



Broadcasting Decision CRTC 2008-287

Ottawa, 17 October 2008

Various applicants

Red Deer, Alberta

*Public Hearing in Edmonton, Alberta
27 May 2008*

Licensing of new radio stations to serve Red Deer and technical change relating to CJUV-FM Lacombe

*The Commission **approves** the application by Harvard Broadcasting Inc. for a broadcasting licence to operate a new FM radio station to serve Red Deer.*

*The Commission **approves in part** the applications by L.A. Radio Group Inc. (L.A. Radio) and Touch Canada Broadcasting Limited Partnership¹ for broadcasting licences to operate new FM radio stations to serve Red Deer. Within 90 days of the date of this decision, each of these applicants must submit an amendment to their respective applications proposing the use of an FM frequency other than 100.7 MHz (channel 264C1) that is acceptable to both the Commission and the Department of Industry.*

*The Commission **approves** the application by L.A. Radio to change the authorized contours of the English-language commercial radio station CJUV-FM Lacombe.*

*The Commission **denies** the remaining applications for broadcasting licences to operate radio stations to serve Red Deer.*

Introduction

1. At a public hearing commencing 27 May 2008 in Edmonton, Alberta, the Commission considered eight applications for new English-language FM radio programming undertakings to serve Red Deer, Alberta, some of which are mutually exclusive on a technical basis. The applicants were as follows:
 - CHIP Media Inc.
 - Clear Sky Radio Inc.
 - Golden West Broadcasting Ltd.
 - Harvard Broadcasting Inc.
 - L.A. Radio Group Inc.
 - Radio CJVR Ltd.

¹ 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.

- 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 (Touch Canada)
 - Vista Radio Ltd.
2. The Commission also considered an application by L.A. Radio Group Inc. (L.A. Radio) to change the authorized contours of the English-language commercial radio programming undertaking CJUV-FM Lacombe by increasing the average effective radiated power (ERP) from 9,500 to 27,000 watts and by relocating the transmitter site from Lacombe to Red Deer. Lacombe is located approximately 20 km north of Red Deer. Given that these changes would result in CJUV-FM's 3 mV/m contours encompassing Red Deer in its principal marketing area, this application was considered as a competitive radio proposal for Red Deer.
 3. 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."
 4. After reviewing the applications and interventions, the Commission is of the view that the primary issues to be considered are as follows:
 - Can the Red Deer radio market sustain additional radio services without an undue negative financial impact on existing stations?
 - If so, which of the applications should be approved, in light of the factors identified in Broadcasting Public Notice 2007-128 (the Call)?

The Red Deer radio market and its ability to sustain new stations

5. Red Deer is located in the centre of the Calgary-Edmonton economic corridor, midway between Alberta's two largest centres which are approximately 300 kilometres apart.
6. The Red Deer radio market is currently served by four local FM stations: CKGY-FM and CIZZ-FM, which are owned by Newcap Inc. (Newcap), and CHUB-FM and CFDV-FM, which are owned by Jim Pattison Broadcast Group Limited Partnership (Pattison). Newcap's stations CKGY-FM and CIZZ-FM offer a Country and a Modern/Classic Rock music format respectively. Pattison's station CHUB-FM provides a Hot Adult Contemporary music format, while CFDV-FM offers a Classic Rock music format.
7. Out-of-market tuning by Red Deer area residents 12 years of age and older accounts for approximately 34% of their total tuning. Among the out-of-market radio stations available to Red Deer area listeners are CJUV-FM Lacombe, which offers a Classic Hits music format, CHED Edmonton, which broadcasts a Sports format, and CHQR Calgary, which operates in a News/Talk format.

