



## Broadcasting Decision CRTC 2011-759

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Route reference: 2011-427

Additional reference: 2011-427-1

Ottawa, 8 December 2011

**General Manager, Shubie FM Radio**

Micmac, Nova Scotia

*Application 2011-0426-5, received 24 February 2011*

*Public hearing in the National Capital Region*

*19 September 2011*

### Type B Native FM radio station in Micmac

*The Commission approves an application for a broadcasting licence to operate an English- and Mikmaw-language, low-power Type B Native FM radio station in Micmac, Nova Scotia.*

#### The application

1. The Commission received an application by Russell Randall Julian, in his capacity as General Manager of the radio station to be known as Shubie FM Radio, for a broadcasting licence to operate an English- and Mikmaw-language, low-power Type B Native FM radio programming undertaking in Micmac, Nova Scotia. The Commission did not receive any interventions in connection with this application.
2. The station would operate at 97.1 MHz (channel 246LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 23 metres).
3. The station would broadcast 126 hours of programming per broadcast week, with a minimum of 20 hours of station-produced programming, and would include a minimum of 30 hours of programming in the Mikmaw language. Programming would promote the Mikmaw language, culture, tradition and identity. The applicant has also indicated that it wishes to broadcast programming relating to a number of celebrations of First Nation interest.

#### Commission's decision

4. The Commission is satisfied that the application is consistent with the provisions for Type B Native radio stations set out in *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990. Accordingly, the Commission approves the application by Russell Randall Julian, in his capacity as General Manager of the radio

station to be known as Shubie FM Radio, for a broadcasting licence to operate an English- and Mikmaw-language, low-power Type B Native FM radio programming undertaking in Micmac, Nova Scotia. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

*\*This decision is to be appended to the licence.*

## **Appendix to Broadcasting Decision CRTC 2011-759**

### **Terms and conditions of licence**

#### **Terms**

##### **Issuance of the broadcasting licence to operate an English- and Mikmaw-language, low-power Type B Native FM radio programming undertaking in Micmac, Nova Scotia**

The licence will be issued to the General Manager of Shubie FM Radio, authorizing Russell Randall Julian, in his capacity as the General Manager of Shubie FM Radio, and any subsequent person<sup>1</sup> occupying that position to operate the aforementioned undertaking.

The Commission will issue the licence once the applicant has confirmed in writing the name of the General Manager and the name of the radio station.

The licence will expire 31 August 2018.

The station will operate at 97.1 MHz (channel 246LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 23 metres).

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

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

Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission also reminds the applicant that it will have to select another frequency if the Department so requires.

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 8 December 2013. 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.

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<sup>1</sup> The person occupying that position must be eligible to hold a broadcasting licence in accordance with *Direction to the CRTC (Ineligibility of Non-Canadians)*. The Commission must be advised in writing when the person occupying this position changes. The Commission must also be advised in writing if the title of the position or the name of the station changes.

The Commission requires the applicant to file within 12 months of the date of this decision a copy of its amended and executed by-laws in order to comply at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*.

### **Conditions of licence**

1. The licensee shall devote, in each broadcast week, no less than 35% of its musical selections from content category 2 (Popular Music) to Canadian musical selections broadcast in their entirety.
2. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.