



Broadcasting Decision CRTC 2008-117

Ottawa, 30 May 2008

Canadian Broadcasting Corporation

Vancouver, Gabriola Island, Victoria and Nanaimo,
British Columbia

*Applications 2007-1423-9, received 9 October 2007
and 2007-0363-8, received 2 March 2007*

Various applicants

Vancouver and Port Moody, British Columbia

Application numbers set out in Appendix 2

Public Hearing in Vancouver, British Columbia

25 February 2008

Licensing of new radio stations to serve the Vancouver radio market

*The Commission **approves in part** the application by the Canadian Broadcasting Corporation (CBC) to operate a new FM station in Vancouver. Specifically, the Commission authorizes the use of 88.1 MHz (channel 201C) by the CBC to operate an FM station in Vancouver. The Commission **denies** the CBC's request as part of that application to operate an FM transmitter on Gabriola Island, British Columbia at 98.7 MHz (channel 254B). The Commission also **denies** the CBC's application to amend the broadcasting licence for CBCV-FM Victoria, in order to operate an FM transmitter in Nanaimo, British Columbia at 104.1 MHz (channel 281B1).*

*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, for a broadcasting licence to operate a new commercial FM station in Vancouver at 100.5 MHz (channel 263C) to replace its AM station CKBD Vancouver.*

*The Commission **approves** the application by 6851916 Canada Inc. for a broadcasting licence to operate a new commercial FM station in Vancouver at 104.1 MHz (channel 281C) as well as the application by Matthew Gordon McBride, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a new commercial FM station in Port Moody at 98.7 MHz (channel 254A).*

*The Commission **denies** the remaining applications for broadcasting licences for commercial radio stations to serve Vancouver.*

Dissenting opinions by Commissioners Rita Cugini and Elizabeth A. Duncan are attached.

Introduction

1. At a public hearing commencing 25 February 2008 in Vancouver, British Columbia, the Commission considered an application by the Canadian Broadcasting Corporation (CBC) to operate a new FM radio programming undertaking in Vancouver at 88.1 MHz (channel 201C) with an average effective radiated power (ERP) of 8,900 watts to replace its AM station CBU Vancouver. As part of that application, the CBC proposed to add an FM transmitter on Gabriola Island at 98.7 MHz (channel 254B) with an average ERP of 3,100 watts. The Department of Industry (the Department), however, specified an ERP of 1,290 watts for the proposed transmitter due to concerns about potential interference to CIOC-FM Victoria, operated by Rogers Broadcasting Limited (Rogers).
2. CBU broadcasts programming received from the CBC's national Radio One network as well some regional and local programming. The CBC submitted that the proposed conversion of CBU to the FM band is needed to correct technical deficiencies that impede the reception of CBU's signal for approximately 850,000 people in Vancouver. The proposed Gabriola Island transmitter would fill in coverage gaps along the Sunshine Coast of British Columbia that would result from lost signal following the proposed conversion of CBU to the FM band.
3. In a separate application, the CBC proposed to add a transmitter of CBCV-FM Victoria in Nanaimo, British Columbia at 104.1 MHz (channel 281B1) with an average ERP of 3,000 watts. The transmitter would fill in coverage gaps in Nanaimo and the surrounding area that would result from lost signal following the proposed conversion of CBU to the FM band. The transmitter would also provide a Victoria-based regional service to the Nanaimo area, which is currently served by CBU Vancouver.
4. The CBC indicated that its applications were severable.
5. At the same public hearing, the Commission also considered 17 applications for new commercial radio programming undertakings to serve the Vancouver radio market, some of which are mutually exclusive on a technical basis. The CBC's planned use of 104.1 MHz is also technically mutually exclusive with a number of these applications.
6. Only one applicant, 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), applied for 100.5 MHz (channel 263C1). Pattison proposed to convert its AM station, CKBD Vancouver from AM to the FM band. The applicant proposed a Class C1 station. However, the Department revised the status to that of a Class C to protect a U.S. station.
7. Thirteen commercial applicants competed to operate stations at 104.1 MHz (channel 281C). The applicants were as follows:
 - 0785330 B.C. Ltd.
 - 6851916 Canada Inc.
 - Astral Media Radio Inc.
 - Evanov Communications Inc., on behalf of a corporation to be incorporated
 - Harvard Broadcasting Inc.

- In-House Communications Inc.
 - 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
 - Newcap Inc.
 - Nirenderjit Pataria, on behalf of a corporation to be incorporated
 - Rock 95 Broadcasting Ltd.
 - The Coast 104.1 FM Inc.
 - Touch Canada Broadcasting (2006) Inc. (the general partner), and 1188011 Alberta Ltd. and Touch Canada Broadcasting Inc. (the limited partners), carrying on business as Touch Canada Broadcasting Limited Partnership, and
 - Vista Radio Ltd.
8. Two commercial applicants sought the use of 98.7 MHz:
- 902890 Alberta Ltd. proposed to operate a new commercial FM station in Vancouver at 98.7 MHz (channel 254B).
 - Matthew Gordon McBride, on behalf of a corporation to be incorporated, proposed to operate a new commercial FM station in Port Moody at 98.7 MHz (channel 254A). Port Moody is part of the Vancouver radio market as defined by BBM Canada.

These two applications are technically mutually exclusive.

9. Frank Torres, on behalf of a corporation to be incorporated, is the sole applicant that proposed to operate a new commercial FM station in Vancouver at 89.3 MHz (channel 207A).
10. As part of this process, the Commission received and considered interventions with respect to each application. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

Availability of frequencies

11. The Commission considered all the applications in light of the very limited number of available frequencies in the Vancouver radio market and in the Nanaimo area. Since only one applicant can be assigned a particular frequency, the Commission finds that the principal issue to be considered in its evaluation of all of these applications is which proposals would ensure that the frequencies will be used in a way that, to the greatest possible extent, meets the objectives set out in the *Broadcasting Act* (the Act) and satisfies the public interest.

The CBC applications

12. Section 3(1)(m)(vii) of the Act stipulates that programming provided by the CBC should

be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose.

