



Broadcasting Decision CRTC 2025-59

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Reference: 2024-148

Gatineau, 26 February 2025

My Broadcasting Corporation
Brockville and Kingston, Ontario

Public record: 2024-0080-3

*Public hearing in the National Capital Region
5 September 2024*

CFJR-FM Brockville, CJPT-FM Brockville, CFLY-FM Kingston and CKLC-FM Kingston – Change in ownership and effective control

Summary

The Commission approves an application by My Broadcasting Corporation (MBC) to change the ownership and control of four English-language commercial radio stations, CFJR-FM and CJPT-FM Brockville, Ontario, and CFLY-FM and CKLC-FM Kingston, Ontario. Through this transaction, MBC will acquire from Bell Media Inc. the assets necessary to operate the stations noted above. The Commission also approves MBC's request for new broadcasting licences to continue the operation of the stations noted above.

The Commission finds that approving this transaction is in the public interest, as it will help ensure that the stations continue to serve the communities of Brockville and Kingston. The stations to be acquired will be operated by a new commercial licensee to the markets who is committed to showcasing a diversity of voices and emerging Canadian musical artists and providing local programming to the community.

Application

1. On 29 February 2024, the Commission received an application from My Broadcasting Corporation (MBC), on behalf of Bell Media Inc. (Bell Media), for authority to change the ownership and effective control of the English-language commercial radio stations CFJR-FM and CJPT-FM Brockville, Ontario, and CFLY-FM and CKLC-FM Kingston, Ontario. Through this transaction, MBC will acquire from Bell Media the assets necessary to operate the stations noted above. MBC also requested new broadcasting licences to continue the operation of the stations under the same terms and conditions as those currently in effect.

2. MBC is incorporated in Ontario. Its voting interests are owned by 2695872 Ontario Inc. (50%) and 2695873 Ontario Inc. (50%). Effective control of MBC is exercised by Jon Pole and Andrew Dickson, both of whom are Canadians.
3. Bell Media is wholly owned by Bell Canada, which is a subsidiary of the publicly traded corporation BCE Inc. (BCE). The effective control of BCE is exercised by its board of directors.
4. The purchase price for the assets of the stations is \$1,400,000. MBC proposed a value of the transaction of \$1,865,600, which included the purchase price and the total value of leases payable over five years. There are no liabilities being assumed nor working capital transferred at closing. MBC also proposed a tangible benefits package of \$111,936, which represents the minimum of 6% of the proposed value of the transaction.

Interventions

5. The Commission received five interventions in response to the application. One was in support from Text Groove Communication Inc. (Text Groove); three were comments from the Forum for Research and Policy in Communications (FRPC), the Public Interest Advocacy Centre (PIAC), and the Conseil provincial du secteur des communications du Syndicat canadien de la fonction publique (CPSC-SCFP); and one was in opposition from an individual.

Legal framework

6. The review of ownership transactions is an essential element of the Commission's regulatory and supervisory mandate under the *Broadcasting Act* (the Act). Obtaining a licence to operate a broadcasting undertaking (in this case, radio stations) is a regulatory privilege granted by the Commission. A licensee does not have the authority to transfer a licence to a new operator as they see fit.
7. For this reason, licensees must obtain the Commission's approval before entering into any action, agreement, or transaction that changes, directly or indirectly, the effective control of the radio station. This requirement is set out in subsection 11(4) of the *Radio Regulations, 1986* (the Regulations).
8. When seeking the Commission's approval, the applicant must demonstrate that the benefits of the transaction are commensurate with the size and nature of the transaction and that the application represents the best possible proposal under the circumstances. The Commission will consider the application on its merits and will approve the transaction if the change in ownership and effective control is in the public interest. The public interest is reflected in the Canadian broadcasting and regulatory policy set out in subsections 3(1) and 5(2) of the Act.
9. Under subsection 18(1) of the Act, the Commission must conduct a public hearing for the issuance of a broadcasting licence. Broadcasting Information Bulletins 2011-222 and 2008-8-2 outline that the Commission generally reviews applications for

asset purchases through public hearings, either appearing or non-appearing. Applications are non-appearing where the Commission is satisfied that the applicant and interested parties have had an opportunity to present their views and that the written record is sufficient and further discussion is not necessary.

