



Broadcasting Decision CRTC 2012-286

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Route reference: 2011-675

Additional reference: 2011-675-3

Ottawa, 11 May 2012

Newcap Inc.

Fredericton, New Brunswick

Application 2009-1541-5, received 10 November 2009

Public hearing in Miramichi, New Brunswick

16 January 2012

English-language FM radio station in Fredericton

1. The Commission **approves** the application by Newcap Inc. (Newcap) for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Fredericton, New Brunswick.¹ The Commission received interventions in support of this application. The terms and **conditions of licence** are set out in the appendix to this decision.
2. Newcap is controlled by Mr. Harold R. Steele.
3. The new station will operate at 93.1 MHz (channel 226B) with an effective radiated power of 50,000 watts (non-directional antenna with an effective height of antenna above average terrain of 150 metres).
4. The new station will offer a Contemporary Hit Radio music format, and will broadcast 120 hours of local programming per broadcast week, of which 12 hours and 28 minutes will be devoted to spoken word programming. In addition, the new station will broadcast 4 hours of news programming per broadcast week, of which 75% will be devoted to local stories.
5. The applicant committed to devote, by condition of licence, at least 40% of all content category 2 (Popular music) musical selections aired each broadcast week and between 6:00 a.m. and 6:00 p.m., Monday to Friday, to Canadian selections broadcast in their entirety, which exceeds the minimum regulatory requirement set out in the

¹ In Broadcasting Notice of Consultation 2011-375, the Commission issued a call for applications for broadcasting licences to operate radio stations to serve Fredericton, noting that it had received one such application by Newcap. The Commission did not receive any applications in response to that call.

Radio Regulations, 1986 (the Regulations). A **condition of licence** requiring Newcap to abide by the above commitment is set out in appendix to this decision.

Canadian content development

6. 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 Regulations, as amended from time to time. The Commission notes that Newcap made a commitment to exceed the minimum contribution to CCD. Specifically, it committed to devote, by condition of licence, over and above the basic annual CCD contribution, a total of \$700,000 to CCD (\$100,000 per broadcast year) over seven consecutive broadcast years, upon commencement of operations. A **condition of licence** to that effect is set out in the appendix to this decision. Of this amount, not less than 20% per broadcast year will be devoted to FACTOR. The remainder will be directed to the following eligible initiatives:
 - \$40,000 per broadcast year to local music activities (for a total of \$280,000 over seven consecutive broadcast years); and
 - \$40,000 per broadcast year to the *Indie Talent Search* initiative (for a total of \$280,000 over seven consecutive broadcast years).
7. The Commission further reminds the applicant that any development initiatives that have not been allocated to specific parties by condition of licence must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Broadcasting Public Notice 2006-158.

Employment equity

8. Because this applicant is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Call for applications – Radio stations to serve Fredericton, New Brunswick*, Broadcasting Notice of Consultation CRTC 2011-375, 14 June 2011
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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

Appendix to Broadcasting Decision CRTC 2012-286

Terms, conditions of licence and expectation for the English-language commercial FM radio programming undertaking in Fredericton, New Brunswick

Terms

The licence will expire 31 August 2018.

The station will operate at 93.1 MHz (channel 226B) with an effective radiated power of 50,000 watts (non-directional antenna with an effective height of antenna above average terrain of 150 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.

Furthermore, 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 **11 May 2014**. 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 licensee shall adhere to the conditions of licence set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time.
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), in any broadcast week:
 - a) devote, in that 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 the period from Monday to Friday of the same broadcast week, a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition of licence, 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*, as amended from time to time, the licensee shall, upon commencement of operations, make an annual contribution of \$100,000 (\$700,000 over seven consecutive broadcast years) to the promotion and development of Canadian content.

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR. The remainder 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.

Expectation

Cultural diversity

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