



## Broadcasting Decision CRTC 2024-31

PDF version

Reference: 2023-129

Ottawa, 9 February 2024

**Stingray Radio Inc.**  
Drumheller, Alberta

*Public record: 2023-0030-0*

*Public hearing in the National Capital Region  
6 July 2023*

### CKDQ Drumheller – Conversion to the FM band

#### Summary

The Commission **approves** an application by Stingray Radio Inc. for a new broadcasting licence to operate an English-language commercial FM radio station in Drumheller, Alberta, to replace its English-language commercial AM radio station CKDQ Drumheller.

The Commission proposes to make the orders set out in Appendix 2 to this decision imposing various conditions of service, including contribution requirements, on the licensee. Consistent with subsections 9.1(4) and 11.1(7) of the *Broadcasting Act*, interested persons may make representations only on the proposed orders by no later than **19 February 2024**. The licensee may submit a reply to any representations received by no later than **26 February 2024**.

#### Application

1. Stingray Radio Inc. (Stingray) filed an application for a broadcasting licence to operate an English-language commercial FM radio station in Drumheller, Alberta, to replace its English-language commercial AM radio station CKDQ Drumheller.<sup>1</sup>
2. Stingray is a wholly owned subsidiary of Stingray Group Inc., a Canadian public company that is effectively controlled by its Chief Executive Officer (CEO) Eric Boyko, a Canadian residing in Canada, pursuant to the Nomination Rights Agreement and the Voting Trust Agreement. Moreover, all members of Stingray's board of

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<sup>1</sup> As set out in Broadcasting Regulatory Policy 2014-554, when the Commission receives an application for a new radio station, it generally issues a call for applications, subject to certain exceptions. In regard to the present application, the proposal falls under one of the exceptions noted in Broadcasting Regulatory Policy 2014-554, in that the proposal was made by the sole commercial operator in the market to improve service to the market through an AM to FM conversion.

directors are Canadians residing in Canada. Consequently, Stingray is eligible to hold a broadcasting licence pursuant to the *Direction to the CRTC (Ineligibility of Non-Canadians)*.<sup>2</sup>

3. The proposed station would operate at 92.5 MHz (channel 223B) with an average effective radiated power (ERP) of 24,745 watts (directional antenna with a maximum ERP of 36,600 watts) and an effective height of antenna above average terrain (EHAAT) of 38.3 metres.<sup>3</sup>
4. Stingray submitted that its proposal to convert CKDQ to the FM band would address issues relating to failing legacy equipment and infrastructure at the AM station. It added that its focus on the audience in Drumheller would be maintained through the proposed station, with the conversion providing residents with a stronger, more reliable FM signal.
5. The applicant also indicated that the current AM station's Hot Country music format would be carried over to the new FM station, and that the new station would continue to serve the same target audience (adults from 25-54 years of age).
6. Stingray proposed to broadcast 126 hours of programming on the new FM station each broadcast week, of which 84 hours would be devoted to local programming and 42 hours to wrap-around programming. The wrap-around programming would consist of syndicated or network programming drawn from Stingray's other stations, such as the English-language commercial radio station CHOO-FM Drumheller.<sup>4</sup> The applicant did not propose any changes to CKDQ's current programming.
7. Further, the applicant proposed to broadcast two hours of "pure news"<sup>5</sup> each broadcast week, of which one hour and 40 minutes would be local news, 10 minutes national news, and 10 minutes international news. In addition to pure news, the proposed station would continue offering regional weather forecasts twice per hour, two community calendars per day, interviews with artists, new and emerging artist showcases, and Top 20 countdowns, and would offer dedicated agriculture and farm reports throughout the day.
8. Stingray proposed to devote 35% of the content category 2 (Popular Music) programming broadcast from 6:00 a.m. to 6:00 p.m. from Monday to Friday, and over the broadcast week, to Canadian musical selections broadcast in their entirety. Finally, the applicant proposed to devote between 8% to 10% of the programming

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<sup>2</sup> SOR/97-192, 8 April 1997.

<sup>3</sup> These technical parameters reflect those approved by the Department of Industry (also known as Innovation, Science and Economic Development Canada).

<sup>4</sup> In Broadcasting Decision 2019-253, the Commission approved an application by Stingray for authorization to acquire from Golden West Broadcasting Ltd. the assets of CHOO-FM.

