



## Broadcasting Decision CRTC 2007-217

Ottawa, 6 July 2007

### Various applicants

Montréal and Vaudreuil-Dorion, Quebec

*Public Hearing in the National Capital Region  
30 April 2007*

### Licensing of new radio stations in Montréal and Vaudreuil-Dorion, Quebec

*The Commission **approves** the application by Canadian Hellenic Cable Radio Ltd. for a broadcasting licence to operate a new FM radio station to serve Montréal.*

*The Commission **approves in part** the application submitted by Yves Sauvé, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a new FM radio station in Vaudreuil-Dorion. Within 90 days of the date of this decision, the applicant must submit an amendment to the application proposing the use of a frequency other than 106.3 MHz (channel 292A) that is acceptable both to the Commission and to the Department of Industry.*

*The Commission **denies** the other applications for broadcasting licences to serve Montréal.*

### Introduction

1. At a public hearing that began on 30 April 2007 in the National Capital Region, the Commission considered eight applications for broadcasting licences to operate new radio stations to serve Montréal and Vaudreuil-Dorion. Five of these applications proposed the same FM frequency and were therefore technically mutually exclusive, while the three others proposed to operate new radio stations on the AM band in Montréal.
2. In the course of this proceeding, the Commission received and has considered interventions regarding the eight applications. The public record of this proceeding can be consulted on the Commission's Web site at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
3. After reviewing the applications and considering the interventions, the Commission finds that the following three major questions should be considered:
  - Are there any restrictions of a technical nature related to the operation of the proposed FM services?
  - Can the Montréal market absorb new radio services without their having a harmful impact on its radio market?

- If this market has the ability to absorb new radio stations, which applications should be approved, in light of the factors relevant to the evaluation of applications for licences for new radio stations, as first set out in Broadcasting Decision CRTC 99-480?

### **Technical considerations**

4. The Commission notes that the FM band is highly congested in major Canadian markets such as Toronto, Montréal and Vancouver. Consequently, many potential broadcasters cannot identify a quality frequency that is available in these markets on which to operate a new service.
5. The five applicants for FM services proposed to use the 106.3 MHz frequency, recognizing that this is the second adjacent frequency to that currently used in Montréal by Aboriginal Voices Radio (AVR). Three of the applicants proposed to co-locate their transmitters with the AVR transmitter, while the two others proposed to use a different transmitter site than AVR's.
6. Given this situation, the Commission asked that each applicant's consulting engineer be present at the public hearing in order to examine the possible limitations related to the use of this frequency. The Commission also invited AVR to appear at the hearing to clarify certain technical questions raised by the applications proposing to use the 106.3 MHz frequency.
7. AVR currently operates its station from a temporary transmitter site. At the hearing, it indicated that it was in the midst of negotiations for the use of a permanent site. AVR expects to have completed the relocation of its antenna by September 2007.
8. The Department of Industry's (the Department's) *Part 3: Application Procedures and Rules for FM Broadcasting Undertakings* explicitly does not allow the use of second adjacent frequencies co-located on the same transmitter site. However, the Department can authorize such use by examining each application individually and by making the authorization conditional on the consent of the affected licensee—in the present case, AVR.
9. The Commission notes that AVR had given its general consent for any station that the Commission might approve. However, when AVR appeared at the hearing, it asked the Commission to impose a condition of licence on the new licensee authorized to operate on the 106.3 MHz frequency, providing that, if this licensee were unable to resolve to AVR's satisfaction any problems of signal interference caused by its use of the second adjacent frequency, that licensee would be required to find a new frequency. In addition, AVR indicated that its consent would be conditional on the co-location of the transmitter of its station and that of the station approved by the Commission.

10. The Commission also notes that, according to the applicants and AVR, the possibility that In-Band-On-Channel (IBOC) technology may be implemented in Canada does not constitute an obstacle to the use of the second adjacent frequency, 106.3 MHz.
11. Given AVR's conditional consent to the use of the 106.3 MHz frequency in Montréal, the Commission is of the view that this frequency can be assigned for the operation of a new station in that market.
12. The Commission considers that none of the applications for new AM stations raise any particular technical concerns.

