



Broadcasting Decision CRTC 2009-223

Route reference:

Broadcasting Notice of Public Hearing 2008-14

Ottawa, 24 April 2009

Merritt Broadcasting Ltd.

Merritt, British Columbia

N L Broadcasting Ltd.

Kamloops and Merritt, British Columbia

Applications 2008-1032-6 and 2008-1033-4, received 29 July 2008

Public Hearing in Orillia, Ontario

26 January 2009

CJNL Merritt – Conversion to FM band and CHNL Kamloops – New transmitter at Merritt

*The Commission **approves** the application by Merritt Broadcasting Ltd. for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Merritt to replace its AM station CJNL.*

*The Commission also **approves** the application by N L Broadcasting Ltd. to amend the broadcasting licence for the radio programming undertaking CHNL Kamloops in order to operate a transmitter at Merritt using the technical parameters currently authorized to CJNL, effective the end of the simulcast period granted to Merritt Broadcasting Ltd.*

Introduction

1. The Commission received an application by Merritt Broadcasting Ltd. (Merritt Broadcasting) for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Merritt, British Columbia to replace its AM station CJNL.
2. The proposed station would offer an Adult Contemporary format targeted to listeners between the ages of 25 to 65, with a particular focus on those aged 35 to 55. A minimum of six hours each broadcast week would be devoted to spoken word programming, including four hours of pure news content in addition to information on community events as well as weather and sports. Merritt Broadcasting made a commitment to offer a minimum of 110 hours of local programming in each broadcast week.
3. The Commission also received an application by N L Broadcasting Ltd. (NLB) to amend the broadcasting licence for the radio programming undertaking CHNL Kamloops in order to operate a transmitter at Merritt. NLB proposed to operate the CJNL transmitter

at Merritt that is presently owned by Merritt Broadcasting, a corporation controlled by NLB. NLB indicated that the transmitter would operate at 1230 kHz (Class C) with a day-time and night-time transmitter power of 1,000 watts, which are the technical parameters currently authorized to CJNL.

4. NLB noted that CJNL has been broadcasting programming from CHNL and submitted that the addition of the AM transmitter would ensure that CHNL's programming continues to be available in Merritt.
5. The Commission did not receive any interventions in connection with these applications.

Commission's analysis and determinations

CJNL Merritt – Conversion to FM band

6. The Commission **approves** the application by Merritt Broadcasting Ltd. for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Merritt to replace its AM station CJNL. The terms and **conditions of licence** are set out in the appendix to this decision.
7. The Commission notes that pursuant to the revised *Radio Regulations, 1986*, an FM licensee that is licensed to operate a commercial radio programming undertaking is required to make a basic annual Canadian content development (CCD) contribution based on its total broadcast revenues in the previous broadcast year. The Commission reminds the licensee that it must adhere to the requirements relating to contributions to CCD set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time.

Simulcast period and revocation of AM licence

8. As set out in the appendix to this decision, the licensee is authorized to simulcast the programming of the new FM station on CJNL 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 CJNL effective at the end of the simulcast period.

CHNL Kamloops – New transmitter at Merritt

9. The Commission notes that Merritt Broadcasting, which owns the transmitter in Merritt that NLB is proposing to operate, is controlled by the applicant NLB. The Commission also notes that CJNL is already broadcasting programming from CHNL and that the addition of the AM transmitter would ensure that CHNL's programming continues to be available in Merritt.
10. In light of the preceding, the Commission **approves** the application by N L Broadcasting Ltd. to amend the broadcasting licence for the radio programming undertaking CHNL Kamloops in order to operate a transmitter at Merritt using the technical parameters currently authorized to CJNL, effective the end of the simulcast period granted to Merritt Broadcasting above.

11. The Commission reminds the licensee that pursuant to subsection 22(1) of the *Broadcasting Act*, no amended licence may be issued until the Department of Industry (the Department) notifies the Commission that its requirements have been met and that a broadcasting certificate will be issued.
12. The Department has advised the Commission that given that the transmitter will operate under the same technical parameters as those authorized for CJNL, the technical requirements have already been met. However, the issuance of a broadcasting certificate is still in order.
13. The transmitter must be operational at the earliest possible date and in any event no later than 24 months following the end of the simulcast period granted to Merritt Broadcasting above, unless a request for an extension of time is approved by the Commission before two years from the date that the licensee of CJNL has advised the Commission and the licensee of CHNL that it is prepared to commence operations. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

Secretary General

This decision is to be appended to each 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 2009-223

Merritt Broadcasting Ltd.

Application 2008-1032-6, received 29 July 2008

Terms, conditions of licence, and encouragement

Terms

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

The licence will expire 31 August 2015.

The station will operate at 101.1 MHz (channel 266B1) with an effective radiated power of 200 watts.

Condition prior to the implementation of the new undertaking

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 subsection 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 only be issued once the applicant has informed the Commission and the licensee of CHNL Kamloops 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 24 April 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 CJNL for a transition period of three months following the commencement of operations of the FM station.

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.