



Broadcasting Decision CRTC 2014-279

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Route reference: 2013-663

Additional references: 2013-448 and 2013-448-2

Ottawa, 28 May 2014

Cobequid Radio Society

Lower Sackville, Nova Scotia

Hubbards Radio Society

Hubbards, Nova Scotia

*Applications 2013-0570-7 and 2013-1300-9, received 28 March and 25 September 2013
Public hearing in the National Capital Region
26 February 2014*

Community radio stations in Hubbards and Lower Sackville

*The Commission **approves** an application for a broadcasting licence to operate an English-language community FM radio station in Hubbards, Nova Scotia.*

*The Commission **approves in part** an application for a broadcasting licence to operate an English-language community FM radio station in Lower Sackville, Nova Scotia. **Within 90 days of the date of this decision**, the applicant must file an amendment application proposing the use of an FM frequency other than 88.7 MHz (channel 204A1) and related technical parameters.*

Applications

1. The Commission received the following technically mutually exclusive applications for the use of the frequency 88.7 MHz:
 - Cobequid Radio Society (Cobequid Radio), a not-for-profit organization controlled by its board of directors, filed an application for a broadcasting licence to operate an English-language community FM radio station in Lower Sackville, Nova Scotia, using 88.7 MHz (channel 204A1) with an effective radiated power (ERP) of 250 watts (non-directional antenna with an effective height above average terrain (EHAAT) of 25.1 metres). The station would broadcast 126 hours of local, volunteer-produced programming each week, including 35.4 hours of spoken word programming for all age groups, along with music drawn from a range of genres, including pop, rock and dance, country and country-oriented, easy listening, folk and folk-oriented, jazz and blues and non-classic religious music. The station would also allocate free airtime to local arts grounds and

cultural organizations. Finally, Cobequid Radio proposed to exceed the regulatory levels for Canadian content by devoting 40% of its weekly selections from category 2 (Popular Music) and 15% of its weekly selections from category 3 (Special Interest Music) to Canadian selections.

- Hubbards Radio Society (Hubbards Radio), a not-for-profit corporation controlled by its board of directors, filed an application for a broadcasting licence to operate an English-language community FM radio station in Hubbards, Nova Scotia, using 88.7 MHz (channel 204A) with an ERP of 1,080 watts (non-directional antenna with an EHAAT of 150 metres). Of the 126 hours of weekly programming, 120 hours would be local programming, including 4 hours and 50 minutes of newscasts produced by volunteers. The remaining programming, which would be broadcast in off-peak periods, would consist of acquired, independently-produced themed programming that could eventually be replaced by similar programming by volunteers. The station's musical offering would include rock, pop, country, blues, jazz, acoustic, bluegrass and modern and traditional East Coast music, with an emphasis on Nova Scotia music and local performers, whose music, shows and CD releases would be promoted through regular airplay and interviews. Finally, Hubbards Radio proposed to exceed the regulatory level for Canadian popular music by devoting 40% of its weekly music selections from category 2 to Canadian selections.

Interventions and applicants' replies

2. The Commission received interventions in support of each of the applications. The Commission also received a comment on the application by Cobequid Radio from CKDU-FM Society, licensee of a campus station in Halifax. Finally, the Commission received an intervention by Cobequid Radio in opposition to the application by Hubbards Radio.
3. CKDU-FM Society indicated that it was concerned with the visual similarity and proximity of Cobequid Radio's proposed frequency (88.7 MHz) with its own (88.1 MHz).
4. In reply, Cobequid Radio noted that CKDU-FM Halifax is a campus-based station operating out of Dalhousie University, while its proposed station would be located in Lower Sackville, would be owned, managed and operated by that community and would offer programming distinct from that provided by CKDU-FM. Further, Cobequid Radio noted that the Department of Industry (the Department) had deemed its application conditionally technically acceptable.
5. In its intervention on the application by Hubbards Radio, Cobequid Radio indicated that it would support the approval of a community radio station in Hubbards only if a different frequency were used. Cobequid Radio also argued that the larger population base and diversity of programming of its proposed station would translate into a better use of 88.7 MHz than Hubbards Radio's proposal.

6. In reply, Hubbards Radio argued that its proposal for a class A station to provide a first local radio service to an underserved population represented the better use of 88.7 MHz and that this use would be less likely to create interference with the signal of CKDU-FM. Hubbards Radio also noted that while Cobequid Radio had identified alternative frequencies in its application and intervention, none of these frequencies would be usable for its own proposal.

