



Broadcasting Decision CRTC 2019-237

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Reference: 2019-10

Ottawa, 4 July 2019

Radio Stingray Inc.

Marystown, Newfoundland and Labrador

Public record for this application: 2018-0338-8

Public hearing in the National Capital Region

19 March 2019

CHCM Marystown – Conversion to the FM band

1. The Commission **approves** the application by Radio Stingray Inc. (Stingray) for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Marystown, Newfoundland and Labrador, to replace its English-language commercial AM radio programming undertaking CHCM Marystown. The terms and **conditions of licence** are set out in the appendix to this decision. The Commission did not receive any interventions regarding this application.
2. Stingray is a widely held Canadian public company effectively controlled by Eric Boyko, pursuant to the Nomination Rights Agreement and Voting Trust Agreement.
3. The new FM station will operate at 88.3 MHz (channel 202C1) with an effective radiated power of 59,300 watts (non-directional antenna with an effective height of the antenna above average terrain of 186.1 metres).
4. The new FM station will maintain the classic hits music format currently offered on the AM station. It will broadcast 126 hours of programming per broadcast week, including 20 hours of local programming. Of this, one hour will be dedicated to local, national and international news. The rest of the programming, including news, will continue to come from VOCM St.-John's.

Canadian content development

5. The applicant proposed to exceed the minimum contribution to Canadian content development (CCD) required by section 15 of the *Radio Regulations, 1986*. Specifically, Stingray proposed to devote, by condition of licence, \$1,000 annually (\$7,000 over seven consecutive broadcast years) to CCD.
6. The applicant stated that it would devote these funds to FACTOR as well as to school music programs in the Burin Peninsula, in consultation with the Newfoundland and Labrador English School District.

Single-station market

7. Marystown qualifies as a single station market as defined in Public Notice 1993-121. As a result, as provided under condition of licence 8 set out in the appendix to Broadcasting Regulatory Policy 2009-62, the licensee may solicit and accept local advertising for the new station even though less than one-third of the programming aired during each broadcast week will be local.

Employment equity

8. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development, its employment equity practices are not examined by the Commission.

Simulcast period and revocation of the AM licence

9. As set out in the appendix to this decision, Stingray is authorized to simulcast the programming of the new FM station on CHCM for a transition period of three months following the commencement of operations of the FM station. Pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act* and consistent with the licensee's request, the Commission **revokes** the licence for CHCM Marystown effective at the end of the simulcast period.

Secretary General

Related documents

- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Local programming policy for FM radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2019-237

Terms, conditions of licence and expectation for the English-language commercial FM radio programming undertaking in Marystown, Newfoundland and Labrador

Terms

The licence will be effective 1 September 2019 and expire 31 August 2026.

The station will operate at 88.3 MHz (channel 202C1) with an effective radiated power of 59,300 watts (non-directional antenna with an effective height of the antenna above average terrain of 186.1 metres).

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.

Further, the Commission will only issue a licence for this undertaking 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 **4 July 2021**. 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 conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. In addition to the basic annual contribution to Canadian content development set out in section 15 of the *Radio Regulations, 1986*, the licensee shall make an annual contribution of \$1,000 (\$7,000 over seven consecutive broadcast years) to the promotion and development of Canadian content. Of this amount, at least 20% per broadcast year shall be devoted to FACTOR or MUSICACTION. The remainder 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.
3. The licensee is authorized to simulcast the programming of the new commercial FM station on CHCM Marystown for a transition period of three months following the commencement of operations of the FM station.

Expectation

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