8. Total compound annual revenue growth in the Red Deer radio market between 2004 and 2007 significantly outpaced the 7% compound annual growth recorded by the Canadian market over the same period. Furthermore, the Red Deer radio market profit before interest and tax (PBIT) margin has exceeded that of the Canadian market in each year since 2004. The Commission notes that since 2004 the Canadian market has recorded an average PBIT of 19.9%.
9. The Conference Board of Canada's (CBOC) summer 2008 Provincial Outlook forecasts that Alberta's economy will continue to be among Canada's best performers. According to the CBOC, Alberta's economy will grow by 2.6% (real gross domestic product) in 2008 due to strong growth in the service sector. By comparison, the CBOC expects the Canadian economy to grow by 1.7% in 2008. Furthermore, according to the 2008 Financial Post Survey of Markets, retail sales per capita in Red Deer are 81% above the national average. The Financial Post also estimates that retail sales in Red Deer will grow by 7.3% annually from 2008 to 2013, compared to 4.4% for the Canadian market over the same period.
10. According to Statistics Canada's 2006 Census, the population of the Red Deer Census Agglomeration was 82,772. The population had increased by 22% from the 2001 Census, as compared to 5.4% for Canada and 10.6% for Alberta during the same period. The 2006 Census reported the population of Lacombe as 10,742.
11. Based on the evidence that the Red Deer radio market is healthy and based on the positive economic outlook, the Commission expects continued growth in advertising revenues and consequently is satisfied that the Red Deer radio market could support the licensing of two new mainstream commercial radio stations and a specialty station without experiencing an undue negative financial impact.
12. In Broadcasting Public Notice 2006-159, the Commission set out its general concern with the relatively lower profitability of radio markets with populations under 250,000 and signalled its intent to avoid over-licensing in such markets. The Commission is of the view that the licensing of two new mainstream commercial radio stations and a specialty station to serve the Red Deer market at this time is consistent with this intent.

Assessment of the applications

13. Having determined that there is room in the Red Deer radio market for two additional commercial services and one specialty service, the Commission has considered the applications to serve Red Deer 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; and
 - the competitive state of the radio market and the level of market impact.

14. Details from the applications are set out in Appendix 1 to this decision.
15. Having considered all of the applications in light of the criteria set out above, the Commission finds that the proposals by Harvard Broadcasting Inc. (Harvard), L.A. Radio, and Touch Canada best meet the needs of the Red Deer radio market.
16. Both Harvard and L.A. Radio committed, by condition of licence, to devote at least 40% of all category 2 (Popular Music) selections aired in each broadcast week and between 6 a.m. and 6 p.m., Monday to Friday, to Canadian selections. These levels exceed the minimum regulatory requirement set out in the *Radio Regulations, 1986* (the Regulations) and will therefore provide enhanced exposure for Canadian popular music and ensure that each station will be obligated to maintain a high level of musical diversity throughout the licence term. **Conditions of licence** requiring each of these applicants to abide by those commitments are set out in the appendices to this decision.
17. 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 Regulations, 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 Harvard, L.A. Radio and Touch Canada all made commitments to exceed the minimum contributions to CCD. **Conditions of licence** requiring each of these applicants to abide by those commitments are set out in the appendices to this decision.

Harvard

18. Harvard proposed to offer a Mainstream Adult Contemporary format targeted to adults between the ages of 25 and 54. Harvard stated that its station's format would consist of music from a broad range of artists and include more classic hits from older eras (early 70's, 80's and early 90's).
19. The Commission considers that approval of Harvard's application would allow it to realize efficiencies and maximize synergies among its stations in Alberta and Saskatchewan and consequently better enable it to achieve its objective of providing a service that is locally and regionally reflective.
20. Harvard's proposed station would also provide significant local reflection and add to the diversity of news voices in Red Deer by introducing a new radio news voice to the market. All of the programming would be local and live-to-air. In each broadcast week, 16 hours and 21 minutes would be devoted to spoken word programming, including 3 hours and 45 minutes of pure news (80% local), 1 hour and 15 minutes of weather and traffic, 1 hour and 15 minutes of sports, and 8 hours and 24 minutes of announcer talk.
21. In addition, Harvard committed to devote, over and above the basic annual contribution to CCD, a total of \$981,658 over seven consecutive broadcast years upon commencement of operations to the following eligible initiatives: FACTOR, Red Deer College, Aboriginal Media Education Fund, CentreFest, Red Deer Symphony Orchestra and the Alberta Music Industry Association.

