



Broadcasting Decision CRTC 2009-438

Route reference: 2009-151

Additional reference: Broadcasting Decision 2008-288

Ottawa, 23 July 2009

CTV Limited
Edmonton, Alberta

Application 2008-1515-2, received 10 November 2008

Harvard Broadcasting Inc.
Edmonton, Alberta

Application 2008-1690-3, received 16 December 2008

Use of frequency 95.7 MHz by the new FM radio station in Edmonton

*The Commission **approves** the application by Harvard Broadcasting Inc. to operate its new English-language commercial FM radio station in Edmonton at 95.7 MHz (channel 239C1) with an average effective radiated power of 47,000 watts.*

*The Commission **denies** the application by CTV Limited (CTV) to operate its new English-language commercial FM radio station in Edmonton under the same technical parameters. Within 90 days of the date of this decision, CTV must submit an amendment to its application proposing the use of an FM frequency other than 95.7 MHz or 107.1 MHz (the latter being the frequency denied in the original licensing decision), and related technical parameters that are acceptable to both the Commission and the Department of Industry.*

Introduction

1. On 10 November 2008, the Commission received an application by CTV Limited (CTV) to operate its new English-language commercial FM radio programming undertaking in Edmonton at 95.7 MHz (channel 239C1) with an average effective radiated power (ERP) of 47,000 watts.
2. On 16 December 2008, the Commission received an application by Harvard Broadcasting Inc. (Harvard) to operate its new English-language commercial FM radio programming undertaking in Edmonton under the same technical parameters.
3. The applicants filed their applications further to the Commission's direction in Licensing of new radio stations to serve Edmonton, Alberta, Broadcasting Decision CRTC 2008-288, 17 October 2008 (Broadcasting Decision 2008-288). In that decision, the Commission approved both CTV's and Harvard's applications for broadcasting licences to operate new English-language FM radio stations in Edmonton but denied the proposed technical parameters. The Commission stated that it would only issue broadcasting licences for each new FM station at such time as each licensee submitted an amendment to its application

proposing new technical parameters acceptable to both the Commission and to the Department of Industry (the Department).

4. The Commission received interventions in support of each application.

Commission's analysis and determinations

5. After examining the applications in light of applicable regulations and policies, the Commission considers that the issue to be addressed in its determinations is which proposal would make better use of the frequency 95.7 MHz in the Edmonton market.
6. As set out in Appendix 1 to Broadcasting Decision 2008-288, CTV, in its application for a new radio station to serve Edmonton, proposed an Essential Alternative music (Alternative Rock and Alternative Pop music) format targeting listeners from 25 to 44 years of age (core audience of 30 to 40 years of age), balanced evenly between women and men. A total of 126 hours per broadcast week would be live-to-air local programming. Of this amount, 10 hours, 12 minutes and 30 seconds would be spoken word programming, with two hours and 46 minutes of "pure" news (70% of which would be local). Further, CTV proposed to devote, by condition of licence, 40% of all Category 2 music broadcast each week and between 6:00 a.m. and 6:00 p.m., Monday to Friday, to Canadian selections broadcast in their entirety. Finally, CTV proposed to contribute \$10 million over seven consecutive broadcast years to Canadian content development (CCD), and to devote 25% of all music broadcast to emerging Canadian artists.
7. As set out in Appendix 1 to that same decision, Harvard proposed an Adult Album Alternative (Triple A) format targeting listeners from 25 to 64 years of age (core audience of 35 to 54 years of age), strongly skewed towards women (70%). A total of 126 hours per broadcast week would be live-to-air local programming. Of this amount, 22 hours and 25 minutes would be spoken word programming, with seven hours and 29 minutes of "pure" news (80% of which would be local). Further, Harvard proposed to devote, by condition of licence, 40% of all Category 2 music broadcast each week and between 6:00 a.m. and 6:00 p.m., Monday to Friday, as well as 20% of all subcategory 34 (Jazz and Blues) music broadcast each broadcast week to Canadian selections broadcast in their entirety. Finally, Harvard proposed to contribute \$5,392,875 over seven consecutive broadcast years to CCD, and to devote 20% of all music broadcast to emerging Canadian artists.
8. Although CTV's commitment to CCD is almost double that of Harvard, and although CTV committed to broadcast a slightly higher percentage of music played to emerging artists, the Commission considers that the proposal by Harvard would bring greater diversity to the market and would therefore make better use of the frequency 95.7 MHz to serve the Edmonton radio market.
9. In light of the above, the Commission **approves** the application by Harvard Broadcasting Inc. to operate its new English-language commercial FM radio station in Edmonton at 95.7 MHz (channel 239C1) with an average ERP of 47,000 watts. Accordingly, the Commission denies the application by CTV Limited to operate its new English-language commercial FM radio station in Edmonton under the same technical parameters.

10. The Department has advised the Commission that, while the application by Harvard 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.
11. The Commission reminds Harvard 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.
12. CTV must submit, within 90 days of the date of this decision, an amendment to its application, proposing the use of a frequency other than 95.7 MHz or 107.1 MHz (the latter being the frequency denied the applicant in Broadcasting Decision 2008-288), and related technical parameters that are acceptable to both the Commission and the Department.

Secretary General

This decision is to be appended to the licence for the new FM radio programming undertaking to be operated by Harvard Broadcasting Inc. 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>.