



Broadcasting Decision CRTC 2010-606

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Route reference: 2010-225

Ottawa, 20 August 2010

CIAM Media & Radio Broadcasting Association

Various locations in British Columbia and Alberta

Applications 2010-0482-9, 2010-0484-5 and 2010-0483-7, received 18 March 2010

CIAM-FM Fort Vermilion – New transmitters in various locations

*The Commission **denies** applications by CIAM Media & Radio Broadcasting Association to amend the broadcasting licence for the type B community radio station CIAM-FM Fort Vermilion by adding low-power transmitters in Prespatou and Dawson Creek, British Columbia, and Three Hills, Alberta, to rebroadcast the programming of CIAM-FM.*

Introduction

1. The Commission received applications by CIAM Media & Radio Broadcasting Association (CIAM) to amend the broadcasting licence for the type B community radio programming undertaking CIAM-FM Fort Vermilion, Alberta in order to add low-power transmitters in Prespatou and Dawson Creek, British Columbia, and Three Hills, Alberta to rebroadcast the programming of CIAM-FM.
2. The transmitter in Prespatou would operate on frequency 105.5 MHz (channel 288LP) with an effective radiated power (ERP) of 50 watts (non-directional antenna with an effective height of antenna above average terrain (EHAAT) of 45.1 metres). The transmitter in Dawson Creek would operate on frequency 107.5 MHz (channel 298LP) with an ERP of 50 watts (non-directional antenna with an EHAAT of 146.3 metres). The transmitter in Three Hills would operate on frequency 89.5 MHz (channel 208LP) with an ERP of 50 watts (non-directional antenna with an EHAAT of 47.5 metres).¹
3. The licensee submitted that the installation of transmitters in Prespatou, Dawson Creek and Three Hills would allow it to broadcast the programming of CIAM-FM in these communities and adequately serve their populations.

¹ The Commission notes that the technical parameters for the transmitters in Prespatou and Dawson Creek were changed upon notification by the Department of Industry.

4. The Commission received an intervention in opposition to this application from the Canadian Broadcasting Corporation (CBC), licensee of CBCX-FM Calgary. The CBC alleged that the proposed transmitter in Three Hills would interfere with its own broadcast signal. The licensee did not reply to the intervention. The intervention is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
5. The Commission notes that, in *CIAM-FM Fort Vermillion and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2010-437, 30 June 2010 (Broadcasting Decision 2010-437), it renewed the broadcasting licence for CIAM-FM for a short-term period ending 31 August 2013. This short-term renewal was based on the station's failure to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the provision of annual returns, for the 2008 broadcast year.

Commission's analysis and determinations

6. After examining the application in light of the applicable regulations and policies, the Commission considers that the only issue to be addressed in its determinations relates to the licensee's non-compliance with its regulatory requirements.
7. As set out in Broadcasting Decision 2010-437, the licensee submitted the annual report for the 2008 broadcast year on 29 January 2009. In a letter to the Commission submitted in regard to its renewal application for CIAM-FM, the licensee explained that the 2008 annual return for the station was filed with the Commission for the financial year covering 1 January 2008 to 31 December 2008, and not for the broadcast year ending 31 August 2008. The Commission notes that the licensee's annual reports for previous broadcast years were submitted by the 30 November deadline for each year, as set out in subsection 9(2) of the Regulations.
8. The Commission generally denies licence amendments requested by licensees that are in non-compliance with their regulatory requirements. Given CIAM-FM's above-noted non-compliance with subsection 9(2) of the Regulations, the Commission does not consider that a departure from this practice is warranted in this case.

Conclusion

9. In light of the above, the Commission **denies** the application by CIAM Media & Radio Broadcasting Association to amend the broadcasting licence for the type B community radio programming undertaking CIAM-FM Fort Vermilion by adding low-power transmitters in Prespatou, Dawson Creek and Three Hills to rebroadcast the programming of CIAM-FM.

Secretary General