<sup>5</sup> "Pure news" corresponds to programming drawn from program subcategory 11: News, as defined in Broadcasting Regulatory Policy 2022-333, which may include "background material about current events when included in newscasts but excludes weather, traffic and sports and entertainment reports."

broadcast on the station each broadcast week to selections from new and emerging Canadian artists, based on product availability.

9. Further, in addition to the basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986* (the Regulations), Stingray proposed to make, upon commencement of operations, an over-and-above annual contribution of \$3,000 (totalling \$21,000 over seven consecutive broadcast years) to support local talent and artists from across the country. The contributions would be allocated as follows:

<b>Initiative</b>	<b>Per broadcast year (equal payments)</b>	<b>Over seven broadcast years</b>
FACTOR <sup>6</sup>	\$600	\$4,200
Music in Schools	\$1,000	\$7,000
Local Artist Showcase	\$1,400	\$9,800
<b>Total</b>	<b>\$3,000</b>	<b>\$21,000</b>

10. In this regard, Stingray stated that it would investigate donating musical equipment to area schools, and hosting at least one concert per year featuring area artists. It added that in the event the station is unable to expend the contribution on local initiatives within the broadcast year, the balance would be forwarded to FACTOR.
11. The Commission received an intervention from an individual commenting on the application,<sup>7</sup> as well as an intervention from an individual in opposition to the application. Stingray replied to the intervention in opposition.

## Issues

12. The Commission has the authority, pursuant to subsections 9(1), 9.1(1) and 11.1(2) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*, and to make orders respecting expenditures.

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<sup>6</sup> As set out in Broadcasting Public Notice 2006-158, where an applicant wishes to make CCD commitments over and above the basic annual CCD contribution, not less than 20% of an applicant's funding commitment that is over and above the basic annual CCD contribution must be allocated to FACTOR or Musicaction, with the remaining amount to be directed to any eligible CCD initiative, at the discretion of the applicant. Further, any commitments to make over-and-above CCD contributions are imposed by condition of service.

<sup>7</sup> This comment was submitted for all of the items listed in Broadcasting Notice of Consultation 2023-129, and spoke to the importance of having access to different platforms to support Canadian independent and multicultural musicians.

13. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:

- whether the use of the frequency 92.5 MHz by the applicant for its proposed station represents an appropriate use of spectrum;
- whether approval of this application would have an undue economic impact on incumbent stations;
- the potential impact that a reduction in coverage could have on the programming offered to communities;
- the broadcast of local programming by the proposed station; and
- the applicant's proposal relating to music by emerging artists.

#### **Appropriate use of spectrum**

14. The Department of Industry (also known as Innovation, Science and Economic Development Canada) has granted conditional technical acceptability of the proposed station. As such, the applicant's proposal adheres to the rules governing FM spectrum coordination.

15. The primary service contour for the proposed FM station would serve the town of Drumheller and surrounding areas, including Munson, Kirkpatrick and Millerfield, Alberta, while the secondary service contour would encompass Rowley, Morrin, Delia, Michichi, Rainbow, Dorothy, Dalum, Beynon and Rosebud, Alberta.

16. In regard to the applicant's proposed use of frequency 92.5 MHz, the Commission has identified other frequencies that are capable of providing similar or greater coverage to that proposed by the applicant. As such, although the use of that frequency by Stingray would remove its availability from Drumheller and surrounding areas, there are other frequencies available that could provide service to those areas, and there are no other major surrounding markets that would be impacted. The use of frequency 92.5 MHz by Stingray for its proposed station would therefore have a negligible impact on the availability of frequencies in Drumheller and surrounding areas.

17. In light of the above, the Commission finds that the use of the frequency 92.5 MHz by the applicant for its proposed FM station represents an appropriate use of spectrum.

#### **Economic impact on incumbent stations**

18. In addition to CKDQ, the Drumheller radio market consists of one other commercial radio station, CHOO-FM, which is also owned by Stingray. As such, Stingray is the only commercial radio station operator in the Drumheller market.

19. In the Commission's view, the better audio quality of the FM band would be beneficial to listeners and could make the service more enticing to prospective advertisers. Further, given that the contours of the proposed FM station are limited to the Drumheller market,<sup>8</sup> approval of the application would not permit the applicant to enter a market that it is presently not licensed to serve and that is served by another radio operator.
20. Finally, the applicant did not cite an economic need for its request to replace the existing AM station with a new FM station.
21. In light of the above, the Commission finds that approval of this application would not have an undue economic impact on incumbent stations in the market.