Commission's analysis

7. The Commission expects community radio stations to provide programming differing in style and substance from that provided by other elements of the broadcasting system, particularly commercial radio stations and the Canadian Broadcasting Corporation. Such programming should consist of music, especially Canadian music, not generally heard on commercial stations (including special interest music, as well as styles of popular music seldom broadcast), in-depth spoken word programming and programming targeted to specific groups within the community.
8. The Commission is satisfied that the applications by Cobequid Radio and Hubbards Radio both comply with the provisions for community radio stations set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010.
9. With respect to the use of the 88.7 MHz frequency requested by both applicants, the Commission notes that other frequencies have been identified by the parties as being capable of serving Lower Sackville's market, whereas 88.7 MHz represents the best frequency available to Hubbards Radio to serve the communities of Hubbards and Chester targeted by its application. Further, given that the proposed parameters for 88.7 MHz in Hubbards are superior in class, power and coverage, the Commission considers that this proposal represents a better use of the frequency. In addition, the Commission's analysis suggests that Cobequid Radio's proposed parameters for a class A1 station (maximum ERP of 250 watts) using 88.7 MHz in Lower Sackville is limited in its reach considering the coverage potential of that frequency.
10. Given the preceding, the Commission considers that the proposal by Hubbards Radio constitutes the more appropriate use of the requested frequency.

Conclusion

11. In light of all of the above, the Commission **approves** the application by Hubbards Radio Society for a broadcasting licence to operate an English-language community FM radio programming undertaking in Hubbards, Nova Scotia. The terms and **conditions of licence** are set out in Appendix 1 to this decision.
12. The Commission **approves in part** the application by Cobequid Radio Society for a broadcasting licence to operate an English-language community FM radio programming undertaking in Lower Sackville, Nova Scotia. The terms and **conditions of licence** are set out in Appendix 2 to this decision. As noted in that

appendix, within **90 days of the date of this decision**, the applicant must file an amendment application proposing the use of an FM frequency other than 88.7 MHz (channel 204A1) and related technical parameters.

13. The Commission notes that Cobequid Radio proposed to devote by condition of licence at least \$3,115 per year as of the first year of operations (\$21,086 over seven years) in direct contributions to Canadian content development (CCD). The Commission acknowledges this commitment to the broadcasting system. However, given that campus and community stations are not required to make CCD contributions and that the Commission does not generally impose such commitments as conditions of licence on campus and community stations, the Commission has not imposed this commitment as a condition of licence.

Secretary General

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

Appendix 1 to Broadcasting Decision CRTC 2014-279

Terms, conditions of licence, expectation and encouragement for the English-language community FM radio programming undertaking in Hubbards, Nova Scotia

Terms

The licence will expire 31 August 2020.

The station will operate at 88.7 MHz (channel 204A) with an effective radiated power of 1,080 watts (non-directional antenna with an effective height of antenna above average terrain of 150 meters).

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 licensee 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 **28 May 2016**. 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 conditions of licence set out in *Standard conditions of licence for campus and community stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012.
2. As an exception to section 2.2(8) of the *Radio Regulations, 1986*, the licensee shall devote at least 40% of its musical selections from content category 2 (Popular Music) in each broadcast week to Canadian selections broadcast in their entirety.

Expectation

Filing of ownership information

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website

Encouragement

Employment equity

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Appendix 2 to Broadcasting Decision CRTC 2014-279

Terms, conditions of licence, expectation and encouragement for the English-language community FM radio programming undertaking in Lower Sackville, Nova Scotia

Terms

The licence will expire 31 August 2020.

Within **90 days of the date of this decision**, the applicant must submit an amendment application proposing the use of an FM frequency other than 88.7 MHz (channel 204A1) and related technical parameters. This application will form part of a public process.

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 licensee 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 **28 May 2016**. To ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

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2. As an exception to section 2.2(8) of the *Radio Regulations, 1986*, the licensee shall devote at least 40% of its musical selections from content category 2 (Popular Music) in any broadcast week to Canadian selections broadcast in their entirety.
3. As an exception to section 2.2(3)(a) of the *Radio Regulations, 1986*, the licensee shall devote at least 15% of its musical selections from content category 3 (Special Interest Music) in any broadcast week to Canadian selections broadcast in their entirety.

Expectation

Filing of ownership information

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