



## Broadcasting Decision CRTC 2008-334

Ottawa, 1 December 2008

**591989 B.C. Ltd.**  
Peterborough, Ontario

*Application 2008-1069-9, received 8 August 2008*  
*Broadcasting Public Notice CRTC 2008-75*  
*29 August 2008*

### **Use of the frequency 100.5 MHz by the new FM station in Peterborough**

*The Commission **approves** the application by 591989 B.C. Ltd., a subsidiary of Corus Entertainment Inc., to operate the new English-language commercial FM radio station in Peterborough at 100.5 MHz (channel 263B1) with an average effective radiated power of 5,000 watts. The implementation of this station is subject to the notification by the Department of Industry that its technical requirements have been met and that a broadcasting certificate will be issued.*

### **Introduction**

1. The Commission received an application by 591989 B.C. Ltd., a subsidiary of Corus Entertainment Inc. (Corus), to operate the new English-language FM radio programming undertaking in Peterborough at 100.5 MHz (channel 263B1) with an average effective radiated power of 5,000 watts.
2. Corus filed this application further to the Commission's direction in *Licensing of new radio stations to serve Peterborough and the City of Kawartha Lakes*, Broadcasting Decision CRTC 2008-98, 8 May 2008 (Broadcasting Decision 2008-98). In that decision, the Commission approved Corus's application for a broadcasting licence to operate a new English-language FM radio station in Peterborough to replace its AM station CKRU Peterborough but denied the proposed technical parameters. The Commission stated that it would only issue a broadcasting licence for the new FM station at such time as the licensee submitted an amendment to its application proposing new technical parameters acceptable both to the Commission and to the Department of Industry (the Department).

### **Commission's analysis and determination**

3. The Commission received an intervention in opposition to the application by My Broadcasting Corporation (MBC). MBC stated that it filed an application on 30 September 2008 for a new English-language FM station to serve Brighton, Ontario using the frequency 100.9 MHz. As noted in MBC's intervention, the proposed station would be technically short-spaced relative to the proposal by Corus to operate a station in Peterborough at 100.5 MHz. MBC requested that the Commission defer the decision on

the application by Corus until a decision is made on its application. Alternately, in the event that the Commission were to approve the Corus application, MBC requested that the Commission impose a condition of licence requiring Corus and MBC to enter into an agreement that would allow both signals to co-exist should the Brighton application also be approved.

4. In reply, Corus indicated that there is major frequency congestion in the FM band that makes finding an appropriate alternative FM frequency for Peterborough a significant challenge and that the selected frequency offers, under the circumstances, the best possible coverage. Corus noted that it first filed its application for a new FM station to replace its AM station CKRU in December 2006. Then, in August 2008, it filed its current application to use 100.5 MHz. Corus submitted that to delay its current application until the MBC application is heard would be procedurally incorrect and unfair. Corus also submitted that imposing a condition of licence requiring Corus to accommodate the proposed Brighton station should it be licensed would be inappropriate.
5. The Commission notes that Corus filed the present application proposing the use of 100.5 MHz in replacement for the originally proposed frequency 96.7 MHz on 8 August 2008, within the three-month period and pursuant to the Commission's direction as set out in Broadcasting Decision 2008-98. MBC filed its application to obtain a new commercial FM radio station to serve the town of Brighton using 100.9 MHz on 30 September 2008. The Commission is of the view that it would be unreasonable to further delay the implementation of Corus's FM station pending the consideration of the application by MBC. The Commission also notes that it will not impose a condition of licence requiring Corus to accommodate the proposed Brighton station should it eventually be licensed.
6. Accordingly, the Commission **approves** the application by 591989 B.C. Ltd., a subsidiary of Corus Entertainment Inc., to operate its new English-language commercial FM radio undertaking in Peterborough at 100.5 MHz (channel 263B1) with an average effective radiated power of 5,000 watts. The implementation of this station is subject to the notification by the Department of Industry discussed in paragraph 7.

**Condition prior to the implementation of the new undertaking**

7. 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. Therefore, in the absence of the notification by the Department, the applicant will not be able to implement the new undertaking approved in this decision.

**Simulcast period and revocation of AM licence**

8. The licensee is authorized, by **condition of licence**, to simulcast the programming of the new FM station on CKRU 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 CKRU effective at the end of the simulcast period.

Secretary General

*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>.*