



Broadcasting Decision CRTC 2007-414

Ottawa, 6 December 2007

Amherst Island Radio Broadcasting Inc.
Stella, Ontario

*Applications 2007-0890-2 and 2007-0891-9, received 22 May 2007
Public Hearing at Kelowna, British Columbia
30 October 2007*

Community radio station in Stella

*The Commission **approves** an application for a broadcasting licence to operate an English-language, Type B community FM radio programming undertaking in Stella, Ontario on the frequency 92.1 MHz. The Commission **denies** a concurrent application for the use of the frequency 93.7 MHz.*

Introduction

1. The Commission received an application by Amherst Island Radio Broadcasting Inc. (AIR) for a broadcasting licence to operate an English-language Type B community FM radio programming undertaking in Stella, Ontario on the frequency 92.1 MHz. The Commission also received an application from AIR which proposed to provide the same service on the frequency 93.7 MHz. AIR is currently the licensee of the low-power developmental community radio programming undertaking CJAI-FM licensed in Broadcasting Decision 2005-550.

Proposed service

2. The applicant indicated that, during each broadcast week, the station would broadcast 126 hours of programming. A Type B community radio station may not increase or decrease its total weekly broadcast time by more than 20% without prior approval.
3. The programming would include 112 hours of station-produced programming which would include locally produced and performed folk, bluegrass and gospel country music, information on local ferry operations, local and regional news, information on environmental issues, interview programs focussing on local artists, writers and other individuals and radio plays. Its acquired programming will compliment this local programming and focus on the broadcast of documentaries, radio serials from the 1930s and the *Dig Your Roots* concert series produced by the National Campus and Community Radio Association (NCCRA). Overall, 25% of the station's programming would be spoken word content.

4. With respect to the promotion of local artists, the applicant indicated that, as a part of its current developmental operations, it provides 9 hours per week of locally produced and performed music, two additional hours of locally recorded concerts, live performances and an annual concert showcasing local talent.
5. The applicant stated that it currently encourages local residents to participate in its programming through regular on-air promotions, monthly mailed bulletins and by its presence at a weekly market. AIR has stated that it also provides a presence at local community events whenever possible and uses these opportunities to recruit new volunteers.

Interventions

6. The Commission received two interventions in connection with this application, including one in support submitted by the NCCRA.
7. The intervention in opposition was submitted by the Kingston Collegiate and Vocational Institute Educational Radio Station Inc. (Kingston Collegiate), which is the licensee of CKVI-FM, a low-power community radio undertaking which is first adjacent to the frequency 92.1 MHz. CKVI-FM was first licensed in Decision 96-229.
8. Kingston Collegiate expressed a concern that approval of AIR's application would impede its own ability to increase CKVI-FM's power at a later date. It requested that the applicant take measures to ensure that AIR's signal does not interfere with the existing CKVI-FM signal, suggesting a cooperative approach.

Applicant's reply

9. In its reply, AIR acknowledged the possibility that interference will occur with the CKVI-FM signal, but only in areas which are outside CKVI-FM's licensed contours. AIR maintained however, that it would offer its assistance to Kingston Collegiate in the reduction of unwanted interference, supporting the collaborative approach advocated by Kingston Collegiate.

Commission's analysis and determinations

10. The Commission is satisfied that the application is consistent with the provisions for Type B community radio stations set out in Public Notice 2000-13. Accordingly, the Commission **approves** the application by Amherst Island Radio Broadcasting Inc. for a broadcasting licence to operate an English-language Type B community FM radio programming undertaking in Stella. The terms and **conditions of licence** are set out in the appendix to this decision.

11. With respect to the applicant's proposed use of the frequency 93.7 MHz in Kingston, in Broadcasting Decision 2007-334, the Commission approved an application by K-Rock 1057 Inc. which proposed the use of the frequency 93.5 MHz in Kingston. The application by AIR for the use of the frequency 93.7 MHz is therefore **denied** on grounds of technical mutual exclusivity.
12. The Commission notes the collaborative approach advocated by both parties and encourages AIR to offer its assistance to Kingston Collegiate in the event that unwanted or undue interference were to occur on the authorized contours of CKVI-FM's signal.

Secretary General

Related documents

- *Conversions to FM band and licensing of a new radio station to serve Kingston*, Broadcasting Decision CRTC 2007-334, 28 August 2007
- *English-language developmental community FM radio station in Stella*, Broadcasting Decision CRTC 2005-550, 23 November 2005
- *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000
- *New community radio programming undertaking*, Decision CRTC 96-229, 17 June 1996

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 2007-414

Terms, conditions of licence, and encouragements

Terms

Issuance of the broadcasting licence to operate an English-language Type B community FM radio programming undertaking in Stella, Ontario

The licence will expire 31 August 2014.

The station will operate at 92.1 MHz (channel 221A1) with an effective radiated power of 250 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 **6 December 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.

In accordance with *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000, the licence for this community radio station will be held by a not-for-profit organization without share capital whose structure provides for membership, management, operation and programming by members of the community at large. The board of directors will ultimately control the undertaking and be responsible for adherence to the *Radio Regulations, 1986* and the station's conditions of licence.

Conditions of licence

1. The licence shall be subject to the conditions set out in *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000.

2. The licensee shall devote, in each broadcast week, 12% or more of its musical selections from content category 3 (Special interest music) to Canadian selections broadcast in their entirety.

Encouragements

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Moreover, given the intervention filed by Kingston Collegiate and Vocational Institute Educational Radio Station Inc. as noted above, the Commission encourages the licensee to work with the intervener in the event of undue technical interference on CKVI-FM's authorized contours.