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 for Canadian ownership and control;
 - whether the proposed transaction is consistent with the Commission’s Common Ownership Policy for radio;
 - whether the proposed transaction is in the public interest;
 - the value of the transaction and tangible benefits; and
 - whether the proposed transaction fulfills the regulatory requirements.

Canadian ownership and control

11. Pursuant to paragraph 3(1)(a) of the Act, the Canadian broadcasting system shall be effectively owned and controlled by Canadians. As required by the *Direction to the CRTC (Ineligibility of Non-Canadians)* (the Direction)¹, no broadcasting licence can be issued to a non-Canadian.
12. As MBC is effectively controlled by Mr. Pole and Mr. Dickson, both Canadians, the proposed transaction satisfies the requirements set out in the Direction.

Common Ownership Policy for radio

13. The Revised Commercial Radio Policy² has modified the Common Ownership Policy for radio. It stipulates that in markets³ with eight or more commercial radio stations operating in a given language, a person may be permitted to own or control

¹ SOR/97-192, 8 April 1997.

² Broadcasting Regulatory Policy 2022-332.

³ According to the Regulations, the “market” in the case of an FM station is defined by the theoretical 3 mV/m contour or the central area as defined by Numeris (formerly Bureau of Broadcast Measurement), whichever is smaller. The theoretical 3 mV/m (primary) and 0.5 mV/m (secondary) contours demonstrate the approximate extent of coverage over average terrain. The true coverage of a radio signal may vary, and therefore realistic contours can be created using accepted engineering tools that take into account actual conditions, such as terrain or natural objects, to provide a coverage estimate.

as many as four stations, with a maximum of three stations within one frequency band (FM or AM) in that language.

14. Broadcasting Information Bulletin 2010-341 (the Bulletin) states that stations whose markets overlap the market under evaluation must be counted in the number of stations present in that market. Partially overlapping stations may be excluded from this number when the population of the overlapping area represents less than 15% of the population of the market under evaluation. In markets where the population in the overlapping area represents between 5% and 15% of the market, stations can be excluded if they do not accept advertising from local businesses in the market under evaluation. In such cases, the Commission will generally approve an application even if a person exceeds the maximum number of stations allowed in the market, provided that the competitive balance of the market is maintained and the direction of news and public affairs coverage is not affected. Stations will generally be excluded from the calculation of the number of stations in a market if the population in the overlapping area represents less than 5% of the market.
15. Moreover, the Revised Commercial Radio Policy and the Bulletin state that the Commission may grant an exception to the Common Ownership Policy if a person exceeds the maximum number of stations allowed in the market when it concludes that the exception is in the public interest because it provides clear benefits to Canadians and the broadcasting system or is based on serious economic or technical circumstances.
16. The markets with potential issues regarding the Common Ownership Policy for radio, should this transaction be approved, are the markets of CJPT-FM Brockville and CFLY-FM Kingston.

Position of applicant

17. In its initial submissions, MBC stated that its application did not raise concerns with the Common Ownership Policy as it did not own any stations in the Brockville and Kingston markets.
18. MBC also stated that the signal from its station CJGM-FM Gananoque, Ontario, is intentionally limited to not be audible in Brockville, where United Christian Broadcaster operates a rebroadcasting transmitter on the same frequency (99.9 MHz). Therefore, CJGM-FM only serves Gananoque and should not be included in the Brockville market.
19. MBC added that financial resources allocated towards the production of local news would have a positive impact for the public and audiences in Brockville and Kingston. It also submitted that the approval of this application would not result in a competitive change to the marketplace and would serve the public interest by providing more specific local coverage and news for each market of Brockville and Kingston.

