



## Broadcasting Decision CRTC 2014-324

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Route reference: 2013-663

Ottawa, 17 June 2014

**James Nelson, on behalf of a not-for-profit corporation to be incorporated**  
Kanesatake, Quebec

*Application 2013-1280-1, received 17 September 2013*  
*Public hearing in the National Capital Region*  
*26 February 2014*

### Low-power Type B Native FM radio station in Kanesatake

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

#### Application

1. James Nelson, on behalf of a not-for-profit corporation to be incorporated (OBCI), filed an application for a broadcasting licence to operate an English- and Mohawk-language, low-power Type B Native FM radio station in Kanesatake, Quebec. The Commission received an intervention in support of this application.
2. James Nelson (OBCI) will be controlled by its board of directors.
3. The station would operate on frequency 101.7 MHz (channel 269LP) with an average effective radiated power (ERP) of 11 watts (maximum ERP of 27 watts with an effective height of antenna above average terrain of 29.2 metres).<sup>1</sup>
4. The applicant indicated that it would broadcast approximately 15 hours of spoken word and 68 hours of music programming each broadcast week, all of which would be local. The applicant also stated that approximately 95% of the spoken word programming would be in the English language with the remaining in the Mohawk language. Approximately 15% of the music programming would be performed or composed by Aboriginal artists, including Mohawk emerging artists from the community. Further, the applicant stated that the community would be invited to participate in the station's programming.

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<sup>1</sup> These technical parameters reflect those approved by the Department of Industry.

## **Commission's decision**

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 James Nelson, on behalf of a not-for-profit corporation to be incorporated, for a broadcasting licence to operate an English- and Mohawk-language, low-power Type B Native FM radio programming undertaking in Kanesatake, Quebec. 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 2014-324

### Terms, conditions of licence and encouragement for the low-power, English- and Mohawk-language Type B Native FM radio programming undertaking in Kanesatake, Quebec

#### Terms

The licence will expire 31 August 2020.

The station will operate on frequency 101.7 MHz (channel 269LP) with an average effective radiated power (ERP) of 11 watts (maximum ERP of 27 watts with an effective height of antenna above average terrain of 29.2 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 (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 undertaking, the Commission also reminds the applicant that it will have to select another frequency if the Department so requires.

Furthermore, the Commission will only issue a licence for this undertaking 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
- 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 **17 June 2016**. 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, not less than 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

For the purposes of this condition of licence, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*.

2. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission and to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

### **Encouragement**

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another native station or network.