L.A. Radio – New FM

22. L.A. Radio proposed to introduce a New Hit Music format to the Red Deer market consisting of 65% Modern Rock and 35% Mainstream Top 40 music. The programming would be structured around three main music categories: New Music (music from the last 3 months), Recurrent (music from the past 3 to 12 months) and Favourites (music from the last 1 to 10 years). The proposed station would be targeted to those between the ages of 18 and 44.
23. The Commission notes the strong local presence that L.A. Radio already has in the Red Deer market through the reach of its station CJUV-FM Lacombe. The Commission considers that approval of the licensee's current application for a station in Red Deer would allow it to achieve operating efficiencies and synergies with its Lacombe station and would contribute significantly to the competitive state of the Red Deer radio market.
24. The licensee made a commitment to broadcast at least 113 hours of local programming during the broadcast week upon implementation of its new station. In each broadcast week, at least 11 hours and 3 minutes would be devoted to spoken word programming, including 2 hours and 12 minutes of pure news (minimum 50% local), 1 hour and 48 minutes of weather and traffic, 56 minutes for the review of community and cultural events, and 5 hours and 12 minutes of announcer talk.
25. In addition, L.A. Radio committed to devote, over and above the basic annual contribution to CCD, a total of \$112,000 over seven consecutive broadcast years upon commencement of operations. Specifically, \$16,000 per broadcast year would be directed to the following initiatives: FACTOR, the Alberta Recording Industry Association, and scholarships.
26. The Commission reminds L.A. Radio that in order to qualify as eligible CCD initiatives, scholarships must be directed toward initiatives that specifically benefit students of music and journalism.

L.A. Radio – Amendments to the licence for CJUV-FM Lacombe

27. The technical changes proposed by L.A. Radio with respect to CJUV-FM Lacombe included a change in the transmitter location from Lacombe to Red Deer in order to improve the station's signal quality in the communities of Rimbey, Sylvan Lake, Bentley, Blackfalds, Mirror and Clive.
28. The Commission notes that these communities had been identified by L.A. Radio as being part of CJUV-FM's principal marketing area in its original licensing application submitted to the Commission in 2005 and approved in Broadcasting Decision 2006-71. The Commission further notes that L.A. Radio confirmed at the hearing that the proposed technical amendments would in no way affect the station's programming orientation.

29. In light of this and the fact that CJUV-FM is subject to a condition of licence precluding it from soliciting local advertising in Red Deer, the Commission is satisfied that approval of the proposed technical amendments would not have a negative impact on incumbent Red Deer radio stations.

Touch Canada

30. Touch Canada proposed to establish a commercial specialty FM station that would offer a Gospel Adult Contemporary music format. At least 95% of all musical selections would be drawn from content subcategory 35 (Non-classic religious).
31. Given the specialty nature of the proposed station's format, the Commission is confident that approval of this service would have minimal economic impact on the incumbent stations.
32. Touch Canada's proposed station would also introduce a new radio voice to Red Deer and would further enhance the diversity of news voices and local reflection in this market. Specifically, the station would offer 100 hours of local programming per broadcast week. In addition, the station would devote 26 hours and 41 minutes per broadcast week to spoken word programming, including 1 hour and 40 minutes of pure news (60% local), 1 hour and 51 minutes of sports, weather and traffic, 1 hour and 14 minutes of human interest feature stories, and 6 hours and 56 minutes of local reflection and announcer talk.
33. Touch Canada also committed to devote, over and above the basic annual contribution to CCD, a total of \$132,790 over seven consecutive broadcast years upon commencement of operations to the two following eligible initiatives: FACTOR and the Gospel Music Association Canada.

Use of 100.7 MHz

34. The application by Harvard proposing the use of the frequency 100.7 MHz was technically mutually exclusive with the applications by L.A. Radio and Touch Canada, which proposed the use of the same frequency. The Commission considers that the service proposed by Harvard would make better use of that frequency than would the services proposed by L.A. Radio and Touch Canada. In light of the comments received at the public hearing, the Commission notes that alternative frequencies have been identified as being capable of serving the Red Deer radio market. Accordingly, L.A. Radio and Touch Canada will be required to consider using alternative frequencies to operate their proposed services.

Determinations

35. Based on all of the foregoing, the Commission **approves** the following application for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Red Deer:

Harvard Broadcasting Inc.

Application 2008-0112-7, received 23 January 2008

The terms and **conditions of licence** for this new service are set out in Appendix 2 to this decision.

36. The Commission also **approves** the following application to change the authorized contours of the English-language commercial radio programming undertaking CJUV-FM Lacombe by increasing the average ERP from 9,500 to 27,000 watts and by relocating the transmitter site from Lacombe to Red Deer:

L.A. Radio Group Inc.