20. If the Commission were to find MBC's proposed transaction inconsistent with the Common Ownership Policy for the Brockville market, MBC requested an exception to that policy based on both technical and public interest reasons. MBC stated that, should the Commission refuse its request for an exception, it would consider surrendering the licence for its Gananoque station CJGM-FM to rectify the issue. However, MBC would prefer to continue operating CJGM-FM and serving the residents of Gananoque as it has since 2011.
21. Finally, MBC stated that it would comply with a condition of service whereby the Commission restricts the solicitation of advertising by both stations so that CFLY-FM does not solicit advertising in Brockville and that CJPT-FM does not solicit advertising in Kingston.

Commission's decision

CFLY-FM Kingston market

22. The market of CFLY-FM in Kingston overlaps with the markets of CJPT-FM in Brockville, CKLC-FM in Kingston, and the market of CKYM-FM Napanee, Ontario.
23. The population of the overlapping areas between CFLY-FM in Kingston and both CJPT-FM in Brockville and CKYM-FM in Napanee each represent less than 5% of the market population of CFLY-FM. As such, these two stations should not be included in the evaluation of the number of stations operated by MBC in the CFLY-FM market according to the Bulletin. Therefore, MBC would operate only two FM stations (CFLY-FM and CKLC-FM in Kingston) in the CFLY-FM market.

CJPT-FM Brockville market

24. The market of CJPT-FM in Brockville overlaps with the markets of CFJR-FM in Brockville, CFLY-FM and CKLC-FM in Kingston, and CJGM-FM in Gananoque.
25. The population of the overlapping area between CJPT-FM in Brockville and CKLC-FM in Kingston represents less than 5% of the market population of CJPT-FM. As such, CKLC-FM should not be included in the evaluation of the number of stations operated by MBC in the CJPT-FM market.
26. As the population of the overlapping area between the CJPT-FM market in Brockville and the CFLY-FM market in Kingston represents between 5 and 15% of the CJPT-FM market population, the competitive balance of the market and the risk of influence on the direction of news and public affairs broadcasts should be considered.
27. MBC stated that CFLY-FM in Kingston does not solicit advertisers from local businesses of the CJPT-FM market in Brockville, but that it broadcasts advertising in connection with regional events. This type of advertising would represent less than \$1,000 per year for CFLY-FM. MBC also stated that CFLY-FM does not broadcast public affairs programs that may be of interest to listeners in the CJPT-FM market,

except for rare events of regional importance. Further, MBC noted that CFLY-FM does not intend to solicit CJPT-FM market advertisers and that it will not influence news and information in the Brockville market.

28. The Commission is of the view that there is little risk that CFLY-FM will shift its focus on news and public affairs to cater to the CJPT-FM market, and vice versa.
29. According to the Bulletin, should the transaction be approved, MBC would own four FM stations in the CJPT-FM market (Brockville's CFJR-FM and CJPT-FM, Kingston's CFLY-FM, and Gananoque's CJGM-FM). However, given that the risk of CFLY-FM's presence changing the competitive balance of the market or the direction of news and public affairs broadcasts on the CJPT-FM market is considered by the Commission to be small, the approval of the application would be consistent with the Common Ownership Policy.
30. In light of the above, the Commission finds that the transaction is consistent with the Common Ownership Policy, and that there is no need for an exception to that policy or for MBC to surrender its licence for the Gananoque station CJGM-FM. However, the Commission finds it appropriate to add an expectation, as set out in the appendix to this decision, specifying that MBC's Brockville, Kingston and Gananoque⁴ stations do not solicit or accept advertising outside of their licensed market. This is to ensure that each station operates solely in the market that it has been licenced to serve.

Public interest of the proposed transaction

31. When the Commission evaluates whether a transaction is in the public interest, it examines the extent to which the transaction improves the Canadian broadcasting system and contributes to meeting the policy objectives of the Act. Section 3 of that Act describes a broadcasting system that contributes to the creation and presentation of Canadian programming, and through its programming reflects the multicultural and multiracial nature of Canadian society. Furthermore, the programming that the broadcasting system provides should be drawn from local and regional sources and should ensure that a diversity of news voices is offered to the public.