### **The Montréal central market (including Vaudreuil-Dorion) and its capacity to absorb new stations**

13. According to the 2006 Census, the Montréal market has a population of approximately 3.6 million. The population of Montréal increased by 5.3% from the 2001 Census to the 2006 Census, a rate similar to that for the population of Canada as a whole (5.4%) but slightly higher than that for the province of Quebec during this same period (4.3%). In 2001, about 19% of the inhabitants of Montréal reported having a third language as their primary mother tongue or as one of their mother tongues.
14. Twenty-one commercial stations currently serve the Montréal radio market, including 11 French-language stations, 6 English-language stations and 4 ethnic stations.
15. With \$144.2 million in advertising revenues in 2006, the Montréal radio market is the second largest in Canada, after Toronto. From 2002 to 2006, Montréal radio advertising revenues grew an average of 7.5% per year. The Montréal radio industry, for all languages combined, earned \$28.4 million in profit before interest and taxes (PBIT) in 2006, for a PBIT margin of 19.3%. By way of comparison, that same year, the PBIT margin for the Quebec radio industry as a whole was 14.12%, and that for the Canadian radio industry as a whole was 20.14%.
16. According to the Conference Board of Canada's forecasts, the Montréal economy should strengthen in the coming years. Montréal's gross domestic product is predicted to grow an average of approximately 3% per year from 2007 to 2011, compared with the 2% growth recorded from 2001 to 2006. Retail sales should grow an average of about 5.2% from 2007 to 2011.
17. In light of the size of the Montréal radio market, its relatively good financial performance, and the positive forecasts that the Conference Board of Canada has made regarding Montréal's economic growth, the Commission is of the view that the Montréal radio market is capable of absorbing the two new radio stations authorized in the present decision without any undue negative impact on the market. The Commission notes that all of the applicants in the current proceeding proposed stations with advertising revenues that would represent from 0.14% to 0.68% of the total radio advertising revenues in the market. The Commission also notes that the proposed stations would target specific audiences or area and considers that their impact on the existing stations

would therefore be limited. Local advertising revenues would generally come from new advertising, since the new stations would approach clients who are not currently being solicited.

## **Assessment of applications**

### **Criteria for assessment**

18. Having determined that the Montréal market is capable of absorbing additional radio services and that only one FM frequency is available, the Commission examined the seven applications to serve Montréal and the application to serve Vaudreuil-Dorion in light of the factors relevant to the evaluation of applications, as set out in Broadcasting Decision 99-480.
19. Though it has weighed all of these factors in its analysis of the proposals, the Commission considers that the competitive state of the market, the diversity of news voices in the market, the quality of the applications, the financial resources of each applicant, and the commitments to Canadian talent development are the most important and relevant with respect to its decisions for the Montréal market, which also includes the market of Vaudreuil-Dorion.

### **The applications**

*Yves Sauvé, on behalf of a corporation to be incorporated*

20. Yves Sauvé, on behalf of a corporation to be incorporated (Yves Sauvé), proposed to operate a French-language commercial FM radio station in Vaudreuil-Dorion. The station would operate at 106.3 MHz (channel 292A) with an average effective radiated power (ERP) of 1,100 watts. It would offer a music format composed mainly of retro hits targetting the 35 to 64 age group. At least 40% of the Category 2 (popular music) musical selections aired during the broadcast week and between 6:00 a.m. and 6:00 p.m. from Monday through Friday would be Canadian selections, which exceed the percentages required by the *Radio Regulations, 1986* (the Regulations). The station would air more than 39 hours of spoken word programming during the broadcast week, of which at least 4 hours would be devoted to news. Local news would account for 50% of the total news aired during the broadcast day. The applicant would contribute \$67,000 to Canadian talent development (CTD) over seven consecutive broadcast years upon commencement of operations.