Application 2007-1608-7, received 15 November 2007

37. 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.
38. The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
39. Finally, the Commission **approves in part** the following applications for broadcasting licences to operate English-language commercial FM radio programming undertakings in Red Deer:

L.A. Radio Group Inc.

Application 2007-1261-3, received 5 September 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 2008-0118-5, received 23 January 2008

The terms and **conditions of licence** for these new services are set out in Appendix 3 and Appendix 4 to this decision.

40. As set out in Appendix 3 and Appendix 4 to this decision, L.A. Radio and Touch Canada must each submit, within 90 days of the date of this decision, amendments to their respective applications proposing the use of an FM frequency other than 100.7 MHz (channel 264CI) and related technical parameters that are acceptable to both the Commission and the Department of Industry.
41. In light of the above, the Commission **denies** the remaining applications for broadcasting licences to operate radio programming undertakings in Red Deer, as set out below:

CHIP Media Inc.

Application 2008-0107-8, received 23 January 2008

Clear Sky Radio Inc.

Application 2008-0119-3, received 23 January 2008

Golden West Broadcasting Ltd.

Application 2007-0459-5, received 23 March 2007

Radio CJVR Ltd.

Application 2008-0116-9, received 23 January 2008

Vista Radio Ltd.

Application 2008-0099-7, received 22 January 2008

Employment equity

42. Because Harvard 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*
- *Broadcasting Notice of Public Hearing CRTC 2008-2, 28 March 2008*
- *Call for applications for a broadcasting licence to carry on a radio programming undertaking to serve Red Deer, Alberta, Broadcasting Public Notice CRTC 2007-128, 14 November 2007*
- *Revised policy concerning the issuance of calls for radio applications and a new process for applications to serve small markets, Broadcasting Public Notice CRTC 2006-159, 15 December 2006*

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *English-language FM radio station in Lacombe*, Broadcasting Decision CRTC 2006-71, 14 March 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, 23 April 1997
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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 2008-287

Details from the applications for new broadcasting licences for FM radio programming undertakings to serve Red Deer, Alberta

Applicant	Details from the application
CHIP Media Inc. Application 2008-0107-8	Type: English-language commercial FM radio programming undertaking Technical parameters: 100.7 MHz (channel 264C1), average effective radiated power of 56,000 watts Format: Urban Alternative, blend of Urban Contemporary Hit Radio (60%) and Alternative Rock (40%) Target audience: 12-34 years; core: 12-24 years Canadian content (music): 40% category 2* Local programming per broadcast week***: 107 hours Spoken word programming per broadcast week***: 9 hours and 58 minutes News**** programming per broadcast week***: 1 hour and 30 minutes (50% local) Canadian content development contribution (over basic annual contribution): \$91,753 over seven consecutive broadcast years Live-to-air programming per broadcast week***: 101 hours Voice-tracked or automated programming per broadcast week***: 6 hours Emerging artists programming per broadcast week***: 12% Hit material*****: 49.9%
Clear Sky Radio Inc. Application 2008-0119-3	Type: English-language commercial FM radio programming undertaking Technical parameters: 90.5 MHz (channel 213B), average effective radiated power of 4,700 watts Format: Gold Based Adult Contemporary, 80% drawn from the 60's, 70's and 80's, 20% drawn from recent musical selections Target audience: 35-64 years; core: 45+ years Canadian content (music): 35% category 2 Local programming per broadcast week: 126 hours Spoken word programming per broadcast week: 17 hours and 53 minutes News programming per broadcast week: 6 hours and 21 minutes (75% local) Canadian content development contribution (over basic annual contribution): \$129,500 over seven consecutive broadcast years Live-to-air programming per broadcast week: 89 hours Voice-tracked or automated programming per broadcast week: 37 hours Emerging artists programming per broadcast week: 5% Hit material: 49%

**Golden West
Broadcasting Ltd.**
Application 2007-0459-5

Type: English-language commercial FM radio programming undertaking
Technical parameters: 100.7 MHz (channel 264C1), average effective radiated power of 100,000 watts
Format: Adult Contemporary
Target audience: 25-50 years; core: 35-49, skewed slightly female
Canadian content (music): 40% category 2
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 12 hours and 48 minutes
News programming per broadcast week: 3 hours and 36 minutes (80% local)
Canadian content development contribution (over basic annual contribution): \$200,000 over seven consecutive broadcast years
Live-to-air programming per broadcast week: 105 hours
Voice-tracked or automated programming per broadcast week: 22 hours
Emerging artists programming per broadcast week: 2-5%
Hit material: 48%

