



Broadcasting Decision CRTC 2012-131

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Route reference: 2011-595

Additional reference: 2011-595-2

Ottawa, 5 March 2012

Glen Ferguson, on behalf of a corporation to be incorporated
Bathurst, New Brunswick

Application 2011-0616-2, received 1 April 2011
Public hearing in the National Capital Region
21 November 2011

English-language low-power community FM radio station in Bathurst

*The Commission **denies** an application for a broadcasting licence to operate an
English-language, low-power community FM radio station in Bathurst, New Brunswick.*

The application

1. The Commission received an application by Glen Ferguson, on behalf of a corporation to be incorporated (Ferguson), for a broadcasting licence to operate an English-language, low-power community FM radio programming undertaking in Bathurst, New Brunswick.
2. The proposed station would operate on frequency 96.5 MHz (channel 243LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 24 metres).
3. The applicant proposed to broadcast 126 hours of programming per broadcast week, of which 84 hours would be station-produced. The remainder of the programming would consist of acquired syndicated musical, sports and aboriginal programming.
4. The applicant indicated that it would broadcast a maximum of 21 hours of French-language programming and 2 hours of Aboriginal-language programming each week. The applicant indicated that the station would have a defined musical format consisting of classic rock with some blues music. With respect to the promotion of local artists, the applicant stated that air time would be made available each week to local entertainers.

Interventions and reply

5. The Commission received comments from Astral Media Radio Atlantic Inc. (Astral), licensee of CKBC-FM Bathurst and Armand Roussy, on behalf of CKLE 92,9 FM & CJVA (Caraquet) 810 AM La SuperStation (Armand Roussy), to which the applicant replied. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
6. In their comments, both Astral and Armand Roussy stated that Ferguson's application included inaccurate statements regarding the Bathurst radio market. Both argued that the applicant failed to identify the French-language radio station CKLE-FM Bathurst/Caraquet in its description of the market. They further submitted that the applicant's assumptions about the population growth in Bathurst are inaccurate and pointed out that, contrary to the applicant's assessment, the population of Bathurst has been declining over the last five years. Astral further expressed the view that the applicant's plans for volunteer participation and training were vague. Although neither intervener specifically opposed the application, they did argue that approval of the application could have a negative impact on the profitability and viability of incumbent stations in the market.
7. In its reply, Ferguson noted that it may have overstated the future population growth of the Bathurst region; however, it maintained that it did not overstate Bathurst's current population. With respect to volunteer participation and training, the applicant indicated that a number of individuals and organizations have provided their names as potential station volunteers and that all volunteers would be trained by the applicant. Further, the applicant dismissed Astral's claim that approval of its application would result in an undue negative impact on Astral's station, CKBC-FM Bathurst.

Commission's analysis and decision

8. After examining the public record for this application in light of applicable policies and regulations, the Commission considers that the issues it must address are the following:
 - whether the proposed station would have a negative impact on existing stations;
 - whether the proposed programming reflects the objectives set out in Broadcasting Regulatory Policy 2010-499 (the campus and community radio policy); and
 - whether the proposal reflects the role and mandate for community stations set out in the campus and community radio policy.

Would the proposed station have a negative impact on existing stations?

9. The interveners expressed concerns over the potential impact of the proposed station on existing radio stations. In this regard, the Commission notes that the existing

stations have been in operation for a number of years and are well established in the market. In addition, the Commission considers that the potential impact of the proposed station would be further mitigated by the limited coverage area of its low-power transmitter.

10. Given the above, the Commission considers that the proposed station would not have an undue impact on existing stations in the Bathurst market.

Does the proposed programming reflect the objectives of the campus and community radio policy?

11. Since the applicant proposed to operate a community radio station, the Commission has considered the application in light of the provisions of the campus and community radio policy. In paragraph 12 of the policy, the Commission stated:

The programming of campus and community radio should distinguish itself from that of the commercial and public sectors in both style and substance, offering programming that is rich in local information and reflection. The programming provided by campus and community radio should meet the needs and interests of the communities served by these stations in ways that are not met by commercial radio stations and the Canadian Broadcasting Corporation.

