



Broadcasting Decision CRTC 2009-220

Route reference:

Broadcasting Notice of Public Hearing 2008-14

Ottawa, 24 April 2009

Acadia Broadcasting Limited

Bridgewater, Nova Scotia

Application 2008-1251-2, received 16 September 2008

Public Hearing in Orillia, Ontario

26 January 2009

English-language FM radio station in Bridgewater

*The Commission **approves** the application by Acadia Broadcasting Limited for a broadcasting licence to operate an English-language commercial FM radio station in Bridgewater, Nova Scotia.*

Introduction

1. The Commission received an application by Acadia Broadcasting Limited (Acadia) for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Bridgewater, Nova Scotia.
2. Acadia is controlled by Ocean Capital Investments NB Limited, a corporation controlled by Mr. John E. Irving.
3. The new station would operate on frequency 100.7 MHz (channel 264B1) with an effective radiated power of 10,000 watts.
4. The applicant indicated that the new station would offer a New Country music format, and would broadcast 124 hours of local programming per broadcast week. Overall, 75% of the proposed minimum of nine hours and 21 minutes to be devoted to news bulletins would be local. The applicant committed to devote at least 40% of all category 2 (Popular music) musical selections broadcast during each broadcast week and between 6 a.m. and 6 p.m., Monday to Friday, to Canadian selections. Of this amount, 10% would be devoted to emerging artists.
5. The Commission received interventions offering general comments on this application, as well as interventions in opposition from Mr. Jim Ernst and from Communications Michel Mathieu, the broadcast consultant for Mr. Ernst. The applicant replied only to the intervention from Mr. Ernst. The interventions and the applicant's reply can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

6. After examining the application in light of applicable regulations and policies and taking into account the interventions received and the applicant's reply, the Commission considers that the issue to be addressed in its determinations relates to an application Mr. Ernst is planning to submit to operate a new FM radio programming undertaking to serve Mahone Bay, Nova Scotia, which is about 11 kilometres northeast of Bridgewater.
7. In their interventions, both Mr. Ernst and his consultant noted that they were preparing an application to operate a new easy-listening radio station to serve Mahone Bay. According to the interveners, approval of Acadia's second radio service in Bridgewater¹ prior to the community of Mahone Bay obtaining its first radio station would not be equitable. The interveners added that the community strongly supports Mr. Ernst's proposed radio station, and suggested that the Commission assess Acadia's application in conjunction with Mr. Ernst's forthcoming application, which Mr. Ernst and Communications Michel Mathieu committed to submit to the Commission within 60 days from the date of their interventions.
8. In its reply, Acadia submitted that the intervention appeared to focus more on the intervener's forthcoming application than on the present application. Acadia further submitted that issuing a call for competing applicants at this point of the process would provide the potential applicants with an undue competitive advantage, given that Acadia's application was already gazetted. Acadia also noted that Mr. Ernst had not yet submitted its application to the Commission.
9. Although the interveners committed to submit an application for a new FM radio station to serve Mahone Bay within 60 days of the date of their interventions, it has been the Commission's longstanding practice to deal exclusively with applications that it has received.
10. The Commission also notes that, in Public Notice 1999-111, as reiterated in Broadcasting Public Notice 2006-159, in the case of a proposal by the sole commercial operator in a small market to improve service to that market through the licensing of a new station, the public interest would not usually be served by unduly delaying the improvement in service. Based on the foregoing, the Commission determines that, in the present circumstances, a call for competing applications to serve the Bridgewater area is not in the public interest.
11. Accordingly, the Commission determines that it should not delay the issuance of the current decision.

¹ In Decision 2001-658, the Commission approved an application by Acadia to operate a new English-language FM radio station in Bridgewater to replace its AM station CKBW.

12. Based on all of the foregoing, the Commission **approves** the application by Acadia Broadcasting Limited for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Bridgewater, Nova Scotia. The terms and **conditions of licence** are set out in the appendix to this decision. The implementation of the station is subject to the notification by the Department of Industry discussed in the appendix.

Canadian content development

13. The Commission reminds the applicant that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time. The Commission notes that Acadia made commitments to exceed the minimum contribution to CCD. Specifically, Acadia committed to devote, by condition of licence, over and above the basic annual contribution to CCD, a total of \$25,000 per year to CCD over seven broadcast years upon commencement of operations. Of this amount, \$5,000 per broadcast year will be devoted to FACTOR. The remainder will be directed to eligible initiatives as follows:

- \$6,000 per broadcast year to Musical Youth for the purchase of music instruments;
- \$6,000 per broadcast year to the Hank Snow Country Music Centre;
- \$5,000 per broadcast year to Music Nova Scotia; and
- \$3,000 per broadcast year to the East Coast Music Association.

Secretary General

Related documents

- *Revised policy concerning the issuance of calls for radio applications and a new process for applications to serve small markets*, Broadcasting Public Notice CRTC 2006-159, 15 December 2006
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Conversion of AM radio station CKBW to FM*, Decision CRTC 2001-658, 17 October 2001
- *The Issuance of Calls for Radio Applications*, Public Notice CRTC 1999-111, 8 July 1999

This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.

Appendix to Broadcasting Decision CRTC 2009-220

Terms, conditions of licence and encouragement

Terms

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Bridgewater, Nova Scotia

The licence will expire 31 August 2015.

The station will operate at 100.7 MHz (channel 264B1) with an effective radiated power of 10,000 watts.

Condition prior to the implementation of the new undertaking

The Commission reminds the licensee that, pursuant to subsection 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry (the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued. Therefore, in the absence of the notification by the Department, the applicant will not be able to implement the new undertaking approved in this decision.

Issuance of the licence

The licence for this undertaking will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 24 April 2011. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
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* (the Regulations):
 - a) devote, in each broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular music) to Canadian selections broadcast in their entirety; and
 - b) devote, between 6:00 a.m. and 6:00 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, a minimum of

40% of its musical selections from content category 2 (Popular music) 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.

3. In addition to the required basic annual contribution to Canadian content development, set out in section 15 of the *Radio Regulations, 1986*, the licensee shall, upon commencement of operations, make an annual contribution of \$25,000 (\$175,000 over seven broadcast years) to the promotion and development of Canadian content.

Of this amount, \$5,000 per broadcast year shall be devoted to FACTOR. The remainder, \$20,000, shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Encouragement

Employment equity

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 its management of human resources.