13. Section 3(1)(n) of the Act states that where there is a conflict between the objectives of the CBC set out in paragraph (m) and the interests of any other broadcasting undertaking of the Canadian broadcasting system, it shall be resolved in the public interest, and where the public interest would be equally served by resolving the conflict in favour of either, it shall be resolved in favour of the objectives set out in paragraph (m).
14. The Commission finds that the primary issues arising from the CBC applications are:
 - whether the CBC's proposals represent the most appropriate and efficient means to make its programming available to listeners in Vancouver, the Lower Mainland, the Sunshine Coast and in Nanaimo; and
 - whether the public interest would be served by awarding the CBC three frequencies in an area where frequencies are scarce.
15. The Commission's analysis confirms that, although CBU provides an adequate signal in outlying regions of its service area, the built environment, electrical noise and other factors in Vancouver's urban core make it difficult for residents in that area to receive a quality signal. The Commission finds that the use of 88.1 MHz would correct CBU's signal deficiencies in Vancouver as identified by the CBC and provide listeners with better reception in urban areas. However, the Commission considers that, given the mountainous terrain along Vancouver Island and the Sunshine Coast of British Columbia, using FM signals to serve those areas would not represent optimal use of the proposed frequencies. The Commission is concerned that, even with the proposed transmitter on Gabriola Island, converting CBU to the FM band would reduce the station's overall reach in the outlying areas of Vancouver Island and the Sunshine Coast leaving some listeners without CBC service.
16. The Commission considers that, in light of the scarcity of frequencies in the relevant areas and given the applications before it, the most appropriate and efficient way for the CBC to make its programming available to listeners in Vancouver, the Lower Mainland, Vancouver Island and the Sunshine Coast is to make use of 88.1 MHz (channel 201C) to serve Vancouver and maintain operation at its current AM frequency in Vancouver to ensure good coverage in outlying areas. This could be accomplished by the CBC continuing operation of its current AM station while adding an FM transmitter at 88.1 MHz (channel 201C) or by operating an FM station at 88.1 MHz (channel 201C) with a transmitter at its current AM frequency. In either case, the CBC would not need the proposed transmitter on Gabriola Island.

17. The Commission recognizes that, under either of the scenarios noted above, the Sunshine Coast would not be served by an FM signal of CBU. Nevertheless, the Commission finds that, given the scarcity of frequencies in the area, using the proposed frequency to serve the Sunshine Coast in circumstances where there would be significant gaps in coverage would not be the most appropriate and efficient use of frequencies and thus would not be in the public interest.
18. The Commission further notes that the proposed transmitter directed at the Nanaimo audience would simply replace the regional service originating in Vancouver. While the Victoria service may offer a few programs of more relevance to Nanaimo area listeners as compared to the Vancouver service, it would offer little local programming of particular interest to listeners in Nanaimo and the surrounding area. The Commission finds that the proposal does not represent an appropriate and efficient use of the frequency and would not be in the public interest. In the Commission's view, the public would be better served by using 104.1 MHz to provide a new service to the Vancouver market.

Conclusions on the CBC applications

19. Based on the foregoing, the Commission **approves in part** the application by the Canadian Broadcasting Corporation to operate an FM radio programming undertaking in Vancouver. Specifically, the Commission authorizes the use of 88.1 MHz (channel 201C) by the CBC to operate an FM radio programming undertaking in Vancouver. The Commission **denies** the CBC's request as part of that application to operate an FM transmitter on Gabriola Island at 98.7 MHz (channel 254B).
20. The terms and **conditions of licence** for the new FM service are set out in Appendix 1 to this decision.
21. The Commission also **denies** the application by the Canadian Broadcasting Corporation to amend the broadcasting licence for CBCV-FM Victoria, in order to operate an FM transmitter in Nanaimo.

The commercial applications

22. The Commission is of the view that the primary issues to be considered in its evaluation of the commercial applications are as follows:
 - Can the Vancouver radio market sustain additional commercial radio services without an undue negative impact on existing stations?
 - If so, which of the applications should be approved, in light of the factors identified in Broadcasting Public Notice 2007-95 (the Call) and in light of the very limited number of available frequencies in the Vancouver radio market?

The Vancouver radio market and its ability to sustain new stations

23. BBM Canada's definition of the Vancouver radio market corresponds with that of the Greater Vancouver Regional District (GVRD), encompassing a large geographic area including a number of municipalities and regional districts in addition to the city of Vancouver. Currently, 19 commercial radio stations serve the Vancouver market including five ethnic stations. Of the English-language commercial radio stations, Corus Entertainment Inc. and CTV Limited each own four (two AMs and two FM); while Astral Media Radio Inc., Rogers and Pattison each own two (one AM and one FM).
24. Most of Vancouver's commercial radio stations target adults between the ages of 25 and 54 years. With the exception of the ethnic stations and the five stations that currently operate in a Talk format, all of the commercial radio stations offer mainstream music formats such as Classic rock, Today's Rock, New Country, Top 40/Contemporary hit radio, Adult contemporary, Hot adult contemporary, Soft adult contemporary, Classic hits and Oldies.
25. With \$131,074,441 in advertising revenues in 2007, the Vancouver radio market is the third largest in Canada, after Toronto and Montréal. From 2003 to 2007, Vancouver radio advertising revenues increased at a compound annual growth rate (CAGR) of 6.5%. The Vancouver radio industry earned just under \$31.5 million in profit before interest and taxes (PBIT) in 2007, for a PBIT margin of 24%. By way of comparison, the PBIT margin for the Canadian radio industry as a whole in 2006 was 20.1%.
26. *The Metropolitan Outlook 1, Winter 2008* published by the Conference Board of Canada (the Conference Board) indicates that Vancouver's economy is experiencing solid economic growth in several sectors including retail and construction. According to the Conference Board's forecasts, Vancouver's economy will continue to grow in the coming years. Vancouver's gross domestic product is predicted to grow at a CAGR of 3.3% through 2012. Retail sales are projected to increase by 6.7% in 2008 following a 2007 growth of 7.1%, and continue to increase at a CAGR of 5.7% through 2012.
27. According to Statistics Canada's 2006 Census, the population of the GVRD was approximately 2.1 million. The population had increased by 6.5% from the 2001 Census, a rate that is substantially higher than that for the population of Canada as a whole (5.4%) and for British Columbia (5.3%) during the same period.
28. In light of the size of the Vancouver radio market and based on the evidence of its current and anticipated strong economic growth, the Commission concludes that the market is capable of supporting the licensing of as many commercial radio stations as there are available frequencies.
29. Based on its analysis, the Commission finds that there are three viable frequencies available in the Vancouver radio market: 100.5 MHz, 104.1 MHz and 98.7 MHz. The Commission notes that 89.3 MHz (channel 207A) is the same channel as one that is used by a U.S. station. The Federal Communications Commission (FCC), the regulatory agency that governs broadcasting in the U.S., has indicated that it does not consider

operation of a Canadian station at the proposed technical parameters acceptable. The Commission determines that, in the circumstances of this proceeding, it would be inappropriate to consider licensing the applicant at 89.3 MHz (channel 207A) in Vancouver.

Assessment of the applications

30. Having determined that there is room in the Vancouver radio market for three additional commercial services, the Commission has considered the commercial applications to serve Vancouver in light of the factors relevant to the evaluation of the applications outlined in the Call, which include the factors set out in Decision 99-480:
 - the quality of the application;
 - the diversity of news voices in the market; and
 - the competitive state of the radio market and the level of market impact.
31. The details relevant to the assessment of the commercial applications are set out in Appendix 2 to this decision.