12. The Commission considers that community stations should add diversity to the broadcasting system by increasing programming choices in both music and spoken word.
13. After reviewing the application, the Commission is concerned by the apparent commercial programming orientation of the service proposed by Ferguson. In its application, the applicant stated that it wishes to provide an alternative to the pop music currently available to listeners in the Bathurst region and proposed a predominantly classic rock format with at least 88% of its musical programming consisting of selections from subcategory 21 Pop, rock and dance. This amount was subsequently reduced to 75% when the applicant agreed to adhere to standard conditions of licence 7 and 8 as set out in Public Notice 2000-157.¹ The Commission further notes that the applicant's proposed block programming schedule contains numerous musical programming offerings centered on a classic rock theme.
14. With respect to spoken word programming, the Commission notes that, with the exception of some acquired programs, the applicant did not submit descriptions of the programming content outlined in its proposed block programming schedule nor did it provide the relevant content category and the origin of the programming. In light of these omissions, the Commission is unable to evaluate the applicant's spoken word programming plans properly. Accordingly, the Commission finds that the applicant

¹ Condition of licence 7 requires that a minimum of 20% of musical selections be drawn from content subcategories other than content subcategory 21 (Pop, rock and dance). Condition of licence 8 requires that a minimum of 5% of musical selections be devoted to music from content category 3 (Special Interest Music).

has not demonstrated that it would provide programming that would be rich in spoken word and community reflection as required by the campus and community radio policy.

Does the proposal reflect the role and mandate for community stations set out in the campus and community radio policy?

15. As set out in the campus and community radio policy, the role and mandate of community stations include, among other things, that local programming be produced, in part, by volunteers and that volunteers form a part of the overall operations of community stations. In the policy, the Commission further stated that community stations should offer ongoing opportunities for training in the operation of their station to volunteers from the community served.
16. In its application, the applicant stated that it would encourage the community to volunteer at the station and that air time would be provided to individuals and organizations to promote various community events. However, the applicant stated that it did not anticipate being involved in the training of individuals wishing to participate in the station's programming. In view of this, the Commission requested that the applicant elaborate on its plans for volunteer participation and training in the activities of the proposed station. In response, the applicant indicated that it would reach out to the community once it had determined the station's operational requirements. With respect to training, the applicant noted that it had begun compiling job descriptions and that it would use these as a framework to train its volunteers.
17. As noted above, the requirement that a community radio station include volunteers in the programming and in other areas of station operations is one of the key elements that distinguish it from other types of radio stations. Although the applicant indicated that it would encourage the participation of volunteers, the Commission is concerned with the lack of details in the applicant's plans for volunteer participation and training. The Commission is not convinced that the proposed station would provide sufficient access to the airwaves to members of the community nor the opportunity for community volunteers to produce locally relevant programming. Furthermore, the applicant did not demonstrate concretely that it would include community volunteers in other areas of station operations. The Commission expects applicants to provide detailed plans that comply with the campus and community radio policy.

Conclusion

18. The Commission considers that the programming and volunteer plans proposed by the applicant do not demonstrate a clear understanding of the campus and community radio policy. The Commission further considers that the proposed radio station would not achieve the range of programming diversity and community reflection in both music and spoken word required by that policy.
19. In light of all of the above, the Commission **denies** the application by Glen Ferguson, on behalf of a corporation to be incorporated, for a broadcasting licence to operate an

English-language, low-power community FM radio programming undertaking in Bathurst, New Brunswick.

20. This decision does not impede Ferguson in any way from filing another application that better reflects the specific policy requirements established for the type of radio station the applicant seeks to operate, whether it be a community or a commercial station.

Secretary General

Related documents

- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000