*Canadian Hellenic Cable Radio Ltd.*

21. Canadian Hellenic Cable Radio Ltd. (Hellenic Radio) proposed to establish a commercial FM specialty radio station that would operate at 106.3 MHz (channel 292A) with an average ERP of 190 watts. The station would offer ethnic programming targetting at least 6 different cultural groups in at least 8 different languages during each broadcast week. Over 50 hours of the station's weekly programming would be spoken word. Of this total, 8 to 9 hours would be news, while 3 hours would consist of weather, sports and traffic reports. The applicant proposed to contribute \$11,000 to CTD over the first three

broadcast years upon commencement of operations, including a \$3,000 contribution to Musique Multi Montréal. Beginning in the fourth year, and in each succeeding broadcast year of its licence term, the applicant would contribute to CTD no less than \$8,000, or 2.5% of the station's total revenues, whichever is greater.

*René Ferron, on behalf of a corporation to be incorporated*

22. René Ferron, on behalf of a corporation to be incorporated, proposed to establish a French-language commercial FM radio station that would operate at 106.3 MHz (channel 292A) with an average ERP of 327 watts. The station would offer a specialty music format in which 100% of the selections would be drawn from Subcategory 33 (world beat and international music), targeting listeners age 18 to 65. The applicant indicated that 35% of the Canadian French-language selections aired would be new releases and the work of emerging Canadian artists. The applicant planned to air 17 hours of spoken word per week, including 3 hours and 30 minutes of local, national and international news. The applicant would contribute \$210,000 to CTD over seven consecutive broadcast years upon commencement of operations.

*Neeti P. Ray, on behalf of a corporation to be incorporated*

23. Neeti P. Ray, on behalf of a corporation to be incorporated (Neeti Ray), proposed a commercial FM specialty radio station that would operate at 106.3 MHz (channel 292A) with an average ERP of 324 watts. The station would offer ethnic programming targeting at least 20 different cultural groups in at least 17 different languages during each broadcast week. The applicant planned to devote 34 hours per week to spoken word programming, of which at least 14 hours and 15 minutes would consist of news programs, including 33% consisting of local news, weather, sports and traffic reports. At least 90% of the musical selections aired would come from Subcategory 33, and no less than 10% of the musical selections aired during ethnic programming periods would be Canadian selections, as required by subsection 2.2(4) of the Regulations. Neeti Ray planned to contribute \$150,000 to CTD over seven consecutive broadcast years upon commencement of operations.

*International Harvesters for Christ Evangelistic Association Inc.*

24. International Harvesters for Christ Evangelistic Association Inc. (International Harvesters) proposed a French-language (51%) and English-language (49%) religious specialty FM radio station that would operate at 106.3 MHz (channel 292A) with an average ERP of 320 watts. The station would offer a Christian music format in which 100% of the weekly musical selections would be drawn from Subcategory 35 (non-classic religious). International Harvesters would produce 60 hours of local programming, of which 28 hours per week would be devoted to spoken word content. Of these 28 hours, 5 would consist of news, weather, and sports programming, and 3 would consist of non-Canadian programming. International Harvesters proposed to contribute \$19,500 to CTD over seven consecutive broadcast years upon commencement of operations.

*S. S. TV Inc.*

25. S. S. TV Inc. (SSTV) proposed to operate a commercial AM ethnic radio station at 1410 kHz (Class B), with a transmitter power of 10,000 watts day and night. During the broadcast week, the station would air programming targeting 13 cultural groups in at least 12 different languages. At least 10% of the musical selections aired during ethnic programming periods would consist of Canadian selections, as required by subsection 2.2(4) of the Regulations. At least 33.3% of the musical selections aired would feature emerging Canadian artists. During each broadcast week, SSTV would provide 50 to 60 hours of spoken word, including 3 hours and 30 minutes of programming devoted to news, sports and local events. During each broadcast week, SSTV would air 14 hours of religious and spiritual programming and 10 hours of programming from its Toronto station, Sur Sagar Radio. The applicant would contribute \$190,000 to CTD over seven consecutive broadcast years upon commencement of operations.

*Radio Humsafar Inc.*

26. Radio Humsafar Inc. (Radio Humsafar) applied to operate an AM radio station at 1400 kHz (Class C), with a transmitter power of 1,000 watts. During each broadcast week, the station would offer ethnic programming targeting at least 8 cultural groups in at least 7 different languages. The new station would be aimed primarily at the South Asian audience, with the majority of the programming intended for Punjabi, Sikh, Hindi, Muslim, Northern and Central Indian, and Urdu language communities. The applicant planned to devote 23 hours and 30 minutes per week to structured spoken-word programming, including at least 9 hours and 30 minutes of news, weather, sports and traffic reports. The applicant proposed to contribute \$70,000 to CTD over seven consecutive broadcast years upon commencement of operations.