The Commission's determinations

32. Having considered all of the applications in light of the criteria set out above, the Commission finds that the proposals by Pattison to operate a new commercial FM station to replace its AM station CKBD and by 6851916 Canada Inc. (6851916) to operate a new commercial FM station will best serve Vancouver. The Commission notes that Pattison is the only applicant that can operate at 100.5 MHz because that frequency is adjacent to 100.3 MHz, which is used by Pattison's station CKKQ-FM Victoria. Accordingly, the Commission is satisfied that approval of Pattison's proposal represents an efficient use of a scarce frequency. The Commission further considers that approval of 6851916's application represents the best use of 104.1 MHz.
33. In addition, the Commission finds that the application by Matthew Gordon McBride, on behalf of a corporation to be incorporated, (McBride) will best serve Port Moody within the GVRD. While the use of 98.7 MHz is limited in Vancouver, the Commission is satisfied that the technical parameters proposed by McBride will permit the operation of its proposed station in Port Moody without causing interference to, or receiving interference from, other stations. Accordingly, the Commission considers that approval of McBride's application represents an efficient use of a scarce frequency.
Pattison and 6851916
34. Both Pattison and 6851916 proposed to serve Vancouver with Adult Alternative Album (Triple A) music formats. Although the Triple A music format is well established in some U.S. radio markets, it represents a relatively new commercial format in Canada. The Triple A music format is musically diverse and incorporates a number of programming elements associated with the progressive FM music formats of the 1970s and 1980s. Some of the features of the Triple A music format are: a broad mix of musical genres that may include pop, rock and acoustic-based music; a larger weekly music

playlist than offered on most current mainstream commercial formats; a higher number of distinct musical selections per week; a lower repeat factor; less emphasis on chart-driven hit music; and greater focus on new and current music (music less than two years old). As explained by all of the applicants who proposed the Triple A music format, one of the distinguishing characteristics of that music format is its flexibility to draw on a broad range of musical genres to develop a station's particular musical identity.

35. Pattison's Triple A music format will be targeted to the 25 to 49 demographic. Of the musical selections, 60% will be recent and new (released within the last two years) and 40% will be gold-based music from the 1980s, 1990s and the earlier years of the 2000s. Pattison confirmed that the station will not air any hits, as defined by the Commission in Public Notice 1997-42. The core of the music offering will be rock but the overall sound will be softer and more acoustic-based in nature. In accordance with its commitment, Pattison will be obligated, by condition of licence, to offer a minimum of 40% Canadian content in category 2 (Popular) music aired both weekly and Monday to Friday, between 6:00 a.m. and 6:00 p.m. Of that 40% Canadian content, 10% will be new and emerging artists.
36. The Triple A format offered by 6851916 will be targeted to adults between the ages of 25 and 54 years. The station's music mix will feature predominately category 2 music consisting of 50% new music (released within the last two years). The remainder of the category 2 music will feature lesser known musical selections of well known artists. The diversity of the music format will be enhanced by a weekly playlist of around 700 distinct selections with a maximum repeat factor of 18. At least 15% of the weekly playlist will be devoted to emerging artists; 15% of the music between 6:00 a.m. and 6:00 p.m., Monday to Friday, will be emerging. Overall, the music mix will focus on the singer/songwriter genre compared to soft rock or rock and will provide an "edgier" sound.
37. In accordance with its commitments, 6851916 will be obligated to abide by conditions of licence requiring that:
 - 15% of all music aired weekly be drawn from category 3 (Special interest), particularly selections from subcategories 32 (Roots and folk), 34 (Jazz and blues) and 33 (World beat and international);
 - 40% of category 3 music aired both weekly and Monday to Friday between 6:00 a.m. and 6:00 p.m. be Canadian;
 - 20% of music aired weekly from subcategory 34 be Canadian; and
 - 40% of category 2 music aired both weekly and Monday to Friday between 6:00 a.m. and 6:00 p.m. be Canadian.

38. Based on the different focus and nature of the music programming proposed by each applicant, the Commission is satisfied that, even though it is licensing two new commercial stations with Triple A music formats to serve Vancouver, the proposed stations will provide a significant level of musical distinctiveness and enhance the musical diversity available to listeners in that market, which is currently served by predominantly mainstream commercial music formats. Moreover, given the conditions of licence stipulating that both Pattison and 6851916 exceed the minimum Canadian content requirements for category 2 music set out in the *Radio Regulations, 1986* (the Regulations) and that 6851916 broadcast a substantial amount of category 3 music as well as exceed the minimum requirements for that music set out in the Regulations, the Commission is satisfied that each station will be obligated to maintain a high level of musical diversity throughout the licence term.
39. The Commission further considers that the stations proposed by Pattison and 6851916 will offer a significant level of local reflection.
40. All of the programming broadcast by Pattison's station will be local and will be live-to-air between 6:00 a.m. and midnight. In each broadcast week, the station will offer 24 hours 48 minutes of structured spoken word programming including 4 hours 21 minutes of pure news, 5 hours 36 minutes of traffic reports and 2 hours 1 minute of weather reports. On average, 80% of the spoken word programming will be local. Included in the spoken word programming will be a program that previews a variety of arts events and a multicultural program highlighting both distinctiveness and connected viewpoints among the Lower Mainland's ethnic communities.
41. All of the programming broadcast by 6851916's station will also be local. With the exception of one hour per week during which the station will broadcast a repeat of a magazine program, all of the programming will be live-to-air. In each broadcast week, the station will broadcast a minimum of 14 hours 31 minutes of structured spoken word programming including 2 hours 45 minutes of pure news and 1 hour 11 minutes of weather, traffic and sports surveillance. Included in the spoken word programming will be a daily one-hour magazine program providing enriched background information on music and artists as well as twice daily short-form editorial features.
42. Pattison and 6851916 each committed to make contributions to Canadian content development (CCD) in addition to the required basic annual contributions.
43. Pattison committed to devote, over and above the basic annual contribution to CCD, a total of \$12 million to CCD including \$3 million to Aboriginal Voices Radio Inc. (AVR) over seven consecutive broadcast years, upon commencement of operations. Specifically, Pattison indicated that, in addition to the required basic annual contributions, it would, by condition of licence, allocate a contribution of \$1,714,272.85 to CCD in each of the first seven years of operation. Pattison proposed to direct \$400,000 of this annual over-and-above amount to FACTOR and \$428,571 to AVR. The remainder would be directed to eligible parties and initiatives as defined in Broadcasting Public Notice 2006-158.
44. For its part, 6851916 committed to devote, over and above the basic annual contribution

to CCD, a total of \$7 million to CCD including \$700,000 to AVR over seven consecutive broadcast years, upon commencement of operations. Specifically, 6851916 indicated that, in addition to the required basic annual contributions, it would, by condition of licence, allocate a contribution of \$1 million per year to CCD in each of the first seven years of operation. The applicant proposed to direct \$200,000 of this annual over-and-above contribution to FACTOR and \$100,000 to AVR.