Position of applicant

32. MBC noted that Bell Media is selling the four radio stations in Ontario because they no longer align with the company's core strategy. Bell Media stated that transferring ownership to MBC, a company with expertise in small-market radio, would benefit the public by keeping the stations operational and preserving the quality of local broadcasting.

⁴ CFJR-FM, CJPT-FM, CFLY-FM, CKLC-FM, and CJGM-FM.

33. MBC, which operates 18 stations in smaller Canadian communities, stated that it is committed to enhancing local programming, news, and digital presence to meet the needs of the communities these stations serve, and that this acquisition is a chance to strengthen local media presence.
34. MBC noted that its success is based on its stations being hyper-local to their home markets. MBC also noted that it would be building local newsrooms for Brockville and Kingston and that both markets would see an increase in local programming and news content, enhanced community involvement, and the launch of on-air local news and web hubs for “anytime” audience access. Additional resources for the operations of the Gananoque station would emerge as well.
35. MBC further noted that the listeners in each market are not interested in cross-market programming or news, and that they would rather have locally focused content. Bell Media currently operates the four stations as distinct and MBC stated that it would use the same approach, should the transaction be approved. MBC also stated that it is planning to continue supporting Canadian content music development through regular tangible benefits payments.

Interventions and reply

36. Text Groove expressed support for the application, stating that a smaller broadcaster like MBC would enhance local programming, invest in the community, be accountable to its listeners, and promote the diversity of voices.
37. PIAC raised concerns about the impact of the transactions on local programming and employment, emphasizing the need for the new owners to invest in the communities they serve.
38. Representing media workers in Quebec, the CPSC-SCFP expressed concerns about job security and the lack of detailed information on how the new owners will manage local news production. They recommended adding conditions of service to ensure local employment and the continuation of local news services.
39. The FRPC did not oppose the sale but highlighted concerns, including the level of full-time employment at each station post-sale.
40. In its reply, MBC stated that it will be hiring more journalists, sales representatives, and local managers for both Brockville and Kingston, and that the transaction would not result in a decrease in staff.
41. An individual filed an opposing intervention indicating that Kingston listeners could hear signals from the U.S. station WLYK-FM Cape Vincent, New York, a station owned by Border International Broadcasting, Inc., of which Mr. Pole and Mr. Dickson are the majority owners.
42. In response, Mr. Pole and Mr. Dickson stated that the acquisition of WLYK-FM occurred before the Bell Media acquisitions and that the process of branding had

already begun. They indicated that they would revert WLYK-FM's programming back to target Cape Vincent once the Commission renders a decision on the acquisition of the two Kingston stations.

Commission's decision

43. The Commission notes that MBC is an experienced player well-positioned to ensure the viability of the stations due to its extensive presence in the Ontario markets. The Commission also notes MBC's commitment to maintaining the employment of the stations' employees, investing in local programming and news, and ensuring the financial turnaround of the stations for their long-term survival.
44. In regard to the concerns from the FRPC, the Commission notes that as per the Purchase and Sale agreement, MBC must offer, as of the closing date of the transaction, employment to all current employees on terms that are at least as favorable as their existing conditions, including salary, benefits, and position. If this application is approved, all employment obligations required to carry on the business and operations of the stations will be transferred to or otherwise assumed by MBC.
45. The Commission notes that, should this application be approved, MBC would become a more present player in this region, controlling a total of six stations. This could influence the diversity of voices in the local broadcast markets. The Commission notes that MBC intends to be a locally focused operator, bringing programming and local news to its communities as it has done across its other stations.
46. The Commission further notes that there are a wide variety of other commercial and non-commercial stations in the region which add to the diversity of voices.
47. The Commission finds that the transaction does not raise issues of diversity of voices in this market.
48. In regard to the individual's intervention, the Commission notes Mr. Pole and Mr. Dickson have committed in the present application to revert WLYK-FM's programming to target its intended market of Cape Vincent and to ensure that it does not target the Kingston market.
49. As such, the Commission reminds Mr. Pole and Mr. Dickson that it is necessary to obtain a licence to operate a radio station in Canada, and that obtaining such a licence is a regulatory privilege granted by the Commission. Should Mr. Pole and Mr. Dickson continue to operate WLYK-FM, the Commission added an expectation, as set out in the appendix to this decision, that its programming should target the jurisdiction and market it is licensed to serve.
50. In light of the above, the Commission finds that approving this transaction is in the public interest.