*Communications Média Évangélique*

27. Communications Média Évangélique proposed to operate a French-language commercial AM radio station at 650 kHz with a transmitter power of 5,800 watts, daytime. The new station would offer a music format composed mainly of contemporary Christian gospel music. At least 95% of the musical selections aired would be drawn from Subcategory 35 (non-classic religious). The proposed station would air 46 hours of spoken word per week, of which 9 hours would be devoted to news, sports and weather reports. In addition, 5 hours per broadcast week would be devoted to open-line programming and a maximum of 25 hours per week would consist of paid religious programming. The applicant indicated that it would maintain balance by providing an open line for listeners, by giving them the opportunity to express their points of view by e-mail, and by offering a minimum of 7 hours per week of balance programming. The applicant proposed to contribute \$56,000 to CTD over seven consecutive broadcast years upon commencement of operations.

## Commission's analysis

### Canadian Hellenic Cable Radio Ltd.

28. The Commission notes that, of the seven competing applications to operate a commercial radio programming undertaking to serve Montréal, six proposed a specialty service, either ethnic or religious. The seventh applicant, René Ferron, proposed a specialty format. The Commission is of the view that, among all these applications, the ethnic specialty service proposed by Hellenic Radio is the one that will best serve the ethnic groups of the Greater Montréal Area and will best be able to meet the growing needs of the ethnic communities of this area. In addition, the Commission is of the view that the administrative synergies that Hellenic Radio will be able to achieve with the station that it currently operates in Montréal will enable it to better position itself in this market and foster its continued growth.
29. The Commission has also examined the application by Hellenic Radio in light of the criteria set out in Broadcasting Public Notice 1999-117 and is convinced that this application meets all the requirements of the ethnic broadcasting policy.
30. Subsection 7(1) of the Regulations requires that the licensee of an ethnic station shall devote not less than 60% of its broadcast week to ethnic programs. Subsection 7(2) requires that not less than 50% of the broadcast week shall be devoted to programs in a third language, meaning a language other than English, French or any language of the First Nations of Canada.
31. In its application, Hellenic Radio stated that at least 70% of the programming that it airs during the broadcast week would be ethnic programming. Hellenic Radio also made a commitment that at least 60% of the programming that it airs during the broadcast week would consist of third-language programs.
32. Hellenic Radio also proposed to devote 10% of all the music that aired during ethnic programming periods to Canadian selections.
33. Hellenic Radio indicated that at least 80% of the programs aired during the broadcast week would be produced locally by the applicant and by members of the cultural groups that Hellenic Radio intends to serve. In addition, spoken word would account for about 40% of its broadcast schedule.
34. According to Hellenic Radio, the new station would target the Latin and Haitian audiences, as well as the Arabic, Romanian, Armenian, Vietnamese, and Hebrew language communities and the South Asian community. The Commission considers it appropriate to impose on the applicant a **condition of licence** reflecting its commitment to offer, on a weekly basis, programming that reaches at least six cultural groups in no fewer than eight languages.