45. As part of its CCD contributions, 6851916 proposed to allocate \$70,000 annually to meet the direct costs of a salary for a CCD co-ordinator. The Commission, however, finds that this proposal does not comply with the definition of eligible parties and initiatives set out in Broadcasting Public Notice 2006-158. As stated in that public notice:

contributions should be dedicated to initiatives that will provide high quality audio content for broadcast. All CCD initiatives must involve direct expenditures, and must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists.

46. Accordingly, the Commission requires 6851916 to direct the remainder of its CCD contributions including the \$70,000 annually noted above to eligible parties and initiatives as defined in Broadcasting Public Notice 2006-158.
47. In the Commission's view, granting Pattison a second FM licence in the Vancouver market through the efficient use of a scarce frequency will strengthen its ability to compete with the incumbent licensees, many of which are large broadcasters, and will thus contribute to competitive balance in the market.
48. The Commission notes that 6851916 will be a new player both in the Vancouver market and in the Canadian radio industry. As such, approval of its application will enhance the diversity of voices in the Vancouver market by introducing a new news voice as well as enhance the overall diversity of the Canadian broadcasting system. Further, in approving 6851916's application, the Commission took into account the substantial broadcasting experience of the principal shareholders and management team, their advantageous knowledge of the local market as well as the financial strength of the applicant. The Commission also took into consideration the large number of interventions from the community in support of 6851916's proposal.

McBride

49. The Commission is satisfied that McBride's proposed station in Port Moody will add programming diversity by introducing a distinct, local radio service to that community. McBride submitted a viable business plan predicated on serving the local community with revenues to be generated through targeting local businesses. Moreover, the Commission notes that the proposed station will be available to listeners in the tri-city area of Port Moody, Coquitlam and Port Coquitlam with a population of approximately 207,000.
50. McBride also proposed to offer a Triple A music format. The Commission considers that

the proposed Triple A music format will offer a high level of musical diversity that will appeal to its target audience of adults between the ages of 25 and 54 years. McBride committed, by condition of licence, to devote a minimum of 25% of the musical selections broadcast weekly to those from category 3, specifically from subcategories 34 (Jazz and blues) and 33 (World beat and international). By condition of licence, a minimum of 20% of the subcategory 34 musical selections and 15% of the subcategory 33 musical selections aired in each broadcast week shall be Canadian. These levels exceed the minimum Canadian content requirements set out in the Regulations and will thus provide enhanced exposure for Canadian special interest musical selections. McBride's station will also augment the diversity of radio voices in Port Moody and introduce a new news voice.

51. The Commission is satisfied that McBride's station will provide significant local reflection that will serve to clearly distinguish its service from the existing Vancouver radio services. All of the programming will be local. At least 67 hours of the broadcast week will be live-to-air. In each broadcast week, the station will offer 14 hours 32 minutes of structured spoken word programming including 3 hours 18 minutes of news.
52. In addition, McBride committed to devote, over and above the basic annual contribution to CCD, a total of \$35,331 to CCD over seven consecutive broadcast years, upon commencement of operations. Specifically, McBride indicated that, in addition to the required basic annual contributions, it would, by condition of licence, allocate a contribution of \$2,600 in the first year of operation rising to \$8,258 in the seventh year. McBride proposed to direct \$520 of this first year over-and-above contribution to FACTOR rising to \$1,752 in the seventh year. The remainder would be directed to eligible parties and initiatives as defined in Broadcasting Public Notice 2006-158.
53. The Commission considers that McBride's experience in operating radio stations in small communities in British Columbia such as Pemberton, Tofino and Ucluelet will contribute to its success in implementing and maintaining a viable new service. Further, in the Commission's view, the large number of interventions filed in support of McBride's application provides evidence of strong backing for the station by the Port Moody community.

Conclusions on the commercial applications

54. Based on all of the foregoing, the Commission **approves** the applications by the two parties listed below for broadcasting licences to operate new English-language commercial FM radio programming undertakings in Vancouver.

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
Application 2007-1451-0, received 9 October 2007

6851916 Canada Inc.
Application 2007-1428-9, received 9 October 2007

55. The Commission also **approves** the following application for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Port Moody.

Matthew Gordon McBride, on behalf of a corporation to be incorporated

Application 2007-0988-4, received 9 July 2007

56. Terms and **conditions of licence** for the new stations are set out in Appendices 3, 4 and 5 to this decision.
57. As set out in Appendix 3 to this decision, Pattison is authorized to simulcast the programming of the new FM station on CKBD Vancouver for a transition period of three months following the commencement of operations of the FM station, or for any other period granted by the Commission subsequent to the submission of an application. Pursuant to sections 9(1)(e) and 24(1) of the Act, and consistent with the licensee's request, the Commission **revokes** the broadcasting licence for CKBD effective at the end of the simulcast period.
58. In light of the above, the Commission **denies** the fourteen remaining applications for broadcasting licences to operate radio programming undertakings in Vancouver, as set out below:

0785330 B.C. Ltd.

Application 2007-0687-2, received 2 May 2007

Astral Media Radio Inc.

Application 2007-1425-5, received 9 October 2007

Evanov Communications Inc., on behalf of a corporation to be incorporated

Application 2007-1417-2, received 9 October 2007

Harvard Broadcasting Inc.

Application 2007-1422-1, received 9 October 2007

In-House Communications Inc.

Application 2007-1437-0, received 9 October 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

Application 2007-1476-8, received 9 October 2007

Newcap Inc.

Application 2007-1418-0, received 9 October 2007

Nirenderjit Pataria, on behalf of a corporation to be incorporated

Application 2007-1433-8, received 9 October 2007

Rock 95 Broadcasting Ltd.

Application 2007-1432-0, received 9 October 2007

The Coast 104.1 FM Inc.

Application 2007-1420-6, received 9 October 2007

**Touch Canada Broadcasting (2006) Inc. (the general partner), and
1188011 Alberta Ltd. and Touch Canada Broadcasting Inc. (the limited partners),
carrying on business as Touch Canada Broadcasting Limited partnership**

Application 2007-1020-4, received 13 July 2007

Vista Radio Ltd.

Application 2007-1421-3, received 9 October 2007

902890 Alberta Ltd.

Application 2007-1435-4, received 9 October 2007

Frank Torres, on behalf of a corporation to be incorporated

Application 2007-1419-8, received 9 October 2007

Employment equity

59. Because Pattison 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

Related documents

- *Call for applications for a broadcasting licence to carry on a radio programming undertaking to serve Vancouver, British Columbia*, Broadcasting Public Notice CRTC 2007-95, 10 August 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000
- *Introductory statement – Licensing new radio stations*, Decision CRTC 99-480, 28 October 1999

- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Revised Policy on the Use of Hits by English-language FM Radio Stations*, Public Notice CRTC 1997-42, 24 April 1997

This decision and the appropriate appendix are to be appended 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 2008-117

Canadian Broadcasting Corporation

Application 2007-1423-9, received 9 October 2007

Terms and conditions of licence

Issuance of the broadcasting licence to operate an English-language FM radio programming undertaking in Vancouver, British Columbia

Terms

The licence will expire 31 August 2009, which is the same expiry date as that of the broadcasting licence for the Radio One network service.

