



## Broadcasting Decision CRTC 2022-14

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Reference: 2021-218

Ottawa, 26 January 2022

### Canadian Broadcasting Corporation

Grand Falls-Windsor, Newfoundland and Labrador

*Public record for this application: 2021-0234-1*

*Public hearing in the National Capital Region*

*9 September 2021*

### CBT Grand Falls-Windsor – Conversion to the FM band

The Commission **approves** the application by the Canadian Broadcasting Corporation for a broadcasting licence to operate an English-language FM radio station in Grand Falls-Windsor, Newfoundland and Labrador, to replace its AM radio station CBT Grand Falls-Windsor.

#### Application

1. The Canadian Broadcasting Corporation (CBC) filed an application for a broadcasting licence to operate an English-language FM radio station in Grand Falls-Windsor, Newfoundland and Labrador, with rebroadcasting transmitters in Baie Verte, Hampden, Millertown and Roddickton, Newfoundland and Labrador, to replace its English-language AM radio station CBT Grand Falls-Windsor, which is part of the national Radio One network. The Commission did not receive any interventions in regard to this application.
2. The new FM station would operate at frequency 93.3 MHz (channel 227C1) with an effective radiated power (ERP) of 100,000 watts (non-directional antenna with an effective height of the antenna above average terrain [EHAAT] of 193.6 metres).
3. The CBC also proposed to operate CBT's current rebroadcasting transmitters (i.e., CBTB-FM Baie Verte, CBTJ-FM Hampden, CBTL-FM Millertown and CBTR-FM Roddickton) under the broadcasting licence for the new FM radio station, under the same technical parameters as those currently in effect under the licence for CBT.<sup>1</sup>

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<sup>1</sup> CBTB-FM: 97.1 MHz (channel 246C1), ERP of 24,000 watts (non-directional antenna, EHAAT of 253.9 metres); CBTJ-FM: 101.5 MHz (channel 268A1), ERP of 85 watts (non-directional antenna, EHAAT of -67.0 metres); CBTL-FM: 90.1 MHz (channel 211B), ERP of 4,200 watts (non-directional antenna, EHAAT of 70.0 metres); CBTR-FM: 92.9 MHz (channel 225A), ERP of 2,000 watts (non-directional antenna, EHAAT of -13.5 metres)

4. The CBC stated that it wishes to replace the current station's obsolete AM antenna by adding a new FM antenna at its current CBC Music location. It submitted that combining both services on the new antenna would help to reduce operating costs, with the new FM transmitter providing a better quality Radio One signal to the population of Grand Falls-Windsor and its vicinity. The applicant added that the new FM station would continue to broadcast programming received from its national Radio One Network, specifically, from CBG Gander and CBN St. John's, Newfoundland and Labrador.

## **Issues**

5. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act*, to issue licences for such terms not exceeding seven years and, in the case of the CBC, subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in paragraphs 3(1)(l) and 3(1)(m) of the *Broadcasting Act*.
6. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
  - the proposed frequency;
  - whether approval of the applicant's proposal would have an undue negative economic impact on incumbent stations in the market; and
  - whether the programming currently broadcast by CBT would be maintained for the Grand Falls-Windsor community.

## **Proposed frequency**

7. The CBC proposed to operate the new FM radio station on frequency 93.3 MHz (channel 227C1). Multiple frequencies that provide similar or greater coverage to that proposed by the applicant are available in the Grand Falls-Windsor area. Consequently, 93.3 MHz is not one of the last frequencies available to Grand Falls-Windsor.
8. Although the use of the proposed frequency would remove its availability from Grand Falls-Windsor and surrounding areas, other frequencies are available to provide service to those areas. In addition, there are no other major surrounding markets that would be impacted by approval of the applicant's proposed frequency for the new station.
9. In light of the above, the Commission finds that the use of the frequency 93.3 MHz for the new station would have a minimal impact on the availability of frequencies in Grand Falls-Windsor and surrounding areas.

### **Impact on incumbent stations in the market**

10. Based on the technical parameters proposed by the CBC for the new FM radio station, the entire population currently served by the AM station would continue to be served. Whereas Grand Falls-Windsor would be mostly covered by the new FM station's primary (i.e., 3 mV/m) service contour, the entire town and its surrounding areas would be contained within the new station's secondary (i.e., 0.5 mV/m) service contour.
11. In regard to incumbent radio stations, the CBC does not solicit radio advertising and would therefore not draw advertising revenues from any stations currently serving the Grand Falls-Windsor market. In addition, the Commission did not receive any interventions from the licensees of those stations opposing the present application.
12. In light of the above, the Commission finds that approval of the requested conversion of CBT to the FM band would not have an undue economic impact on incumbent stations in the market.