35. The Commission considers it important to emphasize Hellenic Radio's proposal to contribute \$11,000 to CTD for its first three broadcast years, including \$3,000 to Musique Multi Montréal, and, starting in the fourth year and in each succeeding broadcast year of its licence term, the amount of \$8,000 or 2.5% of the station's total revenues, whichever is greater.
36. The Commission notes that Hellenic Radio already has some experience in the use of a second adjacent frequency given that it currently operates CKDG-FM using such a frequency in Montréal. Hellenic Radio recognized that operating a second adjacent frequency can cause reception problems, especially with certain types of receivers, but also stated that it has not received any complaints regarding CKDG-FM. According to Hellenic Radio, the possible problems related to the use of such a frequency are due to a given service's having a weak ERP compared with stations transmitting with a higher ERP, rather than to the use of a second adjacent frequency.
37. The Commission is therefore satisfied that Hellenic Radio is sufficiently aware of the technical limitations associated with the use of a second adjacent frequency.
38. In its application, Hellenic Radio proposed to establish its transmitter site on Mount Royal, which would limit interference to a portion of Mount Royal Park. However, in light of the Department's rules and procedures, which require the consent of the licensee that operates on the second adjacent frequency, and the conditional nature of the consent given by AVR, the issuance of the licence to Hellenic Radio will be conditional on the conclusion of an agreement between AVR and Hellenic Radio concerning the use of the 106.3 MHz frequency, including the sharing of the same transmitter site.
39. In addition, should Hellenic Radio be unable to solve the problems of its signal's interference with the second adjacent frequency to AVR's satisfaction, it must, as a **condition of licence**, find an alternative frequency.
40. The Commission notes that the following parties intervened in opposition to Hellenic Radio's application: Jacques Blais, broadcaster; Radio Centre-Ville (CINQ-FM); Radio Moyen-Orient (CHOU 1450 AM); the Association des radiodiffuseurs communautaires du Québec; Hyman Glustein and Fernand Leclaire. The Commission also notes that certain applicants submitting competing applications intervened in opposition to Hellenic Radio's application.
41. In reply to these interventions, Hellenic Radio argued that it has demonstrated its ability to establish a high-quality third-language radio service. In reply to the assertion that certain ethnic communities in Montréal, particularly the Spanish-speaking and Creole-speaking communities, are already well served by existing radio stations, the applicant notes that the programming offered by these stations does not, by far represent "[translation]  mplete range of points of view and information" with respect to these Montréal communities. According to the applicant, these communities want more air time.

42. Hellenic Radio is of the view that it is the best equipped to support the growth of these new markets and their development on the FM band. The applicant argued that the issuance of a new licence will enable it to pursue its growth and offer a better service.
43. In its analysis of the present application, the Commission has examined the viewpoints expressed by the interveners in light of Hellenic Radio's replies and its commitments regarding local programming, spoken word programming and CTD. The Commission is of the view that approval of this application will complement the current radio offerings in the Montréal market and enable the applicant to pursue its growth in this market. The Commission is of the view that, that given the modest advertising revenues projected for this new ethnic radio station, it will not have any significant impact on the stations currently serving the Montréal market.

**Yves Sauvé, on behalf of a corporation to be incorporated**

44. Yves Sauvé is the only applicant that proposed to serve the Vaudreuil-Dorion area. The Commission is of the view that approval in part of this application will enable the people of Vaudreuil-Dorion to make themselves heard and will provide them with their first entirely local radio service. The Commission considers that the application by Yves Sauvé will provide local reflection for the community of Vaudreuil-Dorion. The Commission also notes that the applicant plans to devote a large portion of its 39 hours of spoken word programming to coverage of cultural, artistic, and sporting events, as well as to public affairs programs and local news. Several interveners from the Vaudreuil-Dorion area expressed their support for the applicant's plans and pointed out that the establishment of a new radio station offering local programming will have a positive effect on the community. The Commission also notes that the Vaudreuil-Dorion area is currently experiencing significant economic growth. The Commission is of the view that approval of this application will enable the people of Vaudreuil-Dorion to have a radio station that they can really call their own and that will be involved in their community.
45. The Commission considers that, with its music format composed primarily of retro hits, the station will add to the diversity of the Vaudreuil-Dorion market. In addition, at least 40% of the Category 2 (popular music) selections aired between 6:00 a.m. and 6:00 p.m. Monday through Friday during each broadcast week will be Canadian selections. These percentages are higher than those required by the Regulations.
46. The Commission also notes the commitment by Yves Sauvé to contribute \$67,000 over seven consecutive broadcast years to CTD, with a significant portion of this amount going to local projects.
47. The Commission notes that the following parties intervened in opposition to the application by Yves Sauvé: Radio Express inc. (CKOD-FM), Hellenic Radio (CKDG-FM), Michel Lacasse and Neeti P. Ray. Hellenic Radio and Neeti P. Ray are also applicants in this proceeding.