Value of the transaction and tangible benefits

51. The Commission ensures that the public interest is served by requiring that the purchasing company make financial contributions to Canadian content development (CCD) that are proportionate to the size and nature of the transaction. These contributions are known as “tangible benefits.” The Commission’s policy on tangible benefits is set out in the Tangible Benefits Policy⁵. Tangible benefits serve the public interest because they increase the quantity and quality of Canadian programming and support the creation, distribution and promotion of such programming. Since the Commission does not solicit competing applications for changes to the ownership or effective control of broadcasting undertakings, the Commission requires that applicants propose tangible benefits when they seek the Commission’s approval to change the effective control of radio and television programming services.
52. The amount of tangible benefits payable depends on the value of the transaction. In the case of radio stations, tangible benefits should represent a minimum percentage of 6% of the value of the transaction. The Commission looks at the value of the transaction as a whole, including the value of gross debt, working capital to be transferred at the close of the transaction, ancillary agreements, and any leases assumed by the purchaser for real property (buildings, studios and offices) and transmission facilities. The value of leases is calculated over a period of five years. These elements, if applicable, are added to the purchase price.
53. MBC proposed a value of the transaction of \$1,865,600. This amount includes the purchase price (\$1,400,000), and the total value of the leases payable over five years (\$465,600). No debt or working capital will be assumed.
54. In light of the above, the Commission finds that the value of the transaction is \$1,865,600, itemized as follows:

Purchase Price	\$1,400,000
Debt	\$0
Assumed leases over five years	\$465,600
Working capital	\$0
Value of the transaction	\$1,865,600

⁵ Broadcasting Regulatory Policy 2014-459.

Allocation of tangible benefits

55. MBC proposed a tangible benefits package of \$111,936, which represents the minimum 6% of the value of the transaction.
56. As per the Revised Commercial Radio Policy, tangible benefits must be paid over seven consecutive broadcasting years and be allocated as follows:
- 3% to Canadian Starmaker Fund and Fonds RadioStar;
 - 60% to Canadian Starmaker Fund and 40% to Fonds RadioStar
 - 1.5% to FACTOR and Musicaction;
 - 60% to FACTOR and 40% to Musicaction
 - 1% to any eligible CCD initiative at the discretion of the purchaser; and
 - 0.5% to the Community Radio Fund of Canada (CRFC).
57. MBC proposed to allocate the funds as per the Tangible Benefits Policy, including the revised allocation in the Revised Commercial Radio Policy.

Interventions and reply

58. PIAC submitted that MBC should allocate its discretionary portion of its tangible benefits to the Broadcasting Participation Fund (BPF) and the Broadcasting Accessibility Fund (BAF) in equal measures (0.5% each). It argued that the BPF and the BAF are underfunded and crucial for public participation in broadcasting proceedings, which helps the Commission make informed decisions.
59. The FRPC submitted that 10% of the total tangible benefits should be allocated to the BPF to provide that fund financial stability.
60. In its reply to PIAC, MBC indicated that it would defer to the Commission on the allocation of 1% to discretionary initiatives. As for the FRPC's request to allocate 10% of the total tangible benefits to the BPF, MBC indicated it would rather allocate the funds to the local markets in which the stations will be operating.

Commission's decision

61. Recipients of funds that support the creation, marketing and promotion of English- and French-language Canadian music, and that benefit the broadcasting system as a whole, rely on these contributions to manage their funds accordingly. In regard to the interventions by PIAC and the FRPC, while other funding initiatives are valuable and important in the broadcasting sector, MBC's proposal is in line with the Revised Commercial Radio Policy.

