



Broadcasting Decision CRTC 2009-557

Route reference: 2009-158

Additional reference: 2009-158-2

Ottawa, 3 September 2009

Truro Live Performing Arts Association

Truro, Nova Scotia

Application 2008-1517-8, received 10 November 2008

Public Hearing in Halifax, Nova Scotia

28 May 2009

Developmental community radio station in Truro

*The Commission **approves in part** an application for a broadcasting licence to operate an English-language, very low-power developmental community FM radio station in Truro, Nova Scotia. The applicant must submit, within 90 days of the date of this decision, an amendment to its application proposing the use of an FM frequency other than 106.1 MHz (channel 291VLP) that is acceptable to both the Commission and the Department of Industry.*

Introduction

1. The Commission received an application by Truro Live Performing Arts Association (Truro Live) for a broadcasting licence to operate an English-language, very low-power developmental community FM radio programming undertaking in Truro, Nova Scotia.¹ The applicant proposed to operate the new station at 106.1 MHz (channel 291VLP) with an effective radiated power of 5 watts. The Commission did not receive any interventions in connection with this application.
2. Truro Live is a not-for-profit organization controlled by its board of directors.

Proposed service

3. Truro Live proposed to broadcast 126 hours of station-produced programming per broadcast week. The programming would focus primarily on local music and cultural events in the Truro area, such as church choirs, children's Christmas concerts, high school band performances, bar bands, country fair bands and heavy metal shows, which it would record and broadcast. Truro Live volunteers and board members would be responsible for recording and producing musical performances and interviews with community members and for providing broadcast coverage of community events. The

¹ As noted in Broadcasting Notice of Consultation 2009-36-3, this application was first scheduled to be heard at a public hearing on 30 March 2009 but was withdrawn so as to be rescheduled at a later date.

applicant stated that it would also have a recording studio that community members would be able to use.

4. The Commission notes that developmental stations operate primarily for training purposes. The applicant indicated that the new station would provide training to volunteers at different times throughout the year, and that it would offer volunteers opportunities relating to on-air work, programming, recording, management and operations.

Commission's determinations

5. The Commission is satisfied that the application is consistent with the requirements for developmental community radio stations set out in Public Notice 2000-13. However, as noted in Broadcasting Notice of Consultation 2009-158, the application by Truro Live is technically mutually exclusive with an application by Hope FM Ministries Limited (Hope FM) to operate its radio station CINU-FM Truro at 106.3 MHz. As set out in Broadcasting Decision 2009-556, also issued today, the Commission has approved the application by Hope FM. The Commission notes that CINU-FM is already in operation and that Hope FM applied for the use of 106.3 MHz for its radio station in order to resolve interference issues with CKRH-FM Halifax. Further, Truro Live indicated in its application that it would be prepared to use an alternate frequency to 106.1 MHz if necessary.
6. In light of the above, the Commission **approves in part** the application by Truro Live Performing Arts Association for a broadcasting licence to operate a very low-power developmental community FM radio programming undertaking in Truro, Nova Scotia. The terms and **conditions of licence** are set out in the appendix to this decision.
7. As set out in the appendix to this decision, Truro Live must submit, within 90 days of the date of this decision, an amendment to its application proposing the use of an FM frequency other than 106.1 MHz (channel 291VLP) and related technical parameters that are acceptable to both the Commission and the Department of Industry.

Secretary General

Related documents

- *CINU-FM Truro – Technical change*, Broadcasting Decision CRTC 2009-556, 3 September 2009
- *Various broadcasting applications* – Notice of hearing, Broadcasting Notice of Consultation CRTC 2009-158, 25 March 2009

- Notice of hearing, Broadcasting Notice of Consultation CRTC 2009-36, 29 January 2009, as amended by Broadcasting Notice of Consultation CRTC 2009-36-3, 19 February 2009
- *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000

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 2009-557

Terms, conditions of licence and encouragement

Terms

Issuance of the broadcasting licence to operate an English-language, very low-power developmental community FM radio programming undertaking in Truro, Nova Scotia

The licence will expire 3 September 2012. If the applicant wishes to continue the operation of the station beyond this period, it should file an application for a regular community radio licence with the Commission, nine months before the expiry of its licence.

The applicant must submit, within 90 days of the date of this decision, an amendment to its application proposing the use of an FM frequency other than 106.1 MHz (channel 291VLP) 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.

Condition prior to the implementation of the new undertaking

The Commission reminds the applicant 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.

Issuance of the 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 September 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.

In accordance with *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000, the licence for this community radio station will be held by a not-for-profit organization without share capital whose structure provides for membership, management, operation and programming by members of the community at large. The board of directors will ultimately control the undertaking and be responsible for adherence to the *Radio Regulations, 1986* and the station's conditions of licence.

Conditions of licence

1. The licence shall be subject to the conditions set out in *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000.
2. The licensee shall devote, in each broadcast week, 12% or more of its musical selections from content category 3 (Special interest music) to Canadian selections broadcast in their entirety.

Encouragement

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.