48. In reply to these interventions, Yves Sauvé submitted that the establishment of a new station in Vaudreuil-Dorion would in no way harm CKOD-FM Valleyfield. An analysis of CKOD-FM's service area shows that its 3 m/Vm signal contour does not encompass Vaudreuil-Dorion or any of its sister cities. Moreover, Yves Sauvé stressed that the Valleyfield market and the Vaudreuil-Dorion market are two different and distinct markets. Yves Sauvé also noted that the associations of business people of Vaudreuil-Soulanges and Saint-Lazare strongly support his application for a new FM radio station in Vaudreuil-Dorion.
49. The Commission considers that this new radio station, which will serve a market adjacent to Montréal, will not have a significant commercial impact on existing radio stations or on the new station operated by Hellenic Radio.
50. The applicant disagreed with Hellenic Radio's claim that the assignment of the 106.3 MHz frequency to Vaudreuil-Dorion would not constitute an effective use of this frequency. The applicant argued that assignment of 106.3 MHz to this market would allow the entire territory to be covered in a suitable manner.
51. The Commission also notes that this application was technically mutually exclusive with four other applications proposing the use of the 106.3 MHz frequency. In light of the comments received at the public hearing, the Commission notes that two other available frequencies have been identified that are capable of serving the Vaudreuil-Dorion market. The Commission therefore invites Yves Sauvé to consider using one of these frequencies to operate the proposed service.
52. Within 90 days following the date of this decision, the applicant must file an amendment to its application, proposing the use of a frequency other than 106.3 MHz (channel 292A) that is acceptable both to the Commission and to the Department.

## **Conclusion**

53. In light of the above, the Commission **approves** the application by Canadian Hellenic Cable Radio Ltd. (*Application 2006-1036-2, received 18 August 2006*), for a broadcasting licence to operate a new radio station in Montréal. The terms and **conditions** for this new service are set out in Appendix 1 to this decision.
54. The Commission **approves in part** the application by Yves Sauvé, on behalf of a corporation to be incorporated, (*Application 2006-1091-6, received 29 August 2006*) to operate a new radio station in Vaudreuil-Dorion. The terms and **conditions** for this new service are set out in Appendix 2 to this decision.
55. The Commission reminds Hellenic Radio that, if problems arise so that its signal interferes with that on the second adjacent frequency and these problems cannot be resolved to AVR's satisfaction, Hellenic Radio shall, by **condition of licence**, find an alternative frequency.

56. While approving the application by Yves Sauvé, the Commission requests that the applicant file, within 90 days following the date of this decision, an amendment to the application proposing the use of a frequency other than 106.3 MHz (channel 292A) that is acceptable both to the Commission and to the Department.
57. Consequently, the Commission **denies** the six other applications listed below for broadcasting licences to operate new radio stations in Montréal.

**René Ferron, on behalf of a corporation to be incorporated**

*Application 2006-0612-1, received 16 May 2006*

**Neeti P. Ray, on behalf of a corporation to be incorporated**

*Application 2007-0133-5, received 29 January 2007*

**International Harvesters for Christ Evangelistic Association Inc.**

*Application 2006-1224-3, received 2 October 2006*

**S. S. TV Inc.**

*Application 2006-1567-7, received 1 December 2006*

**Radio Humsafar Inc.**

*Application 2006-0214-5, received 23 February 2006*

**Communications Média Évangélique**

*Application 2006-1327-5, received 26 October 2006*

58. The Commission notes that, now that the 106.3 MHz frequency (channel 292A) has been assigned subject to conditions to Hellenic Radio, there are for all practical purposes no more FM frequencies available to serve Montréal. However, some AM frequencies are still available there, which might potentially be used, among other purposes, to improve the services provided to the many ethnic groups in the Montréal area, in particular the South Asian audience, which is currently underserved.
59. As regards the applications to operate ethnic AM radio stations that were considered in the current proceeding, the Commission finds that these applications did not meet its assessment criteria, either because of their general quality, or from a technical standpoint, in that the services did not seem to reach the communities that they proposed to serve. The Commission therefore encourages the applicants to reassess their plans so as to ensure that the coverage of their proposed stations will in fact reach the audiences that they are targetting.

