



Broadcasting Decision CRTC 2008-161

Ottawa, 4 August 2008

My Broadcasting Corporation
Exeter, Ontario

Application 2007-1840-6, received 14 December 2007
Public Hearing in Winnipeg, Manitoba
3 June 2008

English-language FM radio station in Exeter

*The Commission **approves** an application for a broadcasting licence to operate an English-language FM radio station in Exeter, Ontario.*

The application

1. The Commission received an application by My Broadcasting Corporation (MBC) for a broadcasting licence to operate an English-language FM radio programming undertaking in Exeter, Ontario.
2. MBC is the licensee of CKYM-FM Napanee, CJMI-FM Strathroy, CIMY-FM Pembroke and CHMY-FM Renfrew.
3. The proposed station would offer a blended adult contemporary and middle of the road music format. The station would broadcast a minimum of 100 hours of local programming per broadcast week with the remaining 26 hours consisting of syndicated programs from Canada and the United States. The programming would be similar to that broadcast on MBC's other stations.
4. The station would broadcast approximately 14 hours of spoken word programming per broadcast week, of which five hours would be devoted to news. In addition, MBC would broadcast music and interviews with local and unsigned artists from every market it serves and with members of various First Nation communities. MBC would also broadcast programs such as Weekend House Party, Canada's Most Wanted and my FM Hot 20, which, respectively, feature party music, Canadian musical selections and current Top 20 hits.
5. The station would operate in a single-station market as defined in Public Notice 1993-121.

6. The Commission received and considered numerous interventions in support of this application as well as an intervention in opposition from Bayshore Broadcasting Corporation (Bayshore). The interventions and the applicant's reply to the intervention in opposition can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

7. In its intervention, Bayshore expressed concern over the negative impact that this new station would have on its own station CHWC-FM Goderich and stated that, approving MBC's application would, in effect, grant MBC "back door" access to the Goderich market.
8. In its reply, MBC stated that while Exeter borders five different radio markets, including that of Goderich, it is not directly served by any radio station in the area.
9. The Commission confirms that there is currently no local radio station licensed to serve Exeter. The Commission also notes that the 3mV/m contours of the proposed station and the 3mV/m contours of CHWC-FM Goderich do not overlap. It further acknowledges that Exeter falls outside of the Goderich market.
10. In light of the above, the Commission **approves** the application by My Broadcasting Corporation for a broadcasting licence to operate an English-language FM radio programming undertaking in Exeter, Ontario. The terms and **conditions of licence** are set out in the appendix to this decision.

Canadian content development

11. As of 1 September 2008, the licensee will be required to adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended by *Regulations Amending the Radio Regulations, 1986*, SOR/2008-177, 28 May 2008, announced in Broadcasting Public Notice 2008-67, 23 July 2008.
12. Further, MBC committed to devote, over and above the basic annual contribution to CCD a total of \$10,500 to CCD over seven broadcast years, upon commencement of operations. Of this amount, no less than 20% would be devoted to FACTOR or MUSICACTION, with the remainder to be directed to eligible parties and initiatives as defined in Broadcasting Public Notice 2006-158. MBC proposed to allocate the remainder, in equal proportion to the following eligible initiatives: the Exeter Agricultural Fall Fair, to help bring in local performing artists, and the South Huron District High School Music Department, to create opportunities for artists.

13. The Commission reminds the applicant that any development initiatives that have not been allocated to specific parties by condition of licence must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Broadcasting Public Notice 2006-158.

Employment equity

14. In accordance with Public Notice 1992-59, 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.

Secretary General

Related documents

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992
- *Local programming policy for FM Radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993

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 2008-161

Terms and conditions of licence

Terms

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Exeter, Ontario

The licence will take effect 1 September 2008 and will expire 31 August 2015.

The station will operate at 90.5 MHz (channel 213A) with an average effective radiated power of 1,330 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 4 August 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 licence will 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* (the Regulations), in any broadcast week:
 - a) devote, in that broadcast week, a minimum of 38% 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 38% 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 Regulations.

- 3. In addition to the required basic annual contribution to Canadian content development (CCD), set out in section 15 of the *Radio Regulations, 1986*, as amended by *Regulations Amending the Radio Regulations, 1986*, SOR/2008-177, 28 May 2008, announced in *Amendments to the Radio Regulations, 1986 – Implementation of the Commercial Radio Policy 2006 and the Digital Radio Policy – Regulatory policy*, Broadcasting Public Notice CRTC 2008-67, 23 July 2008, the licensee shall, upon commencement of operations, make an annual contribution of \$1,500 (\$10,500 over seven consecutive broadcast years) to the promotion and development of Canadian content.

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR or MUSICACTION. The remaining amounts of this additional CCD 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.