



Broadcasting Decision CRTC 2024-343

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Reference: 2024-148

Ottawa, 20 December 2024

Bay of Islands Radio Inc.

Corner Brook, Newfoundland and Labrador

Public record: 2023-0681-0

Public hearing in the National Capital Region

5 September 2024

English-language community FM radio station in Corner Brook

Summary

The Commission approves the application by Bay of Islands Radio Inc. for a broadcasting licence to operate an English-language community FM radio station in Corner Brook, Newfoundland and Labrador. This licence will allow the applicant to operate a full-power station to replace the existing low-power station, CKVB-FM Corner Brook.

This licence will also help allow the station to provide better service and continue to offer local programming in the community of Corner Brook and its surrounding areas.

Application

1. On 12 December 2023, the Commission received an application by Bay of Islands Radio Inc. (Bay of Islands Radio) for a broadcasting licence to operate an English-language community FM radio station in Corner Brook, Newfoundland and Labrador. The applicant requested to replace its existing low-power station, CKVB-FM Corner Brook, with a full-power station.
2. The proposed station would operate at 100.1 MHz (channel 261A) with an average effective radiated power (ERP) of 2,760 watts (non-directional antenna with an effective height of the antenna above average terrain [EHAAT] of 14.6 metres).
3. Bay of Islands Radio stated that a new full-power station would provide better service to the residents of Corner Brook, who have limited access to other radio stations and different types of media.
4. The applicant proposed to keep the adult contemporary format currently broadcast on CKVB-FM and to serve the same community and the same target audience of Corner Brook.

5. Bay of Islands Radio also proposed that the station would broadcast 126 hours of programming per broadcast week, of which 118 hours would be devoted to local programming. This would include five hours of local and regional news, 30 minutes of national news, and 30 minutes of international news.
6. The applicant proposed to devote 75% of its musical selections to selections from content subcategory 22 (country and country-oriented), 15% to selections from content subcategory 32 (folk and folk-oriented) and 10% to selections from content subcategory 21 (pop, rock and dance).
7. Bay of Islands Radio added that it would continue to attract local talent to include in its musical programming, and that it is planning to host live performers in the studio from the surrounding communities, as well as other Canadian artists.
8. Finally, Bay of Islands Radio intends to include 15 to 30 minutes of Mi'kmaq educational programming per broadcast week.
9. In its application, Bay of Islands Radio provided 11 letters of support from local government officials. Moreover, the Commission received one additional letter of support for the application.

Issues

10. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
 - whether the applicant's ownership structure satisfies the requirements of the *Direction to the CRTC (Ineligibility of Non-Canadians)*¹ (the Direction);
 - whether the use of the proposed frequency represents an appropriate use of spectrum;
 - whether approval of the application would have an undue economic impact on incumbent stations; and
 - whether proposed programming and community involvement will be consistent with the Campus and Community Radio Policy (Broadcasting Regulatory Policy 2010-499).

Canadian ownership and control

11. Pursuant to paragraph 3(1)(a) of the *Broadcasting Act* (the Act), the Canadian broadcasting system shall be effectively owned and controlled by Canadians. As required by the Direction, no broadcasting licence can be issued to a non-Canadian.

¹ SOR/97-192, 8 April 1997

12. CKVB-FM is owned and operated by Bay of Islands Radio, which is a not-for-profit corporation controlled by its board of directors, and all the directors and the Chief Executive Officer (CEO) are Canadian.
13. In light of the above, the Commission finds that Bay of Islands Radio satisfies the requirements of the Direction.