## **Change resulting from the new *Commercial Radio Policy, 2006***

60. In Broadcasting Public Notice 2006-158, the Commission set out a new approach to the development and promotion of Canadian talent and Canadian content. In order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcast using Canadian resources, the Commission is replacing the expression “Canadian talent development” (CTD) with “Canadian content development” (CCD). Under the new policy, each radio station holding a commercial radio licence will be required to make a basic annual CCD contribution based on its total broadcast revenues in the previous broadcast year. This requirement will be reflected in the Regulations. In the meantime, it will be implemented via a transitional condition of licence that will expire upon the coming into force of the amendments to the Regulations.
61. The Commission notes that the commitments made by the two applicants exceed the basic amounts. It therefore imposes **conditions of licence** reflecting these commitments.

Secretary General

### **Related documents**

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Introductory statement - Licensing new radio stations*, Decision CRTC 99-480, 28 October 1999
- *Ethnic broadcasting policy*, Public Notice CRTC 1999-117, 16 July 1999

*This decision and the appropriate appendix shall be attached to each licence. This document is available in alternative format upon request, and may also be examined in PDF or HTML format at the following Internet site: <http://www.crtc.gc.ca>*

## **Appendix 1 to Broadcasting Decision CRTC 2007-217**

### **Canadian Hellenic Cable Radio Ltd.**

*Application 2006-1036-2, received 18 August 2006*

### **Terms, conditions of licence, expectations and encouragement**

#### **Issuance of a broadcast licence to operate a commercial FM ethnic specialty radio programming undertaking in Montréal**

#### **Terms**

The licence will expire 31 August 2013.

The station will operate at 106.3 MHz (channel 292A) with an average effective radiated power of 190 watts.

The Department of Industry (the Department) has advised the Commission that, while this application is conditionally technically acceptable, it will issue a broadcasting certificate only once it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.

The licence for this undertaking will not be issued until the applicant has sent the Commission a copy of a duly signed agreement between the applicant and Aboriginal Voices Radio Inc. concerning the terms and conditions for the use of the 106.3 MHz frequency in Montréal, including the co-location of the applicant's transmitter and that of Aboriginal Voices Radio Inc.

The Commission reminds the applicant that, pursuant to subsection 22(1) of the *Broadcasting Act*, no licence shall be issued until the Department confirms that its technical requirements have been met and a broadcasting certificate will be issued.

Furthermore, the licence for this undertaking will not be issued until 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 6 July 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

#### **Conditions of licence**

1. If any problems of interference with the signal of Aboriginal Voices Radio (AVR) on the second adjacent frequency in Montréal (106.7 MHz) arise that cannot be solved to AVR's satisfaction, the licensee shall find an alternative frequency other than the 106.3 MHz frequency.

2. The licence shall be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of conditions of licence 5 and 8.
3. The station shall be operated within the specialty format, as defined in *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995, and in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
4. The licensee shall devote no less than 70% of all programming aired during the broadcast week to ethnic programs, as defined in the *Radio Regulations, 1986*, as amended from time to time.
5. The licensee shall devote no less than 60% of all programming aired during the broadcast week to third-language programs, as defined in the *Radio Regulations, 1986*, as amended from time to time.
6. The licensee shall provide, in the course of the broadcast week, programming directed at no fewer than six different cultural groups in no fewer than eight third languages.
7. The licensee shall ensure that no less than 10% of the musical selections aired during ethnic programming periods in the course of the broadcast week are Canadian selections.
8.
  - a) The licensee shall, upon commencement of operations, make a basic annual contribution to Canadian Content Development (CCD). The amount of this contribution shall be determined in accordance with the *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Public Notice 2006-158), as amended from time to time.
  - b) The licensee shall allocate 60% of its basic annual CCD contribution to FACTOR or MUSICACTION.
  - c) The remaining amounts of this basic contribution shall be allocated to eligible parties and activities as defined in Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

9. a) In addition to its basic annual contribution, the licensee shall, upon commencement of operations, make an additional annual CCD contribution to be determined as follows:
- For the first three years of operation, the amount of \$11,000, from which the amount of the basic annual contribution payable for the current operating year shall be deducted.
  - For each subsequent operating year, an amount equal to either \$8,000 or 2.5% of operating revenues for the preceding year, whichever is greater.
- b) The licensee shall allocate 20% of its additional annual CCD contribution to FACTOR or MUSICACTION.
- c) The remaining amounts of this additional contribution shall be allocated to eligible parties and activities as defined in Public Notice 2006-158.