62. Public participation in Commission proceedings is of great importance. A diversity of evidence informs the Commission's work in fulfilling its mandate to regulate and supervise the broadcasting system. Obtaining evidence from individual consumers or from organizations advocating in the public interest helps the Commission make informed, evidence-based decisions with far-reaching impacts.
63. In its [Regulatory plan to modernize Canada's broadcasting framework](#), the Commission stated its intention to launch a consultation to explore new ways to fund the participation of groups that represent the public interest to better facilitate their participation in Commission proceedings. The Commission intends to launch that consultation in the coming weeks and encourages individuals and groups to participate.
64. In light of the above, the Commission finds that the proposed tangible benefits package, including the amount and allocation, is appropriate as it is consistent with the Tangible Benefits Policy and Revised Commercial Radio Policy.
65. The modernized Act now includes express provisions relating to the imposition of expenditure requirements. As a result, tangible benefits must be imposed by order made pursuant to subsection 11.1(2) of the Act. Accordingly, the Commission considers it appropriate to order MBC, by condition of service, to allocate \$111,936 in tangible benefits to be paid in equal instalments over seven consecutive broadcast years, consistent with the Tangible Benefits Policy and Revised Commercial Radio Policy.

Regulatory requirements

Programming

66. Local programming is important to the broadcasting system, and the Commission expects radio stations to reflect the communities they serve through the programming they broadcast. As an incentive to broadcast local programming, commercial FM radio stations that do not serve a single-station market can only solicit or accept local advertising if they devote at least one third of their programming (equivalent to 42 hours) to local programming, which can include both spoken word and musical content. A standard condition of service to that effect is set out in the appendix to Broadcasting Regulatory Policy 2022-334.
67. In their interventions, PIAC and the FRPC expressed concerns about the need for clear commitments on the hours of first-run local news and the importance of maintaining local content.
68. In its reply, MBC stated that it aims to devote 126 hours to local programming in each broadcast week for each of the four stations. MBC is also of the view that through its staff, resources, and experience in smaller markets, it will significantly increase the local presence and coverage in the Brockville and Kingston markets.

69. Given the above, the Commission has no concerns regarding MBC's overall commitment to local programming and employment. However, as mentioned above in paragraphs 30 and 49, given the potential possibility of programming synergies between the Brockville and Kingston markets (CJPT-FM and CFLY-FM), as well as between WLYK-FM and other stations in the Kingston market (CFLY-FM, CJPT-FM, CJGM-FM and CKLC-FM), the Commission expects each station to keep to its own local programming tailored solely and exclusively for the market in which it is authorized and licensed to broadcast.
70. In light of the above, the Commission finds that MBC's proposal meets the local programming requirement.

Condition of service relating to reasonable access to advertising availabilities

71. CFJR-FM, CJPT-FM, CFLY-FM and CKLC-FM are currently required, by condition of service, to provide commercially reasonable access to advertising availabilities to unrelated operators of broadcasting undertakings and telecommunications service providers.⁶ This requirement was originally imposed in Broadcasting Decision 2013-310 as a result of the Commission's approval of the acquisition of the station by BCE from Astral Media Inc. (Astral).
72. In that decision, the Commission acknowledged that BCE, through its acquisition of Astral's services, would control a significantly large advertising inventory, both in television and in radio, and would be in a position to limit access to valuable advertising space by its competitors. Given the detrimental effect this could have had on competitors not controlling similar advertising availabilities themselves, the Commission considered that it was necessary to impose the above-noted condition on all BCE-related radio stations.
73. MBC requested the removal of the aforementioned condition of service from the licences of the stations to be acquired.
74. The purpose of the condition of service was to address BCE's size and market power as a vertically integrated entity. If the Commission approves the present application, the size of the advertising inventory controlled by MBC would be significantly less than that currently controlled by BCE. Further, it is the Commission's view that MBC would not be controlling a significantly larger advertising inventory than it currently does. Therefore, the Commission finds that it would be appropriate not to impose that condition of service for MBC.

Licence term

75. The licences for the four stations to be acquired currently expire on 31 August 2026.

⁶ Condition of service 1 set out in the appendix to Broadcasting Decision 2021-12.