**Harvard Broadcasting
Inc.**
Application 2008-0112-7

Type: English-language commercial FM radio programming undertaking
Technical parameters: 100.7 MHz (channel 264C1), average effective radiated power of 54,000 watts
Format: Mainstream Adult Contemporary
Target audience: 25-54 years; core: 35-44; median age: 40 (female)
Canadian content (music): 40% category 2
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 16 hours and 21 minutes
News programming per broadcast week: 3 hours and 45 minutes (80% local)
Canadian content development contribution (over basic annual contribution): \$981,658 over seven consecutive broadcast years
Live-to-air programming per broadcast week: 126 hours
Emerging artists programming per broadcast week: 16%
Hit material: 49%

L.A. Radio Group Inc.
Application 2007-1261-3

Type: English-language commercial FM radio programming undertaking
Technical parameters: 100.7 MHz (channel 264C1), average effective radiated power of 27,000 watts
Format: New Hit Music (65% Modern Rock & 35% Mainstream Top 40)
Target audience: 18-44 years; core: 18-24 years; median age: 21
Canadian content (music): 40% category 2
Local programming per broadcast week: 113 hours
Spoken word programming per broadcast week: 11 hours and 3 minutes
News programming per broadcast week: 2 hours and 12 minutes (minimum 50% local)
Canadian content development contribution (over basic annual contribution): \$112,000 over seven consecutive broadcast years
Live-to-air programming per broadcast week: 104 hours
Voice-tracked or automated programming per broadcast week: 22 hours
Emerging artists programming per broadcast week: 8%
Hit material: 49.9%

Radio CJVR Ltd.
Application 2008-0116-9

Type: English-language commercial FM radio programming undertaking
Technical parameters: 100.7 MHz (channel 264C1), average effective radiated power of 56,000 watts
Format: Pop/Contemporary Hit Radio
Target audience: 18-44 years, female skew; core: 25-34 years; median age: 29 (female)
Canadian content (music): 40% category 2
Local programming per broadcast week: 120 hours
Spoken word programming per broadcast week: 12 hours and 18 minutes
News programming per broadcast week: 2 hours and 22 minutes (80% local)
Canadian content development contribution (over basic annual contribution): \$936,462 over seven consecutive broadcast years
Live-to-air programming per broadcast week: 86 hours
Voice-tracked or automated programming per broadcast week: 40 hours
Emerging artists programming per broadcast week: 16%
Hit material: 49.9%

**Touch Canada
Broadcasting Limited
Partnership**
Application 2008-0118-5

Type: English-language commercial specialty FM radio programming undertaking
Technical parameters: 100.7 MHz (channel 264C1), average effective radiated power of 56,000 watts
Format: Gospel Adult Contemporary, of which 95% per broadcast week will be music from subcategory 35 (Non-classic religious)
Target audience: 25-49 years; core: 33-35 years, female skew
Canadian content (music): 10% category 3**
Local programming per broadcast week: 100 hours
Spoken word programming per broadcast week: 26 hours and 41 minutes
News programming per broadcast week: 1 hour and 40 minutes (60% local)
Canadian content development contribution (over basic annual contribution): \$132,790 over seven consecutive broadcast years
Live-to-air programming per broadcast week: 40 hours
Voice-tracked or automated programming per broadcast week: 86 hours
Emerging artists programming per broadcast week: 5%
Hit material: N/A

Vista Radio Ltd.
Application 2008-0099-7

Type: English-language commercial FM radio programming undertaking
Technical parameters: 90.5 MHz (channel 213C1), average effective radiated power of 13,500 watts
Format: Classic Hits, of which 35% of the music repertoire will be from the 1970s, 40% from the 1980s, 10% from the 1990s, and 15% will be current music
Target audience: general target 35-54 years, skewing slightly towards men; median age: 44
Canadian content (music): 35% category 2
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 11 hours
News programming per broadcast week: 5 hours and 15 minutes (80% local)
Canadian content development contribution (over basic annual contribution): \$770,000 over seven consecutive broadcast years
Live-to-air programming per broadcast week: 94 hours
Voice-tracked or automated programming per broadcast week: 32 hours
Emerging artists programming per broadcast week: 9%
Hit material: 49%

* Percentages shown for category 2 musical selections (Popular Music) are for both the broadcast week and the period from 6 a.m. to 6 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, 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 CRTC 1997-42.