## **Expectations and encouragement**

### **Emerging Canadian artists**

- The Commission expects the applicant to meet its commitment that at least 3% of the musical selections that it airs during ethnic programming periods will be devoted to emerging Canadian artists.

### **Local programming**

- The Commission expects that 80% of the programming aired during the broadcast week will be devoted to programs produced locally by the applicant and by members of the cultural groups that the applicant plans to serve. In addition, spoken word programs shall account for approximately 40% of the applicant's broadcast schedule

### **Cultural diversity and employment equity**

- The Commission expects the licensee's programming and hiring practices to reflect the cultural diversity of Canada.
- In accordance with *Implementation of an Employment Equity Policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of the management of its human resources.

## Appendix 2 to Broadcasting Decision CRTC 2007-217

**Yves Sauvé, on behalf of a corporation to be incorporated**

*Application 2006-1091-6, received 29 August 2006*

### **Terms, conditions of licence, expectations and encouragement**

**Issuance of a broadcast licence to operate a French-language commercial FM radio programming undertaking in Vaudreuil-Dorion**

#### **Terms**

The licence will expire 31 August 2013.

Within 90 days following the date of this decision, the applicant shall file an amendment to its application, proposing the use of a frequency other than 106.3 MHz (channel 292A) that is acceptable both to the Commission and to the Department of Industry (the Department).

The Commission reminds the applicant that, pursuant to subsection 22(1) of the *Broadcasting Act*, no licence shall be issued until the Department confirms that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the licence for this undertaking will not be issued until 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 6 July 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

#### **Conditions of licence**

1. The licence shall be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition of licence number 5.
2. 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*, in any broadcast week:
  - a) devote 40% or more of its musical selections from content category 2 (popular music) to Canadian selections broadcast in their entirety;
  - b) between 6 a.m. and 6 p.m., Monday through Friday, devote 40% or more 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 meaning set out in section 2 of the *Radio Regulations, 1986*.

3. a) The licensee shall, upon commencement of operations, make a basic annual contribution to Canadian Content Development (CCD). The amount of this contribution shall be determined in accordance with the *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Public Notice 2006-158), as amended from time to time.
- b) The licensee shall allocate 60% of its basic annual CCD contribution to FACTOR or MUSICACTION.
- c) The remaining amounts of this basic contribution shall be allocated to eligible parties and activities as defined in Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

4. a) In addition to its basic annual contribution, the licensee shall, upon commencement of operations, make an additional annual CCD contribution to be determined as follows:
  - For the first year of operation, the amount of \$8,000, from which the amount of the basic annual contribution payable for the current operating year shall be deducted.
  - For the second year of operation, the amount of \$9,000, from which the amount of the basic annual contribution payable for the current operating year shall be deducted.
  - For each subsequent operating year, the amount of \$10,000, from which the amount of the basic annual contribution payable for the current operating year shall be deducted.
- b) The licensee shall allocate 20% of its additional annual CCD contribution to FACTOR or MUSICACTION.
- c) The remaining amounts of this additional contribution shall be allocated to eligible parties and activities as defined in Public Notice 2006-158.

## **Expectations and encouragement**

### **Emerging Canadian artists**

- The Commission expects the applicant to meet its commitment that at least 5% of the musical selections that it airs during the broadcast week will be devoted to emerging Canadian artists.

### **Local programming**

- The Commission expects the applicant to provide 100% local programming.
- The Commission expects the station to air more than 39 hours of spoken-word programming during each broadcast week, and that at least 4 hours of this programming will be devoted to news, and that s will account for 50% of all rts aired during the broadcast day.

### **Cultural diversity and employment equity**

- The Commission expects the licensee's programming and hiring practices to reflect the cultural diversity of Canada.
- In accordance with Implementation of an Employment Equity Policy, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of the management of its human resources.