



Broadcasting Decision CRTC 2012-491

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Route reference: 2012-126

Ottawa, 12 September 2012

My Broadcasting Corporation

Alliston, Ontario

Application 2011-1225-0, received 25 August 2011

Public hearing in Toronto, Ontario

7 May 2012

English-language FM radio station in Alliston

*The Commission **approves** the application by My Broadcasting Corporation for a broadcasting licence to operate an English-language commercial FM radio station in Alliston, Ontario.*

Introduction

1. The Commission received an application by My Broadcasting Corporation (MBC) for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Alliston, Ontario. The new station would operate at 92.1 MHz (channel 221A) with an average effective radiated power (ERP) of 1,986 watts (maximum ERP of 3,750 watts with an effective height of antenna above average terrain of 30.5 metres).
2. MBC is a corporation controlled by Jon Pole and Andrew Dickson.
3. MBC proposed a gold-based Adult Contemporary music format and would broadcast 124 hours of local programming in each broadcast week. The local programming would include approximately 14 hours of spoken word programming, approximately 4 hours of which would be devoted to pure news. Newscasts would primarily feature local content. The station would also feature weather, sports and community events.
4. In its application, MBC further committed to devote, by condition of licence, at least 38% of all category 2 (Popular Music) selections broadcast during each broadcast week and between 6 a.m. and 6 p.m. from Monday to Friday to Canadian selections broadcast in their entirety. Furthermore, MBC indicated that in addition to the required basic annual contributions, it would contribute, by condition of licence, a total of \$3,000 to Canadian content development (CCD) over seven consecutive broadcast years (\$500 per broadcast year) beginning in the second year of operations. Of this amount, 20% would be devoted to FACTOR, with the remainder to be

directed to the musical component of the Alliston Annual Potato Festival showcasing local emerging artists.

Interventions and the applicant's reply

5. The Commission received several interventions in support of this application as well as interventions opposing the application from Bayshore Broadcasting Corporation (Bayshore), Dufferin Communications Inc. (Dufferin) and Frank Rogers. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
6. In its intervention, Bayshore noted that the 3 mV/m contour of the proposed station is completely within the 0.5 mV/m contour of its new FM station in Shelburne-Dundalk approved in Broadcasting Decision 2012-123. It further claimed that the proposed service in Alliston (28 kilometers east of Shelburne) would reduce the local and national advertising revenues of its un-launched Shelburne radio station by 5 to 10%. Similarly, Dufferin claimed that approval of the proposed service in Alliston would be detrimental to its station CIDC-FM Orangeville as it would result in the splitting of the limited advertising revenues that are generated in the area.
7. Frank Rogers indicated that the proposed station would further strain his ability to re-launch his own low-power station CFAO-FM Alliston. He further cited concerns over the capacity of the local market to support an additional radio service given the current poor economic situation and the fact that Bayshore was granted a new radio service to serve Shelburne in Broadcasting Decision 2012-123.
8. In its reply to Bayshore, MBC argued that the 3mV/m contour of its proposed station would not overlap with the 3mV/m contour of the Shelburne-Dundalk station. MBC also submitted that Shelburne-Dundalk and Alliston are separate markets and that the latter, with a population of 15,000 people, deserves its own local service. MBC further stated that due to technical limitations, it would not be possible for its proposed Alliston station to serve Bayshore's target market.
9. In reply to Dufferin, MBC claimed that due to signal limitations, its proposed service would be community focussed and would have limited reach outside of the market of Alliston.
10. With respect to Frank Rogers' intervention, MBC noted that it has experience in similar-sized markets and that it is confident that it can provide high-quality local programming to the residents of Alliston despite the alleged economic difficulties.

Commission's analysis and determinations

11. After examining the application in light of applicable policies and regulations, and taking into account the interventions received and the applicant's reply to the opposing interventions, the Commission considers that the issue to be addressed in making its determinations relates to the diversity of voices in the radio market.
12. The Commission is of the view that the service proposed by MBC would bring value to the community of Alliston by adding diversity to the market. Specifically, the proposed station would provide significant local reflection through the broadcast of

124 hours of local programming. In addition, the applicant's commitment to broadcast a higher level of Canadian category 2 musical selections would provide enhanced exposure for Canadian music and add to the programming diversity of the market.

13. With respect to the concerns raised by Frank Rogers that approval of MBC's application would hinder his chances of re-establishing his radio service in Alliston, the Commission notes that CFAO-FM began operations on 6 July 2009 and subsequently ceased operations as of July 2010. It further notes that the licensee has not yet provided details or specific timelines regarding the re-launching of its station. The Commission notes that the addition of a new station by an established operator should therefore help to ensure that service is provided to what is now a market that is not served by any local station.

Other matters

Canadian content development

14. The Commission reminds the applicant that it must adhere to the requirements relating to contributions to CCD set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time.
15. MBC will also contribute, by **condition of licence**, an additional \$3,000 to CCD over seven consecutive broadcast years (\$500 per broadcast year) beginning in the second year of operations. No less than 20% of this amount must be devoted to FACTOR or MUSICACTION. The remainder must be directed to eligible CCD initiatives.
16. The Commission also reminds the applicant that any development initiatives that have not been allocated to specific parties by condition of licence must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Broadcasting Public Notice 2006-158.

Conclusion

17. In light of the above, the Commission **approves** the application by My Broadcasting Corporation for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Alliston, Ontario. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

Related documents

- *Licensing of new radio stations to serve Shelburne and Collingwood, Ontario*, Broadcasting Decision CRTC 2012-123, 29 February 2012
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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

Appendix to Broadcasting Decision CRTC 2012-491

Terms, conditions of licence, expectation and encouragement for the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Alliston, Ontario

Terms

The licence will expire 31 August 2019.

The new station will operate at 92.1 MHz (channel 221A) with an average effective radiated power (ERP) of 1,986 watts (maximum ERP of 3,750 watts with an effective height of antenna above average terrain of 30.5 metres).

The Commission reminds the applicant that pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry 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 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 **12 September 2014**. 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 licence will be subject to the conditions set out in *Conditions of licence for commercial AM and FM radio station*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
2. The licensee shall devote, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), in each broadcast week:
 - a) a minimum of 38% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
 - b) between 6 a.m. and 6 p.m. in the period from Monday to Friday of the same broadcast week, a minimum of 38% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meaning as that set out in the Regulations.

3. In addition to the required basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall make a contribution of \$3,000 to CCD, to be allocated as follows over seven consecutive broadcast years upon commencement of operations:

Year 1:	\$0
Year 2:	\$500
Year 3:	\$500
Year 4:	\$500
Year 5:	\$500
Year 6:	\$500
Year 7:	\$500

The licensee shall allocate no less than 20% of this amount per broadcast year to FACTOR or MUSICACTION. The remainder of this additional CCD contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Expectation

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Encouragement

Employment Equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.