



## Broadcasting Decision CRTC 2007-8

Ottawa, 8 January 2007

### Canadian Broadcasting Corporation

Moncton, Newcastle and Campbellton, New Brunswick

*Application 2006-0763-2*

*Public Hearing at Regina, Saskatchewan*

*30 October 2006*

### CBA Moncton – Conversion to FM band

*The Commission **approves** an application for a broadcasting licence to operate a new English-language FM radio station in Moncton to replace AM station CBA.*

#### The application

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 Moncton to replace its AM station CBA. The applicant proposed to operate the new FM station at 106.1 MHz (channel 291C1) with an effective radiated power of 69,500 watts.
2. The CBC stated that the FM station would continue to broadcast programming received from its national Radio One network as well as approximately 15 hours in each broadcast week of local programming originating in Moncton.
3. In support of its application, the CBC stated that CBA is the last remaining AM station in the Moncton market. The CBC submitted that CBA's share of listening in the Moncton market has been declining, dropping from 18% in the spring of 2000 to 12% in the spring of 2006.
4. The CBC confirmed that it would ensure that the area currently covered by CBA would be served by the proposed new transmitter, or by one of its existing FM transmitters that currently serve the Moncton area, namely CBAA-FM Newcastle and CBAE-FM Campbellton, New Brunswick.

#### Interventions

5. The Commission received interventions in support of this application as well as an intervention in opposition by Mr. Fred Whalen of Sussex, New Brunswick and comments by Mr. Andrew MacKenzie and Ms. Heather Kemp, both of whom are residents of the United States.

6. Mr. Whalen opposed the application because, in his view, the AM band is more suitable for the programs broadcast by the Radio One network. He also maintained that the AM band provides a signal that is subject to less interference from other stations, and that is more reliable for listeners who are travelling.
7. Mr. MacKenzie and Ms. Kemp commented that many people in the northern New England area of the United States, who enjoy listening to CBC radio, would no longer be able to receive CBA's signal if it moved to the FM band.
8. The CBC did not respond to the interventions.

### **Commission's analysis and determination**

9. Based on its examination of the record of this proceeding, the Commission is satisfied that the proposed conversion of CBA to the FM band would improve the quality of the station's service to listeners in Moncton. In addition, the replacement of the CBC's AM facility with an FM facility would help the CBC to achieve cost efficiencies.
10. 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 Moncton to replace its AM station, CBA.
11. The licence will expire 31 August 2007, the current licence expiry date for CBA. The licence will be subject to the **conditions** set out in the appendix to this decision, including a condition authorizing the licensee to simulcast the programming of the new FM station on CBA for a transition period of three months following the commencement of operation of the FM station.
12. The licensee requested that the Commission revoke the licence for CBA Moncton at the end of the simulcast period. In accordance with sections 9(1)(e) and 24(1) of the *Broadcasting Act* (the Act), the revocation will be effective three months from the date of commencement of operation of the FM station.

### **Issuance of the licence**

13. 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.
14. The Commission reminds the licensee that, pursuant to section 22(1) of the 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.

15. Furthermore, the licence for this undertaking will be issued once the licensee 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 8 January 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.

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 2007-8

### Conditions of licence

1. The licensee shall not broadcast any commercial message of 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. 50% or more of the category 2 music selections broadcast each broadcast week must be Canadian, and these selections must be scheduled in a reasonable manner throughout the broadcast day.
3. 20% or more of the category 3 music selections broadcast each broadcast week must be Canadian.
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, as 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 CBA for a transition period of three months following the commencement of operation of the FM station. The licensee must surrender the AM licence for revocation by the Commission at the end of this period.