### **Maintaining the programming currently broadcast in Grand Falls-Windsor by the AM station**

13. As noted above, CBT is part of the CBC's national Radio One network. However, this station does not broadcast any originating programming in Grand Falls-Windsor. Rather, CBT and its above-noted transmitters broadcast programming received from CBG and CBN, which are also part of CBC's Radio One network.
14. In its application, the CBC stated that the new FM radio station would continue to broadcast programming received from CBG and CBN. It further stated that it would maintain CBT's hybrid programming schedule, whereby the morning show that is broadcast originates from CBG and the balance of the programming broadcast originates from CBN.
15. Given that the proposed conversion of CBT to the FM band will not involve any programming changes, the programming to be broadcast on the new FM station would continue to serve the population of Grand Falls-Windsor, and this, through the provision of a better Radio One signal to that community. Accordingly, the Commission finds that approval of the present application would maintain for the Grand Falls-Windsor community the programming currently broadcast by the AM radio station CBT.

### **Conclusion**

16. In light of all of the above, the Commission **approves** the application by the Canadian Broadcasting Corporation for a broadcasting licence to operate an English-language FM radio programming undertaking in Grand Falls-Windsor, Newfoundland and Labrador, to replace its English-language AM radio programming undertaking CBT Grand Falls-Windsor, and to operate CBT's current rebroadcasting transmitters under the broadcasting licence for the new FM station. The terms and **conditions of licence** are set out in the appendix to this decision.

17. In its application, the CBC confirmed that for the proposed FM radio station, it would adhere to the same terms and conditions of licence that will be imposed on all of its Radio One stations once the Commission issues its decision relating to the renewal of the broadcasting licences for all of its radio and television stations and services.<sup>2</sup> In this regard, in Broadcasting Decision 2021-266, the Commission administratively renewed those broadcasting licences (including that for CBT) until 31 March 2022. Accordingly, as set out in the appendix to this decision, the licence to be issued for the new FM radio station will expire on that date. Further, the new FM station will be subject to the conditions of licence set out in Broadcasting Decision 2013-263, the last full licence renewal for the CBC's various stations and services.

### **Simulcast period and revocation of AM licence**

18. As set out in the appendix to this decision, the CBC is authorized to simulcast the programming of the new FM station on CBT for a transition period of three months following the commencement of operations of the FM station. Pursuant to paragraph 9(1)(e) and subsection 24(2) of the *Broadcasting Act* and consistent with the applicant's request, the Commission **revokes** the licence for CBT Grand Falls-Windsor effective at the end of the simulcast period.

### **Employment equity**

19. Because the CBC is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development, its employment equity practices are not examined by the Commission.

### **Reminder – Public alerting**

20. As set out in section 16 of the *Radio Regulations, 1986* (the Regulations), licensees have obligations relating to the broadcast of emergency alert messages received from the National Alert Aggregation and Dissemination System. In regard to the new FM station's authorized contours resulting from the implementation of the technical parameters approved in this decision, the Commission reminds the licensee that continued compliance with section 16 of the Regulations may require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages on the AM station CBT, or on any rebroadcasting transmitters that may appear on the broadcasting licence for that station, be reprogrammed to properly account for the theoretical 0.5 mV/m contour of the new FM band, both during the above-noted simulcast transition period and after CBT is no longer on air.

Secretary General

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<sup>2</sup> See Broadcasting Notice of Consultation 2019-379.

## Related documents

- *Various television and radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2021-266, 5 August 2021
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-379, 25 November 2019, as amended by Broadcasting Notices of Consultation CRTC 2019-379-1, 28 January 2020; 2019-379-2, 8 April 2020; 2019-379-3, 22 June 2020; 2019-379-4, 10 November 2020; 2019-379-5, 18 December 2020; 2019-379-6, 14 January 2021; and 2019-379-7, 9 February 2021
- *Canadian Broadcasting Corporation – Licence renewals*, Broadcasting Decision CRTC 2013-263 and Broadcasting Orders CRTC 2013-264 and 2013-265, 28 May 2013

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

## Appendix to Broadcasting Decision CRTC 2022-14

### Terms, conditions of licence and expectation for the English-language FM radio programming undertaking in Grand Falls-Windsor, Newfoundland and Labrador, and its transmitters CBTB-FM Baie Verte, CBTJ-FM Hampden, CBTL-FM Millertown and CBTR-FM Roddickton

#### Terms

The licence will expire 31 March 2022.

The station will operate at 93.3 MHz (channel 227C1) with an effective radiated power (ERP) of 100,000 watts (non-directional antenna with an effective height of the antenna above average terrain [EHAAT] of 193.6 metres).