**Potential impact of a reduction in coverage resulting from the conversion of the station from the AM to the FM band**

**Intervener's position**

22. The individual who opposed Stingray's application noted that during the last 23 years, Stingray and its predecessor licensees, including Newcap Inc. (Newcap) and 3937844 Canada Inc. (a subsidiary of Newcap), have completed similar conversions to the FM band for several of their rural Alberta AM radio stations, and claimed to provide improved service to the community. The intervener further noted that CKDQ is one of the last remaining full-power (daytime and night-time) AM stations broadcasting throughout the Canadian Prairie provinces that currently enjoys a significant coverage footprint.
23. According to this intervener, the comparative contours provided in the application omit to demonstrate that the vast night-time coverage currently provided by CKDQ extends well into Southern and Central Alberta, including portions of Saskatchewan. In its view, approval of the applicant's proposal would effectively turn CKDQ into a very local radio station that would exclude a portion of the rural population that resides outside of the proposed station's contours, but still travels through the Drumheller region for shopping and to conduct other business activities.
24. The intervener added that the purpose of the proposed conversion of the AM station to the FM band would be purely to meet an internal direction to find cost effectiveness (combining the proposed station and CHOO-FM at an existing transmission facility), rather than improving service to the local audience.
25. Further, the intervener noted that the area's rural population does not yet have fully ubiquitous and highly reliable access to Internet streaming in all locations that are currently served by the AM station but would no longer be covered by the proposed FM station. It expressed concern over the impact that a reduction in local coverage

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<sup>8</sup> As set out in the Regulations, "market" means, in the case of an FM station, the FM 3mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM), whichever is smaller.

could have on the community in situations of emergency or a disaster situation. The intervener proposed the addition of a nested rebroadcasting transmitter to provide the “more reliable FM signal” into the Drumheller Valley, while continuing to serve the greater rural population in the surrounding areas through the far-reaching medium wave AM signal.

### **Applicant’s reply**

26. In its reply, Stingray noted that the Commission recently approved its request to change the technical parameters of CHOO-FM in anticipation of consolidating that station and the currently proposed FM radio station on one broadcasting tower.<sup>9</sup>
27. In regard to the intervener’s concern regarding the reduction in coverage, Stingray acknowledged that approval of the proposed conversion of CKDQ to the FM band would result in a reduction in the overall coverage pattern across Southern Alberta. It noted, however, that CKDQ is licensed to serve only Drumheller and its catchment area, and not to cover broad swaths of the province of Alberta. Stingray further noted that while CKDQ’s existing 15 mV/m AM contour covers the entirety of the city of Strathmore, Alberta, and nearly all the city of Calgary, Strathmore is served by CKMR-FM Strathmore, operated by Golden West Broadcasting Ltd. (Golden West), while Calgary is served by nearly two dozen stations on the AM and FM bands. It added that stations operated by Golden West and other licensees in Otokoks, Airdrie, Cochrane, Lacombe, and Ponoka, Alberta, along with community and religious stations, are receivable in the area and cover the area north and west of Drumheller, while stations from Moose Jaw, Kindersley, Saskatoon, and Regina, Saskatchewan, cover the area southeast of CKDQ’s current coverage area. In the applicant’s view, approval of its proposed conversion of CKDQ to the FM band would not eliminate radio service to these communities.

### **Commission’s decision**

28. CKDQ was originally licensed to serve the market of Drumheller. The Commission acknowledges that, should it approve the present application, a significant rural area between Calgary and Drumheller would lose access to the coverage currently provided by CKDQ. However, this rural area would continue to be served by several other AM stations that serve the Calgary market, though each station’s daytime primary contour.
29. In regard to the intervener’s concerns relating to a reduction in local coverage during situations of emergency or disaster situations, the Commission notes that emergency alerts are distributed based on the reach of the secondary contours of AM and FM radio stations. In regard to the present case, the affected area would be covered by several other radio stations as well as through alerts provided by wireless service providers (i.e., wireless public alerting). As such, the Commission finds that residents of the rural area between Drumheller and Calgary and other areas would continue to

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<sup>9</sup> That [request](#) was approved in an administrative decision issued 10 March 2023.

receive alerts via the several other radio stations in the area, in addition to alerts provided by television stations, broadcasting distribution undertakings and wireless service providers.

