



Broadcasting Decision CRTC 2008-159

Ottawa, 1 August 2008

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

Application 2007-1855-4, received 17 December 2007
Public Hearing in the National Capital Region
13 May 2008

English-language commercial FM radio station in Shelburne

*The Commission **denies** an application by Evanov Communications Inc., on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language commercial FM radio station in Shelburne, Ontario.*

Introduction

1. The Commission received an application by Evanov Communications Inc., on behalf of a corporation to be incorporated (Evanov), for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Shelburne, Ontario. The station would operate at 104.9 MHz (channel 285C1) with an average effective radiated power of 26,800 watts.
2. Evanov proposed a New Easy Listening music format offering a blend of Adult Standards, Pop, Adult Contemporary, World and Instrumental music that would target adult listeners in Shelburne. The station would provide 126 hours of local programming per broadcast week, including five hours 54 minutes of news and six hours 48 minutes of surveillance spoken word programming consisting of weather, traffic, sports and agriculture reports. In addition, Evanov proposed to devote one hour 22 minutes per broadcast week to other short-form spoken word features such as business reports, health reports, and movie and book reviews. Evanov also indicated that a minimum of 40% of all musical selections from content category 2 (Popular Music) broadcast during the broadcast week would be Canadian selections.
3. Evanov currently owns and operates CIDC-FM Orangeville and CKDX-FM Newmarket.
4. As part of this process, the Commission received and considered several interventions in support of and several interventions in opposition to this application. The interventions and the replies to the interventions can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. After reviewing the application and the interventions, the Commission is of the view that the primary issue to be considered is whether the approval of Evanov's application for a new radio station in Shelburne would violate the Common Ownership Policy.
6. Several opposing interveners stated that approving Evanov's application would contravene the Commission's Common Ownership Policy. This policy specifies the number of stations a commercial licensee can own and control in a given geographical and linguistic market.
7. In its reply, Evanov submitted that approval of the application would not contravene the Common Ownership Policy, stating that "Shelburne is a distinct market from Newmarket, Brampton and Orangeville, which are contained in the Toronto [Census Metropolitan Area]."
8. As set out in Public Notice 1998-41 and reaffirmed in Broadcasting Public Notice 2008-4, the Commission's Common Ownership Policy permits the ownership of no more than three stations in a given language in markets where less than eight commercial stations are operating in that language, with a maximum of two stations in any one frequency band. In markets with eight commercial stations or more operating in a given language, the limit is set at a maximum of two AM and two FM stations in that language.
9. Section 2 of the *Radio Regulations*, 1986 (the Regulations) defines a "market" in the case of an FM station as "the FM 3mV/m contour or the central area as defined by the BBM, whichever is smaller".
10. For the purpose of evaluating this application under the Common Ownership Policy, the Commission has determined that the markets are best defined by the respective 3mV/m contours of Evanov's Orangeville and Newmarket FM radio stations and of the proposed Shelburne FM station.
11. The Commission notes that there is currently no local radio station licensed to serve Shelburne. However, the Commission notes that the 3mV/m contour of the proposed Shelburne FM station and the 3mV/m contour of CKDX-FM overlap the 3mV/m contour of CIDC-FM. As such, approval of the present application would give Evanov three FM stations in the market that CIDC-FM is licensed to serve. As this would exceed the limit of two FM stations in the same language that this licensee may hold in the Orangeville market, approval of Evanov's application for a radio station in Shelburne would require an exception to the Commission's Common Ownership Policy.

12. The Commission has approved exceptions to its Common Ownership Policy in the past. However, the Commission's rationale in granting such exceptions is predicated primarily on an applicant's or licensee's demonstrated economic need as it pertains to future financial viability of its existing radio stations in the relevant market or the need to address clearly defined and demonstrated technical issues. The onus falls on an applicant or licensee to demonstrate either an economic or technical need for the exception to the policy. Evanov has demonstrated neither. In the absence of any demonstrated economic or technical need, the Commission is of the view that an exception to its Common Ownership Policy is not warranted in this case.

Conclusion

13. In light of the above, the Commission **denies** the application by Evanov Communications Inc., on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language commercial FM radio programming undertaking to serve Shelburne.

Secretary General

Related documents

- *Diversity of voices* – Regulatory policy, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998

This decision 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>.