The following rebroadcasting transmitters currently associated with CBT Grand Falls-Windsor will be reassigned to the new station and will operate under their current technical parameters, as specified below:

- CBTB-FM Baie-Verte, Newfoundland and Labrador: frequency 97.1 MHz (channel 246C1) with an ERP of 24,000 watts (non-directional antenna with an EHAAT of 253.9 metres);
- CBTJ-FM Hampden, Newfoundland and Labrador: frequency 101.5 MHz (channel 268A1) with an ERP of 85 watts (non-directional antenna with an EHAAT of -67.0 metres);
- CBTL-FM Millertown, Newfoundland and Labrador: frequency 90.1 MHz (channel 211B) with an ERP of 4,200 watts (non-directional antenna with an EHAAT of 70.0 metres);
- CBTR-FM Roddickton, Newfoundland and Labrador: frequency 92.9 MHz (channel 225A) with an ERP of 2,000 watts (non-directional antenna with an EHAAT of -13.5 metres).

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

Furthermore, the Commission will only issue a licence for this undertaking once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking, as well as the rebroadcasting transmitters to be operated under the undertaking's broadcasting licence, must be in operation by no later than **26 January 2024**. To request an extension, the applicant must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

## Conditions of licence

For the purposes of the conditions of licence and expectation set out below:

- “the Corporation” shall mean the Canadian Broadcasting Corporation; and
  - The terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*.
1. The licensee shall hold a formal consultation at least once every two years with official language minority communities (OLMCs) located in each of the regions of Atlantic Canada, Ontario, Western Canada, the North and Quebec to discuss issues that affect their development and vitality. For the French-language services, the relevant regions are Atlantic Canada, Ontario, Western Canada and the North. For the English-language services, the relevant region is Quebec. Consultations shall include independent producers from OLMCs. The licensee shall report annually on consultations that took place that year and demonstrate how feedback from the consultations was taken into consideration in the Corporation’s decision making process.
  2. The licensee shall maintain two Offices of the Ombudsman: one for all of the Corporation’s French-language services and one for all of the Corporation’s English-language services for complaints related to the Corporation’s Journalistic Standards and Practices. The ombudsmen shall report directly to the President of the Corporation and, through the President, to the Corporation’s Board of Directors.

The ombudsmen shall report bi-annually and concurrently to the President and the Board of Directors, including at least once in their annual report.
  3. The licensee’s Board of Directors shall, in a timely manner, publicly respond to the recommendations presented in the ombudsmen’s annual report.
  4. The licensee shall follow these steps when selecting an ombudsman:
    - a) when filling the ombudsman’s position, the licensee will openly seek candidates from outside as well as inside the Corporation;
    - b) after appropriate consultation, the President and CEO of the Corporation shall establish a selection committee of four members;
    - c) two members, including the committee chair, will be from the public. People currently employed by the Corporation or employed by the Corporation within the previous three years will be excluded from nomination as public members;

- d) the other committee members will consist of one representative of the Corporation's management and one representative of the Corporation's working journalists;
  - e) committee members representing the Corporation and its working journalists jointly select the committee chair from among the two public members;
  - f) the selection committee shall examine applications for the position of ombudsman and select a candidate to be recommended for appointment by the President and CEO; and
  - g) the ombudsman's appointment is for a term of five years. This term may be extended once for no more than five additional years. The ombudsman's contract cannot be terminated except for gross misconduct or in instances where the ombudsman's actions have been deemed to be inconsistent with the Corporation's Code of Conduct Policy 2.2.21.
5. The licensee shall provide the Commission, by 30 November of each year, with a copy of the most recent public annual report submitted by each ombudsman to the licensee's board of directors.
  6. The licensee shall, in each broadcast week, devote at least 50% of its musical selections from content category 2 (Popular Music) to Canadian selections.
  7. The licensee shall, in each broadcast week, devote at least 20% of its musical selections from content category 3 (Special Interest Music) to Canadian selections.
  8. The licensee shall, in each broadcast week, devote at least 25% of its musical selections from content subcategory 31 (Concert) to Canadian selections.
  9. The licensee shall, in each broadcast week, devote at least 20% of its musical selections from content subcategory 34 (Jazz and blues) to Canadian selections.
  10. The licensee's national news and information programming shall reflect the country's regions and official language minority communities, and promote respect and understanding between them.
  11. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee becomes and remains a member in good standing of the Canadian Broadcast Standards Council.
  12. By 30 November of each year, the licensee will provide a report, in a form acceptable to the Commission, containing results of an English-language official language minority communities (OLMCs) audience perception survey on how well the Corporation's English-language television and radio services are reflecting the OLMCs.



13. The licensee shall not broadcast any advertising (content category 5) except:
- a) during programs available to the network only on a sponsored basis; or
  - b) as required to fulfill the requirements of the legislation of the Parliament of Canada pertaining to elections.
14. The licensee is authorized to simulcast the programming of the new FM station on CBT Grand Falls-Windsor, Newfoundland and Labrador, for a transition period of three months following the commencement of operations of the FM station.

### **Expectation**

The Commission expects the Corporation to exceed the minimum levels set out in conditions of licence, especially where those minimum levels are below the Corporation's historical levels of programming and expenditures.