



## Broadcasting Decision CRTC 2007-222

Ottawa, 9 July 2007

### Canadian Broadcasting Corporation

Sydney, Nova Scotia

*Application 2006-1166-7, received 15 September 2006*

*Public Hearing at Membertou, Nova Scotia*

*16 April 2007*

### **CBI Sydney – Conversion to FM band**

*The Commission **approves** an application by the Canadian Broadcasting Corporation for a broadcasting licence to operate a new English-language FM radio station in Sydney to replace its AM station CBI.*

### **Introduction**

1. The Commission received an application by the Canadian Broadcasting Corporation (CBC) for a broadcasting licence to operate a new English-language FM radio programming undertaking in Sydney to replace its AM station CBI Sydney. The CBC also requested authority to broadcast simultaneously on the AM and the FM band for a period of 12 months to ensure continuity of service to its listeners.
2. The proposed FM station would continue to broadcast programming received from the CBC's national Radio One network, as well as approximately 23.5 hours in each broadcast week of local programming originating in Sydney. The CBC also indicated that it intends to apply for retransmitters to extend this service to other communities such as Big Harbour and Englishtown and the Ingonish area.
3. The Commission received interventions in support of this application, as well as an intervention in opposition by Cusack Law Office Incorporated. Cusack Law Office Incorporated opposed the application because it is concerned that the proposed FM signal will leave areas without service. In its view, before allowing the AM service to be terminated, the Commission should require the CBC to demonstrate that the proposed FM signal will be consistently receivable in King's Road and in the counties of Victoria, Richmond and Inverness.
4. The CBC did not respond to this intervention.

## Commission's analysis and determinations

5. With respect to the concerns expressed by the intervener, the Commission notes that signal propagation can be problematic in the area due to the nature of the local terrain. The Commission also notes that most communities mentioned in the intervention are situated outside the applicant's primary market area. The Commission is satisfied that the CBC's FM signal would adequately serve listeners located within its primary market area and that the proposed conversion of CBI to the FM band would improve the quality of the station's service to listeners in Sydney. Accordingly, the Commission **approves** the application by the Canadian Broadcasting Corporation for a broadcasting licence to operate a new English-language FM radio programming undertaking in Sydney to replace its AM station CBI. The terms and **conditions of licence** are set out in the appendix to this decision.
6. The Commission notes that the new licence will expire on the current licence expiry date for CBI Sydney and other CBC Radio One network affiliated stations administratively renewed in Broadcasting Decision 2006-409. The Commission further notes that the transmitters CBIB-FM Bay St. Lawrence, CBIC-FM Cheticamp, CBHI-FM Inverness and CBHF-FM Northeast Margaree, presently authorized as transmitters of CBI Sydney, will be part of the new FM licence.
7. With respect to the CBC's request to broadcast simultaneously on the AM and the new FM station for a period of 12 months, the Commission notes that this request is based on the licensee's desire to ensure continuity of service to its listeners. The CBC indicated that it intends to apply for transmitters to extend service to other communities currently served by the AM signal, such as Big Harbour, Englishtown and the Ingonish area. The Commission considers that a shorter simulcast period of six months would allow the licensee adequate time to submit its application and would be consistent with similar requests.

## Simulcast period and revocation of AM licence

8. As set out in the appendix to this decision, the licensee is authorized to simulcast the programming of the new FM station on CBI for a transition period of six 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 CBI effective at the end of the simulcast period.

## Employment equity

9. Because the CBC 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.

10. Secretary General

**Related document**

- *Administrative renewals*, Broadcasting Decision CRTC 2006-409, 24 August 2006

*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 2007-222

## Terms and conditions of licence

### Terms

#### **Issuance of the broadcasting licence to operate an English-language FM radio programming undertaking in Sydney, Nova Scotia**

The licence will expire 31 August 2008.

The station will operate at 97.1 MHz (channel 246C) with an average effective radiated power of 61,400 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.

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 9 July 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 licensee shall not broadcast any commercial message belonging to content category 5 (Advertising) except:
  - a) During programs that are available to the licensee only on a sponsored basis; or
  - b) As required to fulfil the requirements of the legislation of the Parliament of Canada pertaining to elections.
2. In each broadcast week, the licensee shall devote at least 50% of its musical selections from content category 2 (Popular music) to Canadian musical selections scheduled in a reasonable manner throughout the broadcast day.

3. In each broadcast week, the licensee shall devote at least 20% of its musical selections from content category 3 (Special interest music) to Canadian musical selections.
4. The licensee shall adhere to its self-regulatory guidelines on sex-role portrayal, as amended from time to time and approved by the Commission, and, at a minimum, to the Canadian Association of Broadcasters' *Sex-role portrayal code for television and radio programming*, as amended from time to time and approved by the Commission.
5. The licensee is authorized to simulcast the programming of the new FM station on CBI Sydney for a transition period of six months following the commencement of operations of the FM station. The licensee must surrender the AM licence for revocation by the Commission at the end of this period.

For the purposes of the above conditions, the terms "broadcast week," "Canadian selection," "broadcast day" and "musical selection" shall have the same meaning as that set out in the *Radio Regulations, 1986*.