



Broadcasting Decision CRTC 2020-400

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References: Part 1 licence renewal applications posted on 30 October 2020

Ottawa, 15 December 2020

Cogeco Media Inc.
Hawkesbury, Ontario

Ottawa Media Inc.
Hawkesbury, Ontario

Public record for these applications: 2019-0940-0 and 2019-0472-2

CHPR-FM Hawkesbury and CKHK-FM Hawkesbury – Licence renewals

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act*, to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the *Broadcasting Act*.
2. Consistent with that authority, the Commission **renews** the broadcasting licences for the commercial radio programming undertakings listed below from 1 March 2021 to 31 August 2027.¹ The Commission did not receive any interventions in regard to these applications. The terms and **conditions of licence** for each of these stations are set out in the appendix to this decision.

Licensee	Call sign and locality	Application
Cogeco Media Inc.	CHPR-FM Hawkesbury, Ontario	2019-0940-0
Ottawa Media Inc.	CKHK-FM Hawkesbury, Ontario	2019-0472-2

Single-station markets and local programming – CHPR-FM Hawkesbury

3. In Public Notice 1993-121, the Commission defined a “single-station market” as follows:

Any community that only one commercial FM radio station has been licensed to serve, provided that

¹ The original licence expiry date for these stations was 31 August 2020. The licences were administratively renewed until 28 February 2021 as a result of Broadcasting Decision 2020-284.

1 the 3 mV/m contour of this FM station does not encompass a significant part of a second community that another AM or FM commercial radio station has been licensed to serve and whose population is equal to, or greater than, that of the first community, and

2(a) the community is not situated within the 3 mV/m contour of any other licensed commercial FM station, or

2(b) if so situated, is a community whose distance (centre to centre) from the community served by the other station is 60 kilometres or more.

4. In that public notice, the Commission specified that licensees of commercial FM radio stations in single-station markets are excluded from the standard requirement to devote at least one-third of the broadcast week to local programming in order to solicit or accept local advertising.²
5. The Commission also recognized that changing circumstances, such as those resulting from future licensing action or possible station closures, may, by strict interpretation, render the definition of single-station market inapplicable to a given community. As a general rule, however, once exempted from the policy requirements by the Commission, these stations will continue to be exempt.
6. CHPR-FM was licensed in a single-station market and, accordingly, was permitted to solicit and accept local advertising, irrespective of the amount of local programming it broadcast. The Hawkesbury radio market no longer qualifies as a single-station market.³ However, CHPR-FM remains excluded from the requirement to broadcast a certain amount of local programming before it can solicit or accept local advertising, in accordance with the Commission's general rule set out in Public Notice 1993-121.
7. Nevertheless, CHPR-FM's status does not exclude it from the requirement to broadcast local programming. In Broadcasting Public Notice 2006-158, the Commission specified that all licensed radio stations are required to broadcast local programming as a means of providing sufficient service to their local communities, as well as to meet their particular needs and interests.
8. In its licence renewal application, Cogeco Media Inc. (Cogeco) indicated that CHPR-FM does not broadcast any local programming; in fact, all of CHPR-FM's programming originates from CJLA-FM Lachute, Quebec. In response to a Commission request for information, Cogeco asserted that CHPR-FM is not required to broadcast local programming because it was licensed in a single-station market. This is inconsistent with the requirement set out in Broadcasting Public Notice 2006-158 relating to the broadcast of local programming.

² See standard condition of licence 8 as set out in the appendix to Broadcasting Regulatory Policy 2009-62.

³ In Broadcasting Decision 2007-204, the Commission approved an application by Ottawa Media Inc. for a broadcasting licence to operate an English-language FM radio station in Hawkesbury. CKHK-FM launched in April 2008.

9. Since CHPR-FM does not broadcast any local programming and all of its programming originates from CJLA-FM, it is effectively operating as a rebroadcasting transmitter of CJLA-FM. As a result, CHPR-FM would be operating as a radio distribution undertaking and not a radio programming undertaking (RPU). In this case, Cogeco's broadcasting licence to operate CHPR-FM as an RPU would need to be revoked.
10. In light of the above, the Commission **directs** Cogeco to file, within 90 days of the date of this decision, either of the following:
 - a) an application to revoke the broadcasting licence for CHPR-FM and a corresponding application to add the CHPR-FM transmitter authority to the CJLA-FM broadcasting licence; or
 - b) a plan detailing the level of hours of local programming that CHPR-FM will broadcast each broadcast week for the community it is licensed to serve, as well as how the local programming to be introduced will meet the particular needs and interests of the Hawkesbury community.

Reminders

Tangible benefits – CHPR-FM Hawkesbury

11. Cogeco must fulfill all remaining tangible benefits resulting from its acquisition of the assets of CHPR-FM, as approved in Broadcasting Decision 2018-396.

Local news – CKHK-FM Hawkesbury

12. Local radio stations are an important daily source of local news and information for communities. Holding a broadcasting licence comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.
13. For CKHK-FM, Ottawa Media Inc. proposed to broadcast one hour and 45 minutes of local news each week.
14. Although Broadcasting Public Notice 2006-158 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that public notice, the Commission reminds Ottawa Media Inc. that CKHK-FM, in its local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

Force and effect of broadcasting licences

15. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

Employment equity

16. Because Cogeco and Ottawa Media Inc. are subject to the *Employment Equity Act* and file reports concerning employment equity with the Department of Employment and Social Development, their employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-284, 21 August 2020
- *Various radio programming undertakings – Acquisition of assets*, Broadcasting Decision CRTC 2018-396, 11 October 2018
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *English-language FM radio station in Hawkesbury*, Broadcasting Decision CRTC 2007-204, 27 June 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *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 each licence.

Appendix to Broadcasting Decision CRTC 2020-400

Terms, conditions of licence and expectation for the commercial radio programming undertakings for which the broadcasting licences have been renewed in this decision

Term

The licence will expire 31 August 2027.

Condition of licence applicable to CHPR-FM Hawkesbury

1. The licensee shall adhere to the conditions of licence set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence 8 relating to single-station markets, as well as to the conditions set out into the broadcasting licence for the undertaking.

Condition of licence applicable to CKHK-FM Hawkesbury

2. The licensee shall adhere to the conditions of licence 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.

Additional condition of licence applicable to CHPR-FM Hawkesbury

3. During each broadcast week, the licensee shall broadcast no more than one hour of English-language programming consisting of newscasts, interviews with members of the community, special interest features concerning social and cultural activities of the community, as well as advertising up to a maximum of five minutes per day.

Additional condition of licence applicable to CKHK-FM Hawkesbury

4. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), devote a minimum of 40% of the musical selections from content category 2 (Popular music) broadcast between 6 a.m. and 6 p.m. Monday through Friday in each broadcast week to Canadian selections broadcast in their entirety.

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

Expectation applicable to both stations

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