



Broadcasting Decision CRTC 2019-265

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Reference: 2019-10

Ottawa, 29 July 2019

Caper Radio Incorporated
Sydney, Nova Scotia

Public record for this application: 2018-1056-5

Public Hearing in the National Capital Region

19 March 2019

Campus radio station in Sydney

*The Commission **approves** an application for a broadcasting licence to operate a low-power, English-language campus FM radio station in Sydney, Nova Scotia.*

Introduction

1. In Broadcasting Decision 2015-196, the Commission approved an application by Caper Radio Incorporated (Caper Radio) for a broadcasting licence to operate a low-power, English-language developmental campus radio station in Sydney, Nova Scotia. The broadcasting licence for this station, which currently operates as CJBU-FM Sydney, expires 31 August 2019.
2. The Commission's campus and community radio policy, set out in Broadcasting Regulatory Policy 2010-499, specifies that developmental radio stations are licensed for a term of up to five years, after which licensees may either apply to be licensed as full-fledged campus or community stations or let the licence lapse. As such, broadcasting licences for developmental stations are not renewable.
3. Consequently, Caper Radio filed an application for a broadcasting licence to operate a low-power, English-language campus FM radio station in Sydney. The Commission received interventions in support of this application.
4. Caper Radio is a not-for-profit corporation controlled by its board of directors.
5. The new station would operate at 107.3 MHz (channel 297LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 16.5 metres).¹

¹ These technical parameters reflect those conditionally approved by the Department of Industry.

6. Caper Radio indicated that the station would broadcast 126 hours of programming each broadcast week, of which 90 hours would be local programming. The remaining 36 hours would consist of programming from the Community Radio Exchange, a program-sharing service of the National Campus and Community Radio Association.
7. Further, the applicant proposed to devote five hours of the station's programming broadcast each broadcast week to newscasts, one hour of which would be devoted to pure news. Newscasts would include local news (25%) and regional news (25%).
8. In regard to music programming, 70% of the musical selections broadcast would be drawn from content category 2 (Popular Music) (of which 35% would be drawn from content subcategory 21 (Rock, Pop and Dance) and 35% from content subcategories 22 (Country and Country-oriented), 23 (Acoustic) and 24 (Easy Listening) combined). Further, 30% of the musical selections broadcast would be drawn from content category 3 (Special Interest Music).²
9. In addition, Caper Radio proposed to offer each broadcast week programming in French and in Indigenous languages, as well as ethnic programming.
10. In regard to local talent development, the applicant stated that it has a strong track record of supporting local creative industries, especially local independent artists, through broadcast and community shows.
11. Finally, Caper Radio committed to advertising volunteer opportunities on campus, in the community and through social media. It stated that volunteers are currently given in-house support and mentoring by the station manager to facilitate program development and delivery. The applicant added that it would continue its efforts in training local volunteers and students in the use of broadcast and recording equipment at a professional level.

Commission's analysis and decision

12. The Commission's policy for campus and community radio stations is set out in Broadcasting Regulatory Policy 2010-499. As indicated in that policy, the programming of campus and community radio stations should distinguish itself from that of the commercial and public sectors in both style and substance, and should be rich in local information and reflection. Further, the programming provided by such stations should meet the needs and interests of the communities they serve in ways that are not met by commercial radio stations and Canadian Broadcasting Corporation (CBC) stations. Programming should consist of music, especially Canadian music, not generally heard on commercial stations (including Special Interest Music and styles of popular music seldom broadcast), in-depth spoken word programs, and programs that target specific groups within the community.

² These content categories, and other content categories and subcategories, are set out in the appendix to Broadcasting Regulatory Policy 2010-819.

13. In regard to the present case, the Commission finds that Caper Radio's proposed service would serve Sydney and surrounding areas by ensuring local reflection and programming diversity in the Sydney radio market.

Conclusion

14. The Commission is satisfied that the application is consistent with the provisions for campus radio stations set out in Broadcasting Regulatory Policy 2010-499. Accordingly, the Commission **approves** the application by Caper Radio Incorporated for a broadcasting licence to operate a low-power, English-language campus FM radio programming undertaking in Sydney, Nova Scotia. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

15. Pursuant to section 16 of the *Radio Regulations, 1986*, all licensees of campus, community and Native radio stations must participate in the National Public Alerting System.

Secretary General

Related documents

- *English-language developmental campus radio station in Sydney*, Broadcasting Decision CRTC 2015-196, 15 May 2015
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

Appendix to Broadcasting Decision CRTC 2019-265

Terms, conditions of licence, expectations and encouragement for the low-power, English-language campus FM radio programming undertaking in Sydney, Nova Scotia

Terms

The licence will take effect 1 September 2019 and expire 31 August 2026.

The new station will operate at 107.3 MHz (channel 297LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 16.5 metres).

The Department of Industry's (the Department's) *BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings* specifies that a low-power FM radio station is considered a secondary assignment operating on an unprotected channel. Should an FM station or transmitter with protected status be granted a frequency incompatible with that used by the low-power station considered in this decision, the applicant may need to cease the operation of that low-power station, or file an application to change its frequency and/or technical parameters.

Pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, 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 **29 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 *Standard conditions of licence for campus and community stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, as well as to the conditions set out in the broadcasting licence for the undertaking.

Expectations

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.

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

Encouragement

The Commission considers that campus 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.