



Broadcasting Decision CRTC 2009-559

Route reference: 2009-157

Additional references: 2009-157-1, 2009-157-2, 2009-157-4, 2009-157-5, 2009-157-6

Ottawa, 4 September 2009

Radio communautaire de Lévis

Lévis, Quebec

Application 2008-1629-1, received 4 December 2008

Public Hearing in Québec, Quebec

26 May 2009

Community radio station in Lévis

*The Commission **approves** an application for a broadcasting licence to operate a French-language Type B community FM radio station in Lévis, Quebec.*

Introduction

1. In Broadcasting Public Notice 2008-87, the Commission called for applications for broadcasting licences to operate radio programming undertakings to serve the Québec market.
2. In this context, the Commission received three applications for licences for new commercial FM radio stations to serve the Québec market.
3. The Commission also received an application by Radio communautaire de Lévis for a broadcasting licence to operate a French-language Type B community FM radio programming undertaking in Lévis, Quebec.
4. Radio communautaire de Lévis is a not-for-profit organization controlled by its board of directors.
5. Further to Broadcasting Notice of Consultation 2009-157-2, the Commission considered the applications at a hearing beginning 26 May 2009 in Québec.
6. The Commission notes that the application by Radio communautaire de Lévis differs from the other applications considered at the hearing in that it proposed a service of a different nature and was not technically mutually exclusive with any other application. Accordingly, the Commission considers it appropriate to issue its decision on the application by Radio communautaire de Lévis separately. The Commission will render its decision on the three other technically mutually exclusive applications for FM radio licences at a later date.

The proposed service

7. Radio communautaire de Lévis proposed to operate the station on frequency 96.9 MHz (channel 245A1) with a maximum effective radiated power (ERP) of 104 watts (maximum ERP of 165 watts with an effective height of the antenna above average terrain of 13.8 metres).
8. The new station would offer 126 hours of local programming in each broadcast week, including 114 hours and 30 minutes of spoken word programming and 11 hours and 30 minutes of news (75% local, 15% national and 10% international). A Type B community radio station may not increase or decrease its total weekly broadcast time by more than 20% without prior Commission approval.
9. The station's music programming would comprise pop, rock, dance, country and country-oriented, concert, folk, world beat, international and jazz and blues music. The applicant committed to devoting not less than 12% of category 3 musical selections to Canadian selections broadcast in their entirety.
10. With respect to the promotion of local artists, the applicant stated that 16% of musical selections would be selections from local artists. The applicant also indicated that the station's mission would be to offer as much visibility as possible to the talent in the community it would be licensed to serve, whether it be singers, musicians, athletes, visual artists and artisans. To achieve this goal, the station would produce numerous concerts showcasing local talent, provide coverage for musical, sport and artistic events in the community and create partnerships with arts and sports associations.
11. The applicant plans to start recruiting volunteers in the station's first weeks of operation by contacting local volunteer organizations. Volunteer hosts of all ages would be required to undertake a complete training course such as that provided by the Collège Radio Télévision de Québec or another institution designated by the licensee. The professionals at the station would also offer training.
12. The Commission received two comments concerning the application and three interventions opposing it. The applicant did not respond to any of the interventions. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

13. The Commission notes that Radio Bellechasse CFIN-FM 103.9 opposed the use of the frequency 104.1 MHz, as proposed by the applicant in its original application. Given that the applicant amended its application to propose the use of the frequency 96.9 MHz, as indicated in Broadcasting Notice of Consultation 2009-157-1, the Commission considers that this change addresses the concerns of Radio Bellechasse CFIN-FM 103.9.

14. Radio Basse Ville and the Centre local de développement de Québec both opposed the application by Radio communautaire de Lévis on the grounds that, in their view, the applicant's business plan is not an original business plan and is not appropriate for the Lévis region.
15. The Commission notes that Radio communautaire de Lévis has operated an Internet-based station for five years. With 26 volunteer hosts, this station offers broadcasts 24 hours a day and is considered a platform for emerging artists. The new community FM station would thus provide the Québec market, and more specifically Lévis, with a new voice and new programming that would meet the needs of a specific target audience.
16. With regard to the financial impact of the station, the Commission also notes that the station would offer only limited competition to the market's commercial stations given its distinct mandate and the nature of the proposed service.

Conclusion

17. In light of the foregoing and given that the application is consistent with the provisions for Type B community radio stations set out in Public Notice 2000-13, the Commission **approves** the application by Radio communautaire de Lévis for a broadcasting licence to operate a French-language Type B community FM radio programming undertaking in Lévis. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

Related documents

- Notice of hearing, Broadcasting Notice of Consultation CRTC 2009-157, 25 March 2009, amended by Broadcasting Notice of Consultation CRTC 2009-157-1, 2 April 2009, and Broadcasting Notice of Consultation CRTC 2009-157-2, 17 April 2009
- *Call for applications* – Notice of consultation, Broadcasting Public Notice CRTC 2008-87, 3 October 2008
- *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 2009-559

Terms, conditions of licence and encouragement

Terms

Issuance of the broadcasting licence to operate a French-language Type B community FM radio programming undertaking in Lévis, Quebec

The licence will expire 31 August 2016.

The station will be operated on frequency 96.9 MHz (channel 245A1) with a maximum effective radiated power (ERP) of 104 watts (maximum ERP of 165 watts with an effective height of the antenna above average terrain of 13.8 metres).

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 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.

Furthermore, the licence for this undertaking will only 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 4 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.

The Commission requires the licensee to submit, within 12 months of the date of this decision, a duly signed and dated copy of the amended by-laws of Radio communautaire de Lévis.

Conditions of licence

1. The licence will 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 will devote, in each broadcast week, no less than 12% of its musical selections drawn from category 3 (Special interest music) to Canadian selections broadcast in their entirety.

Encouragement

Employment equity

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.