76. Under paragraph 9(1)(b) of the Act, the Commission has the authority to issue a licence and determine its term as it deems appropriate. The Commission considers that it would be appropriate to issue new broadcasting licences with the same expiry date as the current licences for these stations. This would be to allow MBC the opportunity to operate the stations and submit the applications for renewal following the timeline of the original licence, and to allow potential interveners to comment on the operation of the stations before the licences are renewed.
77. In light of the above, the Commission finds it appropriate to issue new broadcasting licences for the stations to be acquired, all expiring on 31 August 2026.

Conclusion

78. In light of all of the above, the Commission approves the application by My Broadcasting Corporation, on behalf of Bell Media Inc. (Bell Media), for authority to acquire from Bell Media, by way of assets, the English-language commercial radio programming undertakings CFJR-FM and CJPT-FM Brockville, Ontario and CFLY-FM and CKLC-FM Kingston, Ontario. The Commission will issue new broadcasting licences to My Broadcasting Corporation to continue the operation of these undertakings.
79. My Broadcasting Corporation shall notify the Commission of the close of the transaction and shall file the final agreement(s) related to the transaction with the Commission within 30 days of the close of the transaction. Upon surrender of the licences currently held by Bell Media, the Commission will issue new broadcasting licences to My Broadcasting Corporation, which will expire on 31 August 2026.

Conditions of service

80. Given that My Broadcasting Corporation proposed to operate the four stations under the same terms and conditions as those in effect under the current licences, the Commission makes the following orders consistent with the existing conditions of service and subject to the modifications noted above.
81. The Commission notes that it updated the standard conditions of service for commercial FM radio stations in Broadcasting Regulatory Policy 2022-334. As a result, the Commission considers it appropriate to require My Broadcasting Corporation to adhere to these updated standard conditions so that the conditions for the stations are consistent with those of other FM stations.
82. 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 *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. As a result, the Commission considers it appropriate to require that the licensee adhere to these requirements as conditions of service.
83. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** My Broadcasting Corporation, by **conditions of service**, to adhere to the standard

conditions of service for commercial FM radio stations set out in the appendix to Broadcasting Regulatory Policy 2022-334, as well as to all applicable requirements set out in the Regulations, that were made under paragraphs 10(1)(a) or 10(1)(i) of the old Act.

84. Pursuant to subsection 11.1(2) of the Act, the Commission **orders** My Broadcasting Corporation, by **condition of service**, to pay tangible benefits in the amount of \$111,936, to be paid in equal instalments over seven consecutive broadcast years and allocated consistent with the Tangible Benefits Policy and the Revised Commercial Radio Policy. In addition, pursuant to subsection 9.1(1) of the Act, the Commission **orders** My Broadcasting Corporation, by **condition of service**, to file all proof of payment and eligibility regarding these contributions each year in a form deemed acceptable by the Commission consistent with subsection 9(2) of the Regulations.
85. Further, consistent with the existing condition of service for CKLC-FM and pursuant to subsection 9.1(1) of the Act, the Commission **orders** My Broadcasting Corporation, with respect to CKLC-FM, by **condition of service**, to devote, in any broadcast week where at least 90% of musical selections from content category 2 (Popular Music) that it broadcasts are selections released before 1 January 1981, 30% or more of its musical selections from content category 2 throughout the broadcast week and between 6:00 a.m. and 6:00 p.m. from Monday to Friday to Canadian selections broadcast in their entirety. The Commission also **orders** My Broadcasting Corporation, by **condition of service**, to specify, on the music lists it provides to the Commission, the year of release for all musical selections it broadcasts.
86. 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 prohibition on transfer. The licensee shall, therefore, also adhere to any such requirements set out in the broadcasting licence for the undertaking.
87. The terms as well as the specifics of these conditions of service are set out in the appendix to this decision.
88. Finally, the Commission notes that this application, including 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 representations with respect to the proposed orders. The Commission is satisfied that, in this case, the public proceeding was sufficient to achieve the purposes of the publication and consultation requirement set out in subsections 9.1(4) and 11.1(7) of the Act.

Reminders

Force and effect of broadcasting licences

89. Pursuant to section 22 of the Act, the broadcasting licences will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapses.

