Regina.
35. Accordingly, the Commission **denies** the four remaining applications for broadcasting licences to operate new radio stations in Regina, as set out below.

Newcap Inc.

Application 2005-0944-0, received 11 August 2005

Radio CJVR Ltd.

*Applications 2006-0837-5, received 27 June 2006,
and 2006-0839-1, received 27 June 2006*

Touch Canada Broadcasting Inc.

Application 2006-0827-6, received 27 June 2006

Changes flowing from the new *Commercial Radio Policy 2006*

36. In Broadcasting Public Notice 2006-158, the Commission set out a new approach to the development and promotion of Canadian artists. 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.

37. The Commission notes that the applicants in this proceeding have made commitments for CTD that will be imposed as conditions of licence. Amounts required under these conditions of licence may be deducted from the amounts that will be required under the new basic CCD contribution.

Employment equity

38. Because Standard 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.

Related Documents

- *Licensing of new radio stations to serve Saskatoon, Saskatchewan*, Broadcasting Decision CRTC 2007-155, 28 May 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Revised policy concerning the issuance of calls for radio applications and a new process for applications to serve small markets*, Broadcasting Public Notice CRTC 2006-159, 15 December 2006
- *Call for applications for a broadcasting licence to carry on a radio programming undertaking to serve Regina, Saskatchewan*, Broadcasting Public Notice CRTC 2006-37, 29 March 2006
- *Introductory statement – Licensing new radio stations*, Decision CRTC 99-480, 28 October 1999

Secretary General

This decision and the appropriate appendix should be attached to each licence. This document 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 1 to Broadcasting Decision CRTC 2007-156

Standard Radio Inc.

Application 2006-0821-8, received 26 June 2006

Terms, conditions of licence, and expectations

Terms

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

The licence will expire 31 August 2013.

The station will operate at 92.7 MHz (channel 224C1) with an effective radiated power of 100,000 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 28 May 2009. 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.

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, 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 40% of its musical selections from content category 2 (Popular Music) 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, 40% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

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*.

3. Upon commencement of operations, the licensee shall make direct expenditures of at least \$100,000 in each broadcast year for the development of Canadian content to eligible initiatives as defined in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Expectations

Cultural diversity

The Commission expects the applicant to reflect the cultural diversity of Canada in its programming and employment practices.

Live-to-air programming

The Commission expects the applicant to adhere to its commitment that a minimum of 73 hours of programming broadcast each week will be “live-to-air” programming.

Appendix 2 to Broadcasting Decision CRTC 2007-156

Aboriginal Voices Radio Inc.

Application 2006-0832-5, received 27 June 2006

Terms and conditions of licence

Terms

Issuance of the broadcasting licence for the English- and Aboriginal-language Native Type B FM radio programming undertaking in Regina

The licence will expire 31 August 2013.

The station will operate at 96.1 MHz (channel 241C) with an effective radiated power of 100,000 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 28 May 2009. 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.

Conditions of licence

1. The licensee shall devote a minimum of 25% of its weekly broadcast schedule to the broadcasting of local programming within twenty-four (24) months of the commencement of operations.

For the purposes of this condition, "local programming" shall have the meaning set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, as amended from time to time.

2. The licensee shall broadcast regular daily local newscasts within twelve (12) months of the commencement of operations.

The licensee shall file with the Commission a letter indicating that it has met the deadlines with respect to local programming referred to in conditions of licence 1 and 2.

3. The licensee shall devote a minimum of twenty (20) hours per broadcast week to structured enriched spoken word programming. For the purposes of this condition of licence, “structured enriched programming” shall be defined as:
 - spoken word programming of any length and in any language involving some research pertaining to the documentation of current and past events, instruction and information, human interest information, leisure interests, public affairs, cultural programming, storytelling, academic instruction, interviews and the like.
 - programming that does not include song intros/extros, surveillance information (such as news reports, weather and public service announcements), impromptu, casual or spontaneous talk by announcers during music-flow programming, contests, or any programming defined by content categories 2, 3, 4 or 5 of the *Radio Regulations, 1986*.
 - programming as described above and of which the duration shall not include the time devoted to musical selections interspersed with or interrupting such programming.

The licensee shall provide, upon the Commission’s request, the schedule for a broadcast week of all the programming defined above.

4. The licensee shall ensure that a minimum of 35% of all musical selections from category 2 (Popular music) aired during each broadcast week are Canadian selections played in their entirety.

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*.

5. The licensee shall ensure that a minimum of 2% of all spoken word programming broadcast during each broadcast week is in a Canadian Aboriginal language.
6. The licensee shall ensure that a minimum of 2% of all vocal musical selections aired during each broadcast week is in a Canadian Aboriginal language.
7. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters’ *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

8. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcaster's *Sex-Role Portrayal Code for Television and Radio Programming*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

Appendix 3 to Broadcasting Decision CRTC 2007-156

Natotawin Broadcasting Inc.

Application 2006-0975-3, received 2 August 2006

Amendment to the broadcasting licence for CJLR-FM La Ronge to add a transmitter in Regina

Terms

The transmitter will operate at 90.3 MHz (channel 212C1) with an effective radiated power of 43,000 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 licensee that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met, and that a broadcasting certificate will be issued.

The transmitter 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 28 May 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.