



Broadcasting Decision CRTC 2005-330

Ottawa, 19 July 2005

Aboriginal Voices Radio Inc.

Calgary, Alberta

Ottawa, Ontario/Gatineau, Quebec

Vancouver and Abbotsford, British Columbia

Application 2004-1002-7

Broadcasting Public Notices CRTC 2004-95 and 2004-95-1

10 December 2004 and 4 April 2005

Application 2004-1127-3

Broadcasting Public Notices CRTC 2005-11 and 2005-11-1

3 February 2005 and 15 April 2005

Application 2004-1462-3

Broadcasting Public Notice CRTC 2005-27

31 March 2005

Deadline to commence operations

The applications

Calgary, Alberta

1. In Broadcasting Public Notice CRTC 2004-95, 10 December 2004, the Commission announced that it had received an application by Aboriginal Voices Radio Inc. (AVR) for an extension of the time limit to commence the operation of the radio programming undertaking authorized in *Three new radio stations to serve Calgary*, Decision CRTC 2001-172, 12 March 2001 (Decision 2001-172). AVR requested that the Commission extend the implementation deadline for the new station until 14 April 2005. Subsequently, the Commission received a letter from AVR requesting an additional extension of time until 12 September 2005. The Commission announced the change in AVR's application in Broadcasting Public Notice CRTC 2004-95-1, 4 April 2005.
2. This application is AVR's fourth application for an extension of time to commence the operation of this station. The first application was approved in *Extension of time limit to implement a new radio programming undertaking at Calgary*, Broadcasting Decision CRTC 2002-107, 22 April 2002, which granted a twelve-month extension. The second application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2003-97, 14 March 2003, which granted a six-month extension. The third application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2003-583, 20 November 2003, which granted a twelve-month extension.

3. AVR stated that it needs additional time to complete the construction of the undertaking and to implement the service.
4. The Commission did not receive any interventions in connection with the present application.

Ottawa, Ontario/Gatineau, Quebec

5. In Broadcasting Public Notice CRTC 2005-11, 3 February 2005, the Commission announced that it had received an application by AVR for an extension of the time limit to commence the operation of the radio programming undertaking authorized in *New native FM station to serve the Ottawa-Hull region*, Decision CRTC 2001-627, 4 October 2001 (Decision 2001-627). AVR requested that the Commission extend the implementation deadline for the new station until 14 April 2