Local news

90. 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.
91. Although the Revised Commercial Radio Policy 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 regulatory policy, the Commission reminds the licensee that its stations, in their 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.

National Public Alerting System

92. The Commission has implemented obligations with respect to 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 stations as well as that of any rebroadcasting transmitter that may appear on the licences for those stations.

Employment Equity

93. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development (also known as Employment and Social Development Canada), its employment equity practices are not examined by the Commission.
94. 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.

Requirement for a licence to broadcast in Canada

95. The Commission reminds the licensee that broadcasting undertakings, except for exempt or online undertakings, require a broadcasting licence to broadcast in Canada. The Commission further reminds the licensee that obtaining a licence to operate a broadcasting undertaking is a regulatory privilege granted by the Commission.

Secretary General

Related documents

- *Rogers Communications Inc.'s payment of the tangible benefits allocated to the Broadcasting Participation Fund*, Broadcasting Decision CRTC 2024-169, 26 July 2024
- *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Various commercial radio stations - Licence renewals*, Broadcasting Decision CRTC 2021-12, 18 January 2021
- *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014
- *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
- *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013
- *New service objectives for the processing of broadcasting and telecommunications applications as of 1 April 2011*, Broadcasting and Telecom Information Bulletin CRTC 2011-222, 1 April 2011

- *Revised guidelines for the application of the Common Ownership Policy for Radio*, Broadcasting Information Bulletin CRTC 2010-341, 4 June 2010
- *A guide to the CRTC application process for changes in effective control and certain transfers of shares of broadcasting undertakings as well as for the acquisition of assets of broadcasting undertakings – Change in the manner of issuing related information bulletins*, Broadcasting Information Bulletin CRTC 2008-8-2, 6 December 2013

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2025-59

Terms, conditions of service, expectations and encouragement for the English-language commercial radio programming undertakings CFJR-FM Brockville, CJPT-FM Brockville, CFLY-FM Kingston and CKLC-FM Kingston, Ontario

Terms

The licences will expire 31 August 2026.

Conditions of service

1. The licensee shall adhere to the conditions of service set out in the appendix to the *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022, as well as to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall 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. In order to fulfill its commitment relating to tangible benefits, the licensee shall expend, in equal payments over seven consecutive years and by no later than **31 August** of each year, a total amount of \$111,936 allocated as set out in paragraphs 4 and 48 of *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014 and at paragraph 160 of *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022.

The licensee shall file all proof of payment and eligibility regarding these contributions each year in a form deemed acceptable by the Commission consistent with subsection 9(2) of the *Radio Regulations, 1986*.

Conditions of service applicable to CKLC-FM Kingston, Ontario

4. As an exception to the percentage of Canadian musical selections set out in subsections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall, in any broadcast week where at least 90% of musical selections from content category 2 (Popular Music) that it broadcasts are selections released before 1 January 1981:
 - (a) devote, in that broadcast week, at least of 30% of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
 - (b) devote, between 6:00 a.m. and 6:00 p.m., in the period from Monday to Friday of the same broadcast week, at least of 30% of its musical

selections from content category 2 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 meaning as that set out in the Regulations.

5. The licensee shall specify, on the music lists it provides to the Commission, the year of release for all musical selections it broadcasts.

Expectations

Cultural diversity

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

Canadian emerging artists

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station’s musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of “Canadian emerging artist” is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station’s playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of “Indigenous-Canadian musical selection” set out in paragraph 441 of Broadcasting

Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

Advertising

The Commission expects the licensee's Brockville (CFJR-FM and CJPT-FM), Kingston (CFLY-FM and CKLC-FM), and Gananoque (CJGM-FM) stations to not solicit or accept advertising outside of their authorized licensed markets.

Programming for WLYK-FM Cape Vincent, New York

The Commission expects Jon Pole and Andrew Dickson to adjust the programming of their U.S. station WLYK-FM Cape Vincent, New York so that it targets the jurisdiction and market it is licenced to serve.

Encouragement

The Commission encourages the licensee to consider employment equity in its hiring practices and in all other aspects of its management of human resources.