



## Broadcasting Decision CRTC 2008-277

Ottawa, 3 October 2008

### **CTV Limited**

Kitchener, Ontario

*Application 2007-1504-7, received 22 October 2007*

*Public Hearing in Edmonton, Alberta*

*27 May 2008*

### **CKKW Kitchener – Conversion to FM band**

1. The Commission **approves** the application by CTV Limited (CTV) for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Kitchener, Ontario, to replace its AM station CKKW. The terms and **conditions of licence** are set out in the appendix to this decision.
2. The Commission received numerous interventions in support of this application.
3. The proposed FM station will continue to broadcast an Oldies music format targeting adults between the ages of 40 and 64. Approximately 124 hours per broadcast week will be devoted to local programming. The station will broadcast seven hours and 50 minutes of spoken word programming per broadcast week, including one hour and 39 minutes of news.

### **Canadian content development**

4. As of 1 September 2008, all commercial radio licensees must 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. The Commission notes that CTV made a commitment to exceed the minimum contribution to CCD. Specifically, CTV indicated that, in addition to the required basic annual contributions, it will, by condition of licence, make an additional annual contribution of \$42,000 in each of the first seven years of operation. CTV proposed to direct \$8,400 of this over and above amount to FACTOR, and the remainder, \$33,600, to eligible initiatives as follows: \$25,600 per year to the Waterloo Region District School Board and \$8,000 per year to the Waterloo Catholic District School Board, for the purchase of new instruments and sheet music.
5. 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.

## **Simulcast period and revocation of AM licence**

6. As set out in the appendix to this decision, the licensee is authorized to simulcast the programming of the new FM station on CKKW for a transition period of three months following the commencement of operations of the FM station. Pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act*, and consistent with the licensee's request, the Commission **revokes** the licence for CKKW effective at the end of the simulcast period.

## **Employment equity**

7. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the department of Human Resources and Social Development Canada, its employment equity practices are not examined by the Commission.

Secretary General

## **Related documents**

- *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
- *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

*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 2008-277

## Terms and conditions of licence

### Terms

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

The licence will expire 31 August 2015.

The station will operate at 99.5 MHz (channel 258B1) with an average effective radiated power of 2,100 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 3 October 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 conditions of licence numbers 1 and 5.
2. If the licensee originates 42 or more hours of programming in any broadcast week, it shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

3. The licensee is authorized to simulcast the programming of the new FM station on its existing AM station for a transition period of three months following the commencement of operations of the FM station.
4. In addition to the basic annual Canadian content development contribution, 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, contribute \$42,000 annually to the promotion and development of Canadian content.

Of this amount, \$8,400 shall be devoted to FACTOR or MUSICACTION. The remainder, \$33,600, shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.