



Broadcasting Decision CRTC 2013-94

PDF version

Route reference: 2012-475

Additional references: 2012-212 and 2012-212-1

Ottawa, 25 February 2013

Dufferin Communications Inc.
Clarence-Rockland, Ontario

Application 2011-1679-9, received 30 December 2011
Public hearing in the National Capital Region
7 November 2012

English-language FM radio station in Clarence-Rockland

*The Commission **approves** an application for a broadcasting licence to operate an English-language commercial FM radio station in Clarence-Rockland.*

The application

1. The Commission received an application by Dufferin Communications Inc. (Dufferin) for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Clarence-Rockland.
2. Dufferin is a wholly owned subsidiary of Evanov Communications Inc., a corporation controlled by Mr. William Evanov.
3. The new station would operate on frequency 92.5 MHz (channel 223A) with an effective radiated power of 300 watts (non-directional antenna with an effective height of antenna above average terrain of 60 metres).
4. The station would offer an Adult Contemporary music format. The applicant indicated that it would broadcast at least 126 hours of local programming each broadcast week. Of this programming, 18 hours would consist of spoken word programming, including 6 hours and 25 minutes of pure news (50% of which would be local). The station would also feature weather, sports and special features such as health watch, agricultural reports, new music reports, marine/golf/ski/seasonal reports and a community calendar.

Interventions and applicant's reply

5. The Commission received interventions in support of the application. The Commission also received a comment from an individual, as well as interventions in opposition to the application by Cogeco Diffusion Acquisitions inc. (Cogeco) and Fiston Kalambay, on behalf of a corporation to be incorporated (Fiston Kalambay, OBCI). The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
6. The comment noted the potential for interference between the signal of the proposed station in Clarence-Rockland at 92.5 MHz and the signal of the Cogeco station CKBE-FM Montréal, which operates at the same frequency. For its part, Cogeco noted that Dufferin's application was premised on CKBE-FM's current operating parameters and not Cogeco's proposal to increase its technical parameters to class C1 maximum parameters (application 2012-0441-1), also considered at the 7 November 2012 public hearing.
7. Finally, Fiston Kalambay, OBCI raised concerns relating to its own proposal to operate a radio station in Ottawa-Gatineau at 92.7 MHz.¹
8. In reply, Dufferin stated that it would accept the potential interference arising from the operation of CKBE-FM at maximum Class C1 parameters. Dufferin also identified a small zone of interference that would be caused by its proposed station to CKBE-FM should it operate at such maximum parameters. However, Dufferin submitted a letter from Cogeco's Engineering Consultant which noted that Cogeco would accept the small zone of interference from the proposed Clarence-Rockland station.

Commission's analysis and decision

9. The Commission notes that there is currently no station operating in the proposed station's market. Consequently, the proposed service would introduce a valuable first local service to the community of Clarence-Rockland and would add diversity to this market through its news and information offering, as well as provide significant local reflection. The Commission also notes that while this market is largely encompassed within the Ottawa-Gatineau central market, the proposed coverage is limited to Clarence-Rockland. As such, the Commission does not anticipate any significant impact on existing stations in the Ottawa-Gatineau market.
10. Further, with respect to the small zone of interference identified between the proposed increased contours of CKBE-FM and the proposed station's contours, the Commission notes that Cogeco has accepted this zone of interference. The Commission also notes that Dufferin stated that it would accept the potential

¹ Upon being advised by the Department of Industry that Fiston Kalambay, OBCI's application was not technically acceptable, the Commission withdrew this application from the 7 November 2012 hearing and closed the file in Broadcasting Notice of Consultation 2012-475-4.

interference arising from the operation of CKBE-FM at maximum Class C1 parameters.

11. In light of all of the above, the Commission **approves** the application by Dufferin Communications Inc. for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Clarence-Rockland. The terms and **conditions of licence** are set out in the appendix to this decision.

Canadian content development

12. The Commission reminds the licensee that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time. The Commission notes that Dufferin made commitments to exceed the minimum contribution to CCD. Specifically, Dufferin committed to devote by condition of licence, over and above the basic annual contribution to CCD, a total of \$32,000 to CCD over seven broadcast years upon commencement of operations. Of this amount, at least 20% will be directed to FACTOR or MUSICACTION on an annual basis. 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 Broadcasting Public Notice 2006-158.

Employment equity

13. Because this applicant is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2012-475-4, 26 October 2012
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

Secretary General

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

Appendix to Broadcasting Decision CRTC 2013-94

Terms, conditions of licence and expectation for the English-language commercial FM radio programming undertaking in Clarence-Rockland, Ontario

Terms

The licence will expire 31 August 2019.

The station will operate at 92.5 MHz (channel 223A) with an effective radiated power of 300 watts (non-directional antenna with an effective height of antenna above average terrain of 60 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 **25 February 2015**. 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 adhere to the standard conditions of licence set out in *Conditions of licence for commercial AM and FM radio station*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
2. In addition to the basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, the licensee shall make a contribution of \$32,000 to CCD, to be allocated as follows over seven consecutive broadcast years upon commencement of operations: \$5,000 in year one and \$4,500 in each of years two through seven.

Of this amount, the licensee shall allocate at least 20% to FACTOR or MUSICACTION on an annual basis. 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.