30. In light of the above, the Commission finds that the decrease in coverage resulting from the conversion of the AM station to the FM band would not undermine Stingray's ability to serve the Drumheller market.
31. Nevertheless, given that some communities will lose access to the service following the conversion, the Commission expects Stingray to notify listeners of those affected communities that they will, or may, lose service as of a specific date to be identified by the station.

### **Broadcast of local programming**

#### **Intervener's position**

32. The individual who intervened in opposition to Stingray's application stated that the applicant is known as a "corporate radio," that is, it is characterized by generic and readily transferable on-air branding, and by repetitive or identical musical playlists that are often programmed from a completely different market altogether, as well as by the significant use of voice tracking and other syndicated content throughout the broadcast day.
33. The intervener expressed concern over the possibility that Stingray will rebrand the proposed FM station's programming in a way similar to the programming change experienced by CHOO-FM after Stingray acquired the assets of that station in 2019.<sup>10</sup> The intervener added that a broadcaster that wishes to focus on a local market specifically by reducing its coverage footprint and thereby achieving cost savings on the facility and transmission plan should funnel those savings and commit to a greater percentage of truly locally-originated programming, which, in the intervener's view, should be more than the one-third (i.e., 42 hours of a total of 126 hours) of what Stingray proposed in its application.

#### **Applicant's reply**

34. In its reply, Stingray noted that it is required by Commission policy to devote a minimum of 42 hours of the station's programming to local programming each broadcast week, with distinct and relevant content to the communities it serves. It further noted that the proposed FM station would fulfill and exceed the minimum 42 hours through its news and community information programming, and added that the station would also broadcast a minimum of two hours of pure news each broadcast week. Stingray reiterated that the station would continue to offer regional weather forecasts twice each hour, two community calendars each day, interviews with artists, new and emerging artist showcases and Top 20 countdowns, along with

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<sup>10</sup> See Broadcasting Decision 2019-253.

dedicated agriculture and farm reports throughout the day. Finally, the applicant noted that it offers an online news portal dedicated to local news and information in the Drumheller area.

### **Commission's decision**

35. In Broadcasting Decision 2018-404, the Commission approved an application whereby Eric Boyko would exercise effective control of various radio and television broadcasting undertakings, including CKDQ, that were previously owned and controlled by Newfoundland Capital Corporation Limited (NCCL), at that time the parent corporation of Newcap. That application followed an agreement entered into with Stingray Digital Group Inc. (now known as Stingray Group Inc.) with NCCL to acquire all issued and outstanding shares in the capital of NCCL.
36. In regard to the current application, Stingray stated its intention to continue to offer local news and information programming to Drumheller. Of the proposed 126 hours of programming to be broadcast each broadcast week, 84 hours, or double the minimum required amount, would be devoted to local programming, which, in the Commission's view, would help to ensure that the proposed station meets the needs and interests of the population of Drumheller.
37. In light of the above, the Commission finds that the applicant's proposal in regard to the broadcast of local programming for the new FM station addresses the concerns expressed by the intervener.

### **Musical selections from new and emerging artists**

38. In Broadcasting Regulatory Policy 2022-332, the Commission set out its policy on emerging artists. Among other things, the Commission expects commercial radio stations that are not already required by condition of service to broadcast music by emerging artists to devote, in each broadcast week, at least 5% of their musical selections to selections broadcast in their entirety from Canadian emerging artists who conform to the updated definition.<sup>11</sup> Since the publication of that regulatory policy, the Commission has included this expectation for all newly approved commercial radio stations and for commercial radio stations for which the licences have been renewed, where those stations are not subject to a condition of service relating to the broadcast of music from Canadian emerging artists.

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<sup>11</sup> As set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332, "A Canadian artist shall be considered an emerging artist until a period of 48 months has elapsed since the release of the artist's first commercially marketed song. For the purpose of this definition, the concept of artist includes duos, trios or groups of artists operating under a defined identity. If a member of a duo, trio or group begins a solo career or creates with other partners a new duo, trio or group with a new identity, the solo artist or duo, trio or group shall be considered an 'emerging artist' according to the above criteria."



39. As noted above, Stingray proposed to devote from 8% to 10% of the Canadian programming broadcast each broadcast week on the proposed station to selections from new and emerging artists, based on product availability. As such, the applicant's proposal exceeds the above-noted expectation.
40. In light of the applicant's proposal, and considering the approach set out in Broadcasting Regulatory Policy 2022-332, the Commission finds that it would be appropriate to set out an expectation for Stingray to devote, in each broadcast week, from 8% to 10% of the musical selections broadcast on the new FM station to selections broadcast in their entirety from Canadian emerging artists who conform to the above-noted updated definition of "Canadian emerging artists," and to report on how it has met this expectation. This expectation is set out in Appendix 1 to this decision.

