



## Broadcasting Decision CRTC 2009-108

Route reference:

Broadcasting Notice of Public Hearing 2008-13

Additional reference:

2008-13-3

Ottawa, 3 March 2009

**Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.**  
Revelstoke, British Columbia

*Application 2008-0946-0, received 9 July 2008*

*Public Hearing in the National Capital Region*

*16 December 2008*

### **CKCR Revelstoke – Conversion to FM band**

1. The Commission **approves** the application by Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P. (Astral) for a broadcasting licence to operate a new English-language FM radio programming undertaking in Revelstoke, British Columbia to replace its AM station CKCR. The Commission received interventions in support of this application. The terms and **conditions of licence** for the new station are set out in the appendix to this decision. The implementation of the station is subject to the notification by the Department of Industry discussed in the appendix.
2. The new station will offer an Adult Contemporary music format. During each broadcast week, it will broadcast 42 hours of local programming and offer 14 hours and 40 minutes of spoken word programming, including 5 hours and 20 minutes of news and related surveillance material. Astral also committed to devote at least 4 hours and 50 minutes of its weekly spoken word programming to pure news, of which 80% would be local.
3. The station will operate in a single-station market as defined in Public Notice 1993-121. Accordingly, the station is not subject to the requirement that in order to solicit or accept local advertising, one-third of its programming must be local. Nevertheless, the applicant committed to devote one-third (42 hours) of its programming to local programming in each broadcast week.
4. Astral submitted that the conversion of CKCR to the technically superior FM band will provide a better quality service to listeners in Revelstoke.

## **Canadian content development**

5. The Commission reminds Astral that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986* (the Regulations), as amended from time to time. Any CCD 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

## **CKCR's non-compliance**

6. In Broadcasting Decision 2007-359, the Commission approved an application by Astral to acquire the assets of radio undertakings owned by Standard Radio Inc. (Standard), including CKCR. Subsequently, Astral submitted a licence renewal application for CKCR. In analyzing that application, the Commission found CKCR in non-compliance with the requirements of the Regulations regarding the broadcast of Canadian category 2 musical selections for a second time. In accordance with Circular No. 444, in Broadcasting Decision 2008-118 the Commission renewed CKCR's licence for only two years, from 1 September 2008 to 31 August 2010. That decision noted that CKCR's non-compliance occurred while the station was owned and operated by Standard.
7. In a letter dated 31 July 2008 filed as part of its application to convert CKCR to the FM band, Astral described a number of measures that it had implemented to ensure that the station operates in compliance with its regulatory obligations at all times. Specifically, Astral indicated that:
  - all staff involved in programming music and music reconciliation are trained on the music management software;
  - music logs are reconciled daily to ensure compliance; and
  - the station's Canadian content tracking sheet is reviewed weekly by the local and regional program directors.
8. The Commission has noted Astral's plans. Nevertheless, given the brief period of time between the issuance of Broadcasting Decision 2008-118 (i.e. 2 June 2008) and the submission of Astral's application to convert CKCR to the FM band on 9 July 2008, as well as CKCR's repeated non-compliance with its regulatory obligations, the Commission considers that it is appropriate that the licence term for the new FM station correspond with the two-year short-term licence period granted to CKCR. Accordingly, the licence for the new FM station will expire 31 August 2010. This will allow the Commission to review at an earlier date the station's compliance with its regulatory obligations and in particular those regulations relating to the broadcast of Canadian category 2 musical selections.

## Simulcast period and revocation of AM licence

9. As set out in the appendix to this decision, Astral is authorized to simulcast the programming of the new FM station on CKCR 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 Astral's request, the Commission **revokes** the licence for CKCR effective at the end of the simulcast period.

## Employment equity

10. Because Astral 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

- *CKCR Revelstoke – Licence renewal*, Broadcasting Decision CRTC 2008-118, 2 June 2008
- *Acquisition of assets*, Broadcasting Decision CRTC 2007-359, 28 September 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Local programming policy for FM radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

*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 2009-108

## Terms and conditions of licence

### Terms

#### **Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Revelstoke, British Columbia**

The licence will expire 31 August 2010.

The station will operate at 106.1 MHz (channel 291A) with an effective radiated power of 800 watts.

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

The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (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 licensee will not be able to implement the new undertaking approved in this decision.

#### **Issuance of licence**

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 March 2011. 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 *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
2. The licensee is authorized to simulcast the programming of the new FM station on CKCR Revelstoke for a transition period of three months following the commencement of operations of the FM station.