Appropriate use of spectrum

14. The Department of Industry (also known as Innovation, Science and Economic Development Canada) has granted conditional technical acceptability of the proposed station. As such, the applicant's proposal adheres to the rules governing FM spectrum coordination.
15. Bay of Islands Radio's proposed FM primary service contour (3mV/m) would serve Corner Brook, while the secondary service contour (0.5 mV/m) would encompass Steady Brook, McIvers, Humber Village, Little Rapids and surrounding areas.
16. The applicant proposed the use of frequency 100.1 MHz (channel 261A). The Commission notes that there are multiple other frequencies that can provide similar or greater coverage to that proposed by the applicant.
17. In light of the above, the Commission finds that the use of the frequency 100.1 MHz would have minimal impact on the availability of frequencies in Corner Brook and surrounding areas, and represents an appropriate use of spectrum.

Economic impact on the incumbent stations

18. Corner Brook is a community of approximately 30,000 people, located on the west coast of Newfoundland and Labrador. In addition to CKVB-FM, the community is served by two commercial radio stations, CFCB and CKXX-FM, both operated by Stingray Group Inc.
19. The applicant's projected advertising revenues over the next seven years represent a small portion of the current advertising market. Although the reach of CKVB-FM would increase, the station would still remain a community station.
20. In light of the above, the Commission finds that approval of the application would not have an undue economic impact on incumbent stations in the market.

Proposed programming and community involvement

21. In Broadcasting Regulatory Policy 2010-499, the Commission indicated that the Canadian broadcasting system should ensure that audiences have access to a diversity of programming, especially local, regional and national content. Further, this policy requires that a community station be owned, operated, and controlled by a not-for-profit organization that provides for membership, management, operation and programming primarily by members of the community served.

22. The Commission notes that Bay of Islands Radio is planning to provide opportunities for diverse members of the community in the station's operation, including those who will now be covered by the enlarged contours. The applicant is also planning to provide programming targeting the community's equity-deserving groups and Indigenous peoples, collaborate with local non-profit and charitable organizations, and support local festivals, concerts, and other events.
23. The Commission acknowledges the applicant's intention to include 15 to 30 minutes of Mi'kmaq educational programming per broadcast week. However, it notes that since the present application is for an English-language station, there is no authority in the licence or the regulatory obligations that allows the applicant to broadcast in French or Indigenous languages. While the *Radio Regulations, 1986* (the Regulations) authorize various stations to do a certain amount of ethnic and third-language programming, third language is defined as excluding English, French and Indigenous languages. Therefore, programming in the other official language or Indigenous languages requires separate authority.
24. However, the Commission considers that allowing the applicant to broadcast Indigenous-language programming aligns with several of the objectives in the Act. The Commission considers that authorizing Bay of Islands Radio to broadcast up to 15% of its spoken word programming in an Indigenous language would grant Bay of Islands Radio enough flexibility to broadcast its desired amount of such programming.
25. In light of the above, the Commission considers the proposed local programming and involvement of the community is consistent with its expectations for a community station, set out in Broadcasting Regulatory Policy 2010-499.

Conclusion

26. In light of all of the above, the Commission approves the application by Bay of Islands Radio Inc. for a broadcasting licence to operate an English-language community FM radio programming undertaking in Corner Brook, Newfoundland and Labrador. This licence will allow the applicant to operate a full-power station to replace the existing low-power station, CKVB-FM Corner Brook. The licence will expire **31 August 2031**.

Conditions of service

Standard conditions of service

27. There are standard conditions of service that apply to all undertakings of a particular class. In this case, the Commission considers it appropriate that the licensee should adhere to the standard conditions of service for community radio stations. These standard conditions of service are set out in the appendix to Broadcasting Regulatory Policy 2012-304.

28. Further, pursuant to subsection 49(2) of the *Online Streaming Act*, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old Act is deemed to be an order made under section 9.1 of the new Act. As a result, the Commission considers it appropriate to require that the licensee adhere to these requirements as conditions of service.
29. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Bay of Islands Radio Inc., by **condition of service**, to adhere to the standard conditions of service set out in Broadcasting Regulatory Policy 2012-304 as well as all applicable requirements set out in the Regulations, that were made under paragraph 10(1)(a) or 10(1)(i) of the old Act.