## Conclusion

41. In light of all of the above, the Commission **approves** the application by Stingray for a new broadcasting licence to operate an English-language commercial FM radio programming undertaking in Drumheller, Alberta, to replace its English-language commercial AM radio station CKDQ Drumheller. The licence will expire **31 August 2030**.
42. The terms of licence and expectations applicable to this licensee are set out in Appendix 1 to this decision.
43. The Commission notes that the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.
44. The Commission also proposes to make orders pursuant to subsections 9.1(1) and 11.1(2) of the *Broadcasting Act*. The specifics of the conditions of service contained in these orders are described below and are set out in Appendix 2. Consistent with subsections 9.1(4) and 11.1(7), interested persons may make representations only on the proposed orders by no later than **19 February 2024**, and the licensee may submit a reply to any representations received by no later than **26 February 2024**. The Commission will issue final orders following the close of the comment period and its review of the submissions of the parties, if any.
45. Interested persons who wish to make representations on the proposed orders may do so on the Commission's [public proceedings webpage](#).
46. Further, consistent with the licensee's request and pursuant to paragraph 9(1)(f) and subsection 24(1) of the *Broadcasting Act*, the Commission **revokes** the licence for CKDQ effective at the end of the simulcast period.

## The proposed orders

### Standard conditions of service

47. There are standard conditions of service that apply to all undertakings of a particular class. In this case, the Commission considers it appropriate that the licensee should adhere to the standard conditions of service for commercial radio stations. These standard conditions of service are set out in the appendix to Broadcasting Regulatory Policy 2022-334.
48. Further, pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. The Commission considers it appropriate to require the licensee to adhere to these requirements as conditions of service.
49. Accordingly, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **proposes to order** Stingray Radio Inc., by **condition of service**, to adhere to the standard conditions of service set out in the appendix to Broadcasting Regulatory Policy 2022-334, as well as to all applicable requirements set out in the Regulations, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.

### Broadcast of emergency alerts

50. The purpose of the emergency alerting framework set out in Broadcasting Regulatory Policy 2014-444 is to ensure that alerts are available to as many Canadians as possible. In that policy, the Commission stated that the full participation of the broadcasting industry is important for the National Public Alerting System (NPAS) to be effective in safeguarding and warning Canadians.
51. The Commission has implemented obligations in respect of the broadcast of emergency alerts. For reference, see section 16 of the Regulations as well as Broadcasting Regulatory Policy 2014-444. Compliance involves implementing the public alerting system for each of the licensee's transmitters, and ensuring that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages be installed and programmed to properly account for the applicable contour (as set out in paragraph 16(2)(b) of the Regulations) of the station as well as that of any rebroadcasting transmitter that may appear on the licence for that station.
52. Further to these obligations, the Commission considers it appropriate that the licensee be required to implement the NPAS in the manner set out in the Regulations by the station's launch and to file a letter attesting to the implementation of the NPAS.

53. Accordingly, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **proposes to order** Stingray Radio Inc., by **condition of service**, to implement the NPAS **by the station's launch** and to make the appropriate associated information filings.

#### **Canadian content development contributions**

54. The licensee must adhere to the requirements relating to contributions to CCD set out in section 15 of the Regulations. According to the Stingray's financial projections, the proposed station would generate annual revenues below the \$1.25 million threshold set out in the Regulations throughout its licence term, and therefore may not be required to make any basic CCD contributions so long as its annual revenues remain below \$1.25 million.

55. As noted in paragraph 9, in addition to the basic annual contribution to CCD set out in section 15 of the Regulations, Stingray proposed to make, upon commencement of operations, an annual contribution to CCD of \$3,000 (totalling \$21,000 over seven consecutive broadcast years), and to allocate these contributions to FACTOR, music in schools, and a local artist showcase. Any development initiatives that have not been allocated to specific parties by condition of service 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 set out in Broadcasting Public Notice 2006-158, as amended by paragraph 131 of Broadcasting Regulatory Policy 2022-332. The Commission considers it appropriate that this commitment be included as a condition of service.

56. Accordingly, and pursuant to subsection 11.1(2) of the *Broadcasting Act*, the Commission **proposes to order** Stingray Radio Inc., by **condition of service**, to make an annual contribution of \$3,000 (\$21,000 over seven consecutive broadcast years) that is over and above the above-noted required basic CCD contribution.

