



Broadcasting Decision CRTC 2011-245

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Route reference: 2010-935

Additional reference: 2010-935-1

Ottawa, 14 April 2011

Gordon Peters, on behalf of a not-for-profit corporation to be incorporated
Thamesville, Ontario

Application 2010-1510-8, received 29 September 2010
Public Hearing in the National Capital Region
11 February 2011

Type B Native FM radio station in Thamesville

*The Commission **approves** an application for a broadcasting licence to operate an English- and Aboriginal-language, low-power Type B Native FM radio station in Thamesville.*

Introduction

1. The Commission received an application by Gordon Peters, on behalf of a not-for-profit corporation to be incorporated (Gordon Peters OBCI), for a broadcasting licence to operate an English- and Aboriginal-language, low-power Type B Native FM radio programming undertaking in Thamesville, Ontario. The Commission received an intervention in support of this application.
2. Gordon Peters OBCI will be a not-for-profit corporation controlled by its board of directors.
3. The new station will operate on frequency 104.3 MHz (channel 282LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 25 metres).¹
4. The applicant will broadcast a minimum of 126 hours of station-produced programming per broadcast week, including a minimum of 20 hours of Lenape-language programming.

¹ These technical parameters reflect those approved by the Department of Industry.

Commission's determination

5. The Commission is satisfied that the application is consistent with the provisions for Type B Native radio stations set out in *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990. Accordingly, the Commission **approves** the application by Gordon Peters, on behalf of a not-for-profit corporation to be incorporated, for a broadcasting licence to operate an English- and Aboriginal-language, low-power Type B Native FM radio programming undertaking in Thamesville, Ontario. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2011-245

Terms and conditions of licence

Issuance of the broadcasting licence to operate an English- and Aboriginal-language low-power, Type B Native FM radio programming undertaking in Thamesville, Ontario.

Terms

The licence will expire 31 August 2017.

The station will operate on frequency 104.3 MHz (channel 282LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 25 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.

Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission also reminds the applicant that it will have to select another frequency if the Department so requires.

Furthermore, the licence for this undertaking will be issued once the applicant:

- has satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects; and
- has informed the Commission in writing that its 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 14 April 2013. 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 licensee shall devote, in each broadcast week, no less than 35% of its musical selections from content category 2 (Popular Music) to Canadian musical selections broadcast in their entirety.

2. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to the provisions of the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.