Indigenous-language programming

30. As noted above, Bay of Islands Radio plans to broadcast from 15 to 30 minutes of Indigenous-language programming of the 118 hours of local programming, per broadcast week.
31. As such, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Bay of Islands Radio Inc., by **condition of service**, to broadcast a maximum of 15% of spoken word Indigenous-language programming, per broadcast week.

Broadcast of emergency alerts

32. The Commission considers that the full participation of the broadcasting industry is important for the National Public Alerting System (NPAS) to be effective in safeguarding and warning Canadians.
33. Consequently, the Commission has implemented obligations in respect of the broadcast of emergency alerts. For reference, see section 16 of the Regulations, as well as Broadcasting Regulatory Policy 2014-444. The licensee must implement the public alerting system for each of its transmitters, and ensure that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages are installed and programmed to properly account for the applicable contour (as set out in paragraph 16(2)(b) of the Regulations) of the station as well as that of any rebroadcasting transmitter that may appear on the licence for that station.
34. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Bay of Islands Radio Inc., by **condition of service**, to implement the NPAS **by the station's launch** and to make the appropriate associated information filings.
35. The Commission notes that the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. Pursuant to subsection 9(1) of the Act, the licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.

36. The terms as well as the specifics of the conditions of service are set out in the appendix to this decision.
37. Finally, the Commission notes that the matters set out in the above orders were subject to a public proceeding that provided both the applicant and other interested parties notice of and an opportunity to make comments with respect to the proposed orders. The Commission is satisfied that, in this case, the public proceeding was sufficient to achieve the purpose of the publication and consultation requirement set out in subsection 9.1(4) of the Act.

Secretary General

Related documents

- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders - Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *Standard conditions of licence for campus and community stations*, Broadcasting Regulatory Policy, CRTC 2012-304, 22 May 2012
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2024-343

Terms, conditions of service, expectations and encouragements for the English-language community FM radio programming undertaking in Corner Brook, Newfoundland and Labrador

Terms

The licence will expire 31 August 2031.

The station will operate at 100.1 MHz (channel 261A) with an average effective radiated power (ERP) of 2,760 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 14.6 metres).

The Commission reminds the applicant that, pursuant to subsection 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (also known as Innovation, Science and Economic Development Canada) 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 in operation by no later than **20 December 2026**. To request an extension, the applicant must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

Conditions of service

1. The licensee must adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012.
2. The licensee must adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.
3. The licensee may devote a maximum of 15% of the spoken word programming broadcast on the station, each broadcast week, to Indigenous-language programming.
4. The licensee must implement the National Public Alerting System (NPAS) by the station's launch in the manner set out in section 16 of the *Radio Regulations, 1986*, and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014, as amended from time to time.

As part of this requirement, the licensee must file a letter with the Commission via GC Key to attest to the implementation date of its NPAS **within 14 days after installation** of the alerting equipment. This letter must contain evidence that the system is properly configured to receive and distribute alerts from the National Alert Aggregation and Dissemination (NAAD) System (e.g., an attestation by a Chief Executive Officer (CEO), president or person exercising a similar supervisory role in the licensee's operations, as to the installation of functioning alerting equipment).

Expectations

Board of directors

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.

Cultural diversity

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

Encouragements

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the licensee should consider employment equity in its hiring practices and in all other aspects of its management of human resources.

Furthermore, the Commission notes that amendments to the *Broadcasting Act*, resulting from the *Online Streaming Act*, place greater emphasis on the inclusion of equity-deserving communities and individuals in the broadcasting system. As a result, the Commission may examine its diversity-related policies in the context of the consultations on inclusion and diversity announced in its [Regulatory plan to modernize Canada's broadcasting framework](#). In the meantime, although the licensee is subject to the *Employment Equity Act*, the Commission encourages the licensee to consider the amendments to the *Broadcasting Act* when making operational decisions.