The station will operate at 88.1 MHz (channel 201C) with an average effective radiated power of 8,900 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 30 May 2010. 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' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.

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*.

Appendix 2 to Broadcasting Decision CRTC 2008-117

Specific details relevant to the assessment of the applications for new broadcasting licences for commercial FM radio programming undertakings to serve Vancouver, British Columbia

Applicant	Details from the application
0785330 B.C. Ltd. Application 2007-0687-2	<p>Type: English-language commercial (Specialty) FM radio programming undertaking</p> <p>Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,200 watts (maximum ERP of 8,000 watts)</p> <p>Format: Adult Album Alternative (Triple A) – 40% category 3 by condition of licence</p> <p>Target audience: broad: 35 to 64 years; core: 35 to 54 years (median age, 43; even split men-women)</p> <p>Canadian content (music): 40% category 2, both weekly and from 6 a.m. to 6 p.m. Monday to Friday; 40% category 3 weekly by condition of licence (reasonably distributed). Will ensure also it meets new 20% minimum condition of licence requirement for subcategory 34 (Jazz & Blues) within overall category 3 Canadian content commitment.</p> <p>Local programming per broadcast week***: 126 hours (100%)</p> <p>Spoken word programming per broadcast week***: minimum of 22 hours</p> <p>News programming per broadcast week***: 4 hours 48 minutes of pure news</p> <p>Canadian content development contribution (over basic annual contribution): \$4,200,000 over seven consecutive broadcast years (\$600,000 annually)</p> <p>Emerging artists programming per broadcast week***: 50% of the 40% weekly category 2 Cancon level</p> <p>Hit material****: 49.9% of music programming</p>
Touch Canada Broadcasting (2006) Inc. (the general partner), and 1188011 Alberta Ltd. and Touch Canada Broadcasting Inc. (the limited partners), carrying on business as Touch Canada Broadcasting Limited partnership+ Application 2007-1020-4	<p>Type: English-language commercial (Specialty) FM radio programming undertaking</p> <p>Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,200 watts (maximum ERP of 8,000 watts)</p> <p>Format: Gospel adult contemporary [95% of weekly total music from subcategory 35 (Non-classical religious) by condition of licence]</p> <p>Target audience: 24-54 years; core 33-35</p> <p>Canadian content (music): regulatory requirement for both category 2 and category 3 music (35% category 2 and 10% category 3)</p> <p>Local programming per broadcast week: 97 hours minimum on average</p> <p>Spoken word programming per broadcast week: 34 hours 41 minutes (total includes 15 hours of brokered programming)</p> <p>News programming per broadcast week: 6 hours of pure news</p> <p>Canadian content development contribution (over basic annual contribution): \$92,355 over seven consecutive broadcast years (figure based on Phase I filing)</p> <p>Emerging artists programming per broadcast week: 1%</p> <p>Hit material: 0% of music programming</p>

Newcap Inc.
Application 2007-1418-0

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,200 watts (maximum ERP 8,000 watts)
Format: Adult urban consisting of gold-based music from Motown to contemporary R&B. Music mix to feature 60% gold-based material and 40% new material
Target audience: broad & core: 25-44 years; skewed to predominantly female listener
Canadian content (music): minimum 40% category 2 both weekly and between 6 a.m. to 6 p.m., Monday to Friday
Local programming per broadcast week: 126 hours (100% local)
Spoken word programming per broadcast week: 23 hours 8 minutes (includes 2 hour public affairs magazine program)
News programming per broadcast week: 9 hours 37 minutes of pure news
Canadian content development contribution (over basic annual contribution): \$7,000,000 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 4%
Hit material: 49.9% of music programming

Vista Radio Ltd.
Application 2007-1421-3

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,700 watts (maximum ERP of 9,000 watts)
Format: 1970s-based Adult Contemporary (AC)
Target audience: 35-64 years; core 45-54, slightly skewed towards women; median age 50
Canadian content (music): 35% category 2 - regulatory requirement both weekly and 6 a.m. to 6 p.m. Monday to Friday
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 18 hours 9 minutes
News programming per broadcast week: 8 hours 3 minutes
Canadian content development contribution: \$7,000,000 in total including over and above and basic contributions over seven consecutive broadcast years
Emerging artists programming per broadcast week: 12%
Hit material: 49% of music programming

Harvard Communications Inc.
Application 2007-1422-1

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,200 watts (maximum ERP of 8,000 watts)
Format: Triple A (Adult Album Alternative). Exclusive female orientation in music mix and spoken word programming. Weekly music mix would feature a minimum of 20% category 3 music by condition of licence
Target audience: broad & core – females 35-54 years
Canadian content (music): minimum 40% category 2 both weekly and between 6 a.m. to 6 p.m. Monday to Friday by condition of licence. 20% category 3 Canadian content commitment
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 17 hours 38 minutes
News programming per broadcast week: 6 hours 13 minutes of pure news
Canadian content development contribution (over basic annual contribution): \$5,251,010 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 20%
Hit material: 49.9% of music programming

Astral Media Radio Inc.
Application 2007-1425-5

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,200 watts (maximum ERP of 8,000 watts)
Format: Active EZ Rock (Active Adult Contemporary)
Target audience: 25-54 years; core 35-44, skewed female
Canadian content (music): 40% category 2 both weekly and between 6 a.m. to 6 p.m. Monday to Friday by condition of licence
Local programming per broadcast week: 112 hours on average
Spoken word programming per broadcast week: 30 hours
News programming per broadcast week: 2 hours 31 minutes of pure news [news (70% local) and related surveillance material]
Canadian content development contribution (over basic annual contribution): \$9,000,000 over seven consecutive broadcast years
Emerging artists programming per broadcast week: no commitment
Hit material: 49.9% of music programming

6851916 Canada Inc.
Application 2007-1428-9

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,200 watts (maximum ERP of 8,000 watts)
Format: Adult Album Alternative (Triple A). Music mix would feature a minimum of 15% category 3 music per week by condition of licence
Target audience: 25-54 years; core 35-44, skewed slightly female
Canadian content (music): minimum of 40% for category 2 music and a minimum of 40% for category 3 music both weekly and between 6 a.m. and 6 p.m. Monday to Friday by condition of licence
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 14 hours 31 minutes
News programming per broadcast week: 2 hours 45 minutes of pure news
Canadian content development contribution (over basic annual contribution): \$7,000,000 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 15%, 6 a.m. to 6 p.m. Monday to Friday
Hit material: 49.0% of music programming