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

57. The applicant sought authority to simulcast the programming of the new FM station on its existing AM station for a transition period of three months, and requested that the Commission revoke the licence for the AM station at the end of the simulcast period.

58. In light of the above, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **proposes to impose an order** on Stingray Radio Inc. authorizing it, by **condition of service**, to simulcast the programming of the new commercial FM station on CKDQ Drumheller, Alberta, for a transition period of three months following the commencement of operations of the FM station.

## Reminders

### Tangible benefits

59. The Commission reminds the licensee that it must pay any remaining tangible benefits stemming from the ownership transaction that was approved in Broadcasting Decision 2018-404, within the timeline set out in that decision.

### Local news

60. Radio stations are an important daily source of local news and information for communities. Carrying on a broadcasting undertaking comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.

61. Although Broadcasting Regulatory Policy 2022-332 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that regulatory policy, the Commission reminds the licensee that its station, in its local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

### Employment equity

62. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development (also known as Employment and Social Development Canada), its employment equity practices are not examined by the Commission.

Secretary General

### Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2023-129, 5 May 2023, as amended by *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2023-129-1, 1 June 2023
- *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022

- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *CHOO-FM Drumheller – Acquisition of assets*, Broadcasting Decision CRTC 2019-253, 15 July 2019
- *Various radio and television broadcasting undertakings – Change in ownership and effective control*, Broadcasting Decision CRTC 2018-404, 23 October 2018
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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



# Appendix 1 to Broadcasting Decision CRTC 2024-31

## Terms and expectations for the English-language commercial FM radio programming undertaking in Drumheller, Alberta

### Terms

The licence will expire 31 August 2030.

The station will operate at 92.5 MHz (channel 223B) with an average effective radiated power (ERP) of 24,745 watts (directional antenna with a maximum ERP of 36,600 watts) and an effective height of the antenna above average terrain (EHAAT) of 38.3 metres.

Pursuant to subsection 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (also known as Innovation, Science and Economic Development Canada) 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 must be in operation by no later than **9 February 2026**. 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.

### Expectations

#### Notification of impact of conversion of the AM station to the FM band

The Commission expects the licensee to notify listeners of the communities that will be affected by the loss of service due to the amended service area of the new FM station that they will, or may, lose service as of a specific date determined by the station.

#### Cultural diversity

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

#### Canadian emerging artists

Considering the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332) regarding Canadian emerging artists, and consistent with the licensee's proposal as set out in *CKDQ Drumheller – Conversion to the FM band*, Broadcasting Decision CRTC 2024-31, 9 February 2024, the Commission expects the licensee to devote, in each broadcast week, between 8% to 10% of the station's musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose

music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of “Canadian emerging artist” is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

### **Indigenous musical selections**

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station’s playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of “Indigenous-Canadian musical selection” set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.



## Appendix 2 to Broadcasting Decision CRTC 2024-31

### Proposed conditions of service for the English-language commercial FM radio programming undertaking in Drumheller, Alberta

The Commission proposes to make orders imposing the following conditions of service, including contribution requirements, on Stingray Radio Inc. in respect of the new English-language commercial FM radio programming undertaking in Drumheller, Alberta, pursuant to subsections 9.1(1) and 11.1(2) of the *Broadcasting Act*.

#### Conditions of service

1. The licensee shall adhere to the conditions of service set out in the appendix to *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.
3. The licensee shall, upon commencement of operations, in addition to the basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, make an annual contribution of \$3,000 (\$21,000 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 or Musicaction. The remainder of this additional CCD contribution 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, as amended by paragraph 131 of *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022.

4. The licensee shall implement the National Public Alerting System (NPAS) **by the station's launch** in the manner set out in section 16 of the *Radio Regulations, 1986*, and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014.

The licensee shall file a letter with the Commission to attest to the implementation date of its NPAS within **14 days after installation of the alerting equipment**. This letter must contain evidence that the system is properly configured to receive and distribute alerts from the National Alert Aggregation and Dissemination (NAAD)

System (e.g., an attestation by a Chief Executive Officer (CEO), president or person exercising a similar supervisory role in the licensee's operations, as to the installation of functioning alerting equipment).

5. The licensee is authorized to simulcast the programming of the new FM station on CKDQ Drumheller, Alberta, for a transition period of three months following the commencement of operations of the FM station.