Appendix 2 to Broadcasting Decision CRTC 2008-287

Harvard Broadcasting Inc.

Application 2008-0112-7, received 23 January 2008

Terms, conditions of licence and expectation

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Red Deer

Terms

The licence will expire 31 August 2015.

The station will operate at 100.7 MHz (channel 264C1) with an average effective radiated power of 54,000 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 17 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 1 and 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):

- a) devote, in each 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 a.m. and 6 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, a minimum of 40% of its musical selections from content category 2 (Popular Music) 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 annual contributions to the promotion and development of Canadian content totalling \$981,658 over seven consecutive broadcast years, to be allotted as follows:

Year 1	\$100,000
Year 2	\$99,000
Year 3	\$98,729
Year 4	\$97,268
Year 5	\$96,203
Year 6	\$195,561
Year 7	\$294,897

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR, allotted each year as follows:

Year 1	\$20,000
Year 2	\$19,800
Year 3	\$19,746
Year 4	\$19,454
Year 5	\$19,240
Year 6	\$39,112
Year 7	\$58,980

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.

4. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee 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.

Expectation

Cultural diversity

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

Appendix 3 to Broadcasting Decision CRTC 2008-287

L.A. Radio Group Inc.

Application 2007-1261-3, received 5 September 2007

Terms, conditions of licence, expectation and encouragement

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Red Deer

Terms

The licence will expire 31 August 2015.

The Commission will only issue the licence and the licence will only be effective at such time as:

- the applicant submits, within 90 days of the date of this decision, an amendment to its application proposing the use of an FM frequency other than 100.7 MHz (channel 264C1) and related technical parameters that are acceptable to both the Commission and the Department of Industry (the Department). This amended application will form part of a public process;
- pursuant to section 22(1) of the *Broadcasting Act*, the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued; and
- 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 17 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 1 and 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):
 - a) devote, in each 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 a.m. and 6 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, a minimum of 40% of its musical selections from content category 2 (Popular Music) 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 \$16,000 (\$112,000 over seven consecutive broadcast years) to the promotion and development of Canadian content.

Of this amount, the licensee shall allocate no less than 20% (\$3,200) per broadcast year to FACTOR. 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.

4. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee 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.

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 4 to Broadcasting Decision CRTC 2008-287

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 2008-0118-5, received 23 January 2008

Terms, conditions of licence, expectation and encouragement

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Red Deer

Terms

The licence will expire 31 August 2015.

The Commission will only issue the licence and the licence will only be effective at such time as:

- the applicant submits, within 90 days of the date of this decision, an amendment to its application proposing the use of an FM frequency other than 100.7 MHz (channel 264C1) and related technical parameters that are acceptable to both the Commission and the Department of Industry (the Department). This amended application will form part of a public process;
- pursuant to section 22(1) of the *Broadcasting Act*, the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued; and
- 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 17 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 1, 5 and 8.

2. The station shall be operated within the Specialty format as defined in *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. The licensee shall devote a minimum of 95% of all musical selections broadcast during each broadcast week to selections drawn from subcategory 35 (non-classic religious).
4. 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 annual contributions to the promotion and development of Canadian content totalling \$132,790 over seven consecutive broadcast years, to be allotted as follows:

Year 1	\$19,000
Year 2	\$19,000
Year 3	\$19,000
Year 4	\$19,000
Year 5	\$19,000
Year 6	\$19,000
Year 7	\$18,790

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR, allotted each year as follows:

Year 1	\$3,800
Year 2	\$3,800
Year 3	\$3,800
Year 4	\$3,800
Year 5	\$3,800
Year 6	\$3,800
Year 7	\$3,758

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.

5. Where the licensee broadcasts religious programming as defined in the *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines with respect to the provision of balance and ethics in religious programming set out in sections III.B.2.a) and IV of that public notice, as amended from time to time.
6. If the licensee broadcasts 42 or more hours of programming in any broadcast week, the licensee 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.

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.