Rock 95 Broadcasting Ltd.
Application 2007-1432-0

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,100 watts (maximum ERP of 8,000 watts)
Format: Indie/Emerging artists
Target audience: broad & core 18-34 years; slight (51%) male skew; median age 24 years
Canadian content (music): minimum 40% category 2 both weekly and 6 a.m. to 6 p.m. Monday to Friday by condition of licence
Local programming per broadcast week: 120 hours
Spoken word programming per broadcast week: 16 hours 0 minutes
News programming per broadcast week: 2 hours 49 minutes of pure news
Canadian content development contribution (over basic annual contribution): \$4,097,000 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 50% of Canadian selections
Hit material: 49.9% of music programming

**In-House
Communications Inc.**
Application 2007-1437-0

Type: English-language commercial (Specialty) FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C1), average effective radiated power of 4,100 watts (maximum ERP of 8,000 watts)
Format: Contemporary Christian music
Target audience: 15-40 years; core 20-34
Canadian content (music): 35% category 2; 20% category 3
Local programming per broadcast week: 84 hours
Spoken word programming per broadcast week: 23 hours 7 minutes
News programming per broadcast week: 6 hours 15 minutes of pure news
Canadian content development contribution (over basic annual contribution): \$262,500 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 5% of Cancon
Hit material: 49.9% of music programming

**Evanov Communications
Inc.**
Application 2007-1417-2

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,100 watts (maximum ERP of 8,000 watts)
Format: Youth Contemporary Radio (mix of Pop, Urban, Dance, R&B, Hip Hop and Modern Rock)
Target audience: broad – 12 to 34 years; core 12-24
Canadian content (music): Minimum 40% in category 2 music weekly with regulatory minimum of 35% between 6 a.m. and 6 p.m. Monday to Friday
Local programming per broadcast week: 126 hours on average
Spoken word programming per broadcast week: 14 hours, 4 minutes, 30 seconds
News programming per broadcast week: 3 hours 23 minutes 30 seconds of pure news
Canadian content development contribution (over basic annual contribution): \$3,010,000 over seven consecutive broadcast years – annual over & above funding incremental
Emerging artists programming per broadcast week: 12% overall
Hit material: 49.9% of music programming

The Coast 104.1 FM Inc.
Application 2007-1420-6

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,100 watts (maximum ERP of 8,000 watts)
Format: Blended R&B, Smooth Jazz and AC – would program a minimum of 15% category 3 music weekly by condition of licence and a minimum of 25% instrumental music weekly by condition of licence
Target audience: 35-64 years; core 45-64; anticipated 55% female/45% male
Canadian content (music): 35% category 2 both weekly and between 6 a.m. and 6 p.m. Monday to Friday; 35% category 3 both weekly by condition of licence (includes requirement to program a minimum of 20% Canadian content in subcategory 34 Jazz & Blues music)
Local programming per broadcast week: 122 hours, on average (4 hours devoted to appropriate syndicated programming)
Spoken word programming per broadcast week: 14 hours 51 minutes
News programming per broadcast week: 3 hours 36 minutes pure news
Canadian content development contribution (over basic annual contribution): \$3,237,000 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 12.5%
Hit material: 49.0% of music programming

Nirenderjit Pataria, on behalf of a corporation to be incorporated

Application 2007-1433-8

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,200 watts (maximum ERP of 8,000 watts)
Format: World Urban Rhythm – music mix will include up to 26% category 3 music
Target audience: 12-34 years; core 18-34 years; median age 21 years; equal split, male/female
Canadian content (music): 35% category 2 both weekly and between 6 a.m. and 6 p.m. Monday to Friday; 20% in subcategory 34 Jazz & Blues with 10% regulatory minimum in all other category 3 subcategories
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 17 hours 55 minutes
News programming per broadcast week: 1 hour of pure news
Canadian content development contribution (over basic annual contribution): \$123,000 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 10%
Hit material: 49% of music programming

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

Application 2007-1476-8

Type: English-language commercial FM radio programming undertaking
Technical parameters: 104.1 MHz (channel 281C), average effective radiated power of 4,200 watts (maximum ERP of 8,000 watts)
Format: Adult Album Alternative (Triple A) – weekly music mix category 2 music-based
Target audience: 25-49 years; core 35-44 - skewed female
Canadian content (music): 40% category 2 both weekly and between 6 a.m. and 6 p.m. Monday to Friday by condition of licence
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 24 hours, 48 minutes – emphasis on long-form style spoken word programming
News programming per broadcast week: 4 hours 21 minutes of pure news
Canadian content development contribution (over basic annual contribution): \$12,000,000 over seven consecutive broadcast years (includes \$3,000,000 to AVR)
Emerging artists programming per broadcast week: 10% of Cancon
Hit material: 49.9% of music programming

902890 Alberta Ltd.

Application 2007-1435-4

Type: English-language commercial FM radio programming undertaking
Technical parameters: 98.7 MHz (channel 254B), average effective radiated power of 480 watts (maximum ERP of 2,000 watts)
Format: Modern Global - music mix will feature hit music from the world's major urban centres. Will feature a minimum of 30% category 3 music weekly by condition of licence.
Target audience: 14-54 years; core 14-34
Canadian content (music): 40% category 2 both weekly and between 6 a.m. and 6 p.m. Monday to Friday; 40% category 3
Local programming per broadcast week: 90 hours
Spoken word programming per broadcast week: 36 hours, 17 minutes
News programming per broadcast week: 7 hours of pure news (filing Phase I)
Canadian content development contribution (over basic annual contribution): \$861,000 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 30%
Hit material: 49.0% of music programming

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
Application 2007-1451-0

Type: English-language commercial FM radio programming undertaking (conversion to FM band)
Technical parameters: 100.5 MHz (channel 263C), average effective radiated power of 2,600 watts (maximum ERP of 11,000 watts)
Format: Adult Album Alternative (Triple A) - weekly music mix category 2 music-based
Target audience: 25-49 years; core 35-44 female
Canadian content (music): 40% category 2; both weekly and between 6 a.m. and 6 p.m. Monday to Friday by condition of licence
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 24 hours 48 minutes – emphasis on long-form spoken word programming
News programming per broadcast week: 4 hours 21 minutes of pure news
Canadian content development contribution (over basic annual contribution): \$12,000,000 over seven consecutive broadcast years (includes \$3,000,000 to AVR)
Emerging artists programming per broadcast week: 10% of Cancon
Hit material: 0% of music programming

Frank Torres, on behalf of a corporation to be incorporated
Application 2007-1419-8

Type: English-language commercial FM radio programming undertaking
Technical parameters: 89.3 MHz (channel 207A), average effective radiated power of 914 watts (maximum ERP of 2,753 watts)
Format: Blues – music mix will feature 20% category 3 music specifically subcategory 34 Jazz & Blues
Target audience: 45-54 years
Canadian content (music): minimum of 40% category 2, over the broadcast week and between 6 a.m. and 6 p.m., Monday to Friday. Minimum of 40% category 3 music weekly
Local programming per broadcast week: 120 hours
Spoken word programming per broadcast week: 14 hours 2 minutes
News programming per broadcast week: 4 hours 14 minutes of pure news
Canadian content development contribution (over basic annual contribution): \$702,180 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 20%
Hit material: 49% of music programming

**Matthew Gordon
McBride, on behalf of a
corporation to be
incorporated**
Application 2007-0988-4

Type: English-language commercial FM radio programming undertaking
Technical parameters: 98.7 MHz (channel 254A), average effective radiated power of 470 watts (maximum ERP of 1,000 watts)
Format: Triple A (Adult Album Alternative) music mix will feature contemporary pop, world beat and jazz. Minimum 25% category 3 music weekly by condition of licence (Jazz & Blues and World Beat)
Target audience: 25-54 years; core 25-44; – equal appeal male and female
Canadian content (music): 35% category 2 both weekly and between 6 a.m. and 6 p.m. Monday to Friday category 3; 20% in subcategory 34 Jazz & Blues; 15% category 3 weekly
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 14 hours 32 minutes
News programming per broadcast week: 3 hours 18 minutes
Canadian content development contribution (over basic annual contribution): \$35,331 over seven consecutive broadcast years
Emerging artists programming per broadcast week: 20%
Hit material: 49.9% of music programming

* Percentages shown for category 2 musical selections (Popular Music) are for the broadcast week and for the period from 6:00 a.m. to 6:00 p.m., Monday to Friday. The definition of “broadcast week” is the same as that set out in the *Radio Regulations, 1986*.

** Percentages shown for category 3 musical selections (Special Interest Music) are for the broadcast week. The definition of “broadcast week” is the same as that set out in the *Radio Regulations, 1986*.

*** The definition of “broadcast week”, as it relates to local, spoken word and news programming, (also live- to-air, voice-tracked, automated, emerging artists) is the same as that set out in the *Radio Regulations, 1986*.

**** As set out in Public Notice 2000-14, “news” excludes related surveillance material, that is, weather, traffic, sports and entertainment reports.

***** The definition of “hit material” is the same as that set out in Public Notice 1997-42.

Appendix 3 to Broadcasting Decision CRTC 2008-117

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

Application 2007-1451-0, received 9 October 2007

Terms, conditions of licence and expectation

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

The licence will expire 31 August 2014.

The station will operate at 100.5 MHz (channel 263C) with an effective radiated power of 2,600 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 30 May 2010. 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 shall 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, a minimum of 40% 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. The licensee shall, upon commencement of operations, make a basic annual contribution to Canadian content development (CCD). The amount of the contribution shall be determined in accordance with the policy set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, as amended from time to time (Public Notice 2006-158).

The licensee shall allocate 60% of this basic annual CCD contribution to FACTOR or to MUSICACTION.

The remainder of the annual basic contribution to CCD shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives in Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

4. In addition to the basic annual contribution, the licensee shall, upon commencement of operations, contribute \$1,714,272.85 annually (\$12 million over seven consecutive broadcast years) to the promotion and development of Canadian content. This amount is over and above the licensee’s required basic annual CCD contribution.

Of this amount, \$400,000 per year shall be devoted to FACTOR and \$428,571 per year to Aboriginal Voices Radio Inc.

The remaining amounts of this additional contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

5. The licensee is authorized to simulcast the programming of the new FM station on CKBD Vancouver for a transition period of three months following the commencement of operations of the FM station.

Expectation

Cultural diversity

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

Appendix 4 to Broadcasting Decision CRTC 2008-117

6851916 Canada Inc.

Application 2007-1428-9, received 9 October 2007

Terms, conditions of licence, expectation and encouragement

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

Terms

The licence will expire 31 August 2014.

The station will operate at 104.1 MHz (channel 281C) with an average effective radiated power of 4,200 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 30 May 2010. 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 shall 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(3), 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), in any broadcast week:
 - a) devote, in that broadcast week and between 6:00 a.m. and 6:00 p.m., in

the period from Monday to Friday of the same broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety;

- b) devote, in that broadcast week and between 6:00 a.m. and 6:00 p.m., in the period from Monday to Friday of the same broadcast week, a minimum of 40% of its musical selections from content category 3 (Special Interest Music) to Canadian selections broadcast in their entirety;
- c) devote, in that broadcast week, a minimum of 20% of its musical selections from content category 3, subcategory 34 (Jazz and blues) 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 Regulations.

- 3. The licensee shall devote a minimum of 15% of all music selections broadcast each week to music drawn from content category 3 (Special Interest Music).
- 4. The licensee shall, upon commencement of operations, make a basic annual contribution to Canadian content development (CCD). The amount of the contribution shall be determined in accordance with the policy set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Broadcasting Public Notice 2006-158), as amended from time to time.

The licensee shall allocate 60% of this basic annual CCD contribution to FACTOR or MUSICACTION.

The remainder of the annual basic contribution to CCD shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of Broadcasting Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

- 5. In addition to its basic annual Canadian content development contribution, the licensee shall, upon commencement of operations, contribute \$1 million annually (\$7 million over seven consecutive broadcast years) to the promotion and development of Canadian content. This amount is over and above the licensee’s required basic annual CCD contribution.

Of this amount, the licensee shall allocate \$200,000 per broadcast year to FACTOR and \$100,000 per broadcast year to Aboriginal Voices Radio Inc.

The remaining amounts of this additional contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Expectation

Cultural diversity

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

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

Appendix 5 to Broadcasting Decision CRTC 2008-117

Matthew Gordon McBride, on behalf of a corporation to be incorporated
Application 2007-0988-4, received 9 July 2007

Terms, conditions of licence, expectation and encouragement

Issuance of the broadcasting licence to operate an English-language FM commercial radio programming undertaking in Port Moody, British Columbia

Terms

The licence will expire 31 August 2014.

The station will operate at 98.7 MHz (channel 254A) with an average effective radiated power of 470 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.

A licence will be issued once the applicant has:

- satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects.
- 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 30 May 2010. 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 shall 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 section 2.2(3) of the *Radio Regulations, 1986*, in each broadcast week, devote to Canadian selections broadcast in their entirety a minimum of 20% of its musical selections from content subcategory 34 (Jazz and Blues) and a minimum of 15% of its musical selections from subcategory 33 (World Beat and International).
3. The licensee shall, in each broadcast week, broadcast, a minimum of 25% of category 3, subcategory 34 (Jazz and Blues) and subcategory 33 (World Beat and International) musical selections broadcast in their entirety.
4. The licensee shall, upon commencement of operations, make a basic annual contribution to Canadian content development (CCD). The amount of the contribution shall be determined in accordance with the policy set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Broadcasting Public Notice 2006-158), as amended from time to time.

The licensee shall allocate 60% of this basic annual CCD contribution to FACTOR or MUSICACTION.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

5. In addition to the basic annual contribution, the licensee shall, upon commencement of operations, contribute annually to Canadian content development (CCD):

Year 1	\$2,600
Year 2	\$2,947
Year 3	\$3,839
Year 4	\$4,809
Year 5	\$5,865
Year 6	\$7,013
Year 7	\$8,258

These amounts are over and above the licensee's required basic annual CCD contribution.

The licensee shall allocate the following amounts of its additional annual CCD contribution to FACTOR:

Year 1	\$520
Year 2	\$689
Year 3	\$868
Year 4	\$1,062
Year 5	\$1,273
Year 6	\$1,503
Year 7	\$1,752

The remaining amounts of this additional contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Expectation

Cultural diversity

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

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

Dissenting opinion of Commissioner Rita Cugini

I respectfully dissent from the majority decision regarding the licensing of new FM radio stations to serve the Vancouver market.

The Commission was presented with the task of examining 17 applications for new commercial FM stations to serve Vancouver, one of which was the Pattison application to create a new FM Triple A station at 100.5 MHz (channel 263C) to replace its AM station CKBD Vancouver. The Commission has determined that approval of this application represents an efficient use of this frequency in a market with scarce frequencies and I agree with the majority.

In light of the fact that all other applicants identified a second viable frequency, albeit, according to Newcap, a frequency whose contour only reaches 56% of the Vancouver market, the Commission was left with the task of determining who amongst the remaining 16 applicants presented the most suitable proposal for the use of 104.1 MHz (channel 281C).

Once I examined the remaining 16 applications and their ability to serve the Vancouver market, I concluded that the licensing of the Newcap application would have provided the Vancouver radio market with effective competition, diversity of ownership, local programming and musical diversity.

Effective Competition

The Vancouver market is a strong and healthy market where each of Corus and CTV own and operate 4 stations (2 AMs and 2 FMs). Rogers, Astral and Pattison currently own and operate 2 stations (1 AM and 1 FM). Now, Pattison owns 2 FM radio services. In my opinion, it behoves the Commission to take a close look at who:

- a. presented a viable business plan;
- b. is in the best position to compete in a market where the frequency applied for only covers 56% of the market while at the same time, provide effective competition to the incumbents;
- c. has a solid history in radio broadcasting; and
- d. has the financial wherewithal to make a significant contribution to the objectives of the *Broadcasting Act*.

While I acknowledge that 6851916 Canada Inc. submitted a quality application, Newcap's application is much better suited to serve Vancouver.

Diversity of Ownership

As stated above, the Vancouver market is dominated by well-heeled broadcasters except for Newcap. Newcap, therefore, would have provided diversity of ownership as a new voice in this market while being able to take advantage of its experience and expertise in markets across the country.

Local Programming

Newcap stated during the hearing that: “Great music radio stations are great radio stations because they are local. We can play local music, but ultimately being local means talking about the issues and concerns and day-to-day lives of your listeners in the community they exist in.”¹

A comparison of the 6851916 Canada Inc. application and that of Newcap reveals that Newcap, in fact, proposes a higher level of both spoken word programming and, in particular, a higher level of news than that of 6851916 Canada Inc. In my opinion, a station’s spoken word commitment is one of the most effective tools available to them to provide a truly local station.

Relevant Factors	6851916 Canada Inc.	Newcap Inc.
Spoken word programming	14 hours, 31 minutes	22 hours, 8 minutes
News	2 hours, 45 minutes	9 hours, 37 minutes

Clearly, Newcap understands that, in order to be locally responsible, a licensee should offer a high level of spoken word programming.

Musical Diversity

The majority decision emphasizes in paragraphs 36 to 38 the musical diversity that 6851916 Canada Inc. will provide to the Vancouver market. It is an often repeated refrain that we do not regulate format and yet the majority decision hinges on this very issue. It is a matter of course that the Commission examines the choice of format as it forms the basis of the business plan while, at the same time, recognizing that any station can change its format as the market dictates.

However, let’s assume that, in this case, musical diversity is extremely important. I question just how much musical diversity the combination of approving Pattison’s Triple A format and 6851916 Canada Inc.’s Triple A format brings to the Vancouver market. The majority decision points to the fact that 6851916 Canada Inc. committed that

¹ Transcript paragraph 683

40% of its musical selections will be drawn from Category 3 music. I conclude, therefore, that the only thing of which we can be assured is that these 2 new stations will be diverse 40% of the time.

Newcap, on the other hand, proposed an Adult Urban format which it acknowledges: “is very much about rhythmic music and soul music and it is about R&B ballads. It is a format that has become incredibly popular in many American cities. It is yet to make a footprint here in Canada, but we believe from our research this is the market to do it in.”² Not only did Newcap propose a format that does not exist in Vancouver, it is a format that would have been new to Canada. I’m not sure how much more musical diversity an applicant could provide.

Conclusion

For all the reasons cited above, Newcap should have been licensed for the use of the last remaining frequency in Vancouver.

² Transcript paragraph 791

Dissenting opinion of Commissioner Elizabeth A. Duncan

I agree with the majority on all aspects of this Decision with the exception of the approval of the application by 6851916 Canada Inc. (6851916) for an English-language commercial FM radio programming undertaking in Vancouver.

The Vancouver market is highly competitive. There are currently 19 commercial radio stations serving the market, including Corus Entertainment Inc. and CTV Limited, each with 4 stations; and Rogers Broadcasting Limited, Astral Media Radio Inc. and Jim Pattison Broadcast Group Limited Partnership, each with 2 stations.

104.1 MHz, which was identified as the last available FM frequency in the market, was acknowledged by the various applicants as significantly impaired. According to Newcap Inc. this frequency will cover only 56% of the population of Vancouver.³

In assessing the quality of the various applications insufficient consideration was given by the majority to the highly competitive nature of the market, the might of the incumbents and the impact on potential advertising revenues of the coverage limitations of the 104.1 MHz frequency. I do not consider a standalone, independent station the best choice in this circumstance.

I consider 6851916's application to be a good application and recognize the financial strength of the applicant and the impressive experience of the principal shareholders and management team. However, I feel a well established multiple system operator, able to capitalize on operating efficiencies, with the necessary human and financial resources, and established back office support systems, would be better positioned for success and meeting its licensing obligations. I do not feel the applicant's knowledge of the local market is a sufficient offset to the advantages of a multiple system operator in the circumstances of this market.

In my opinion there were other applicants who better satisfied the licensing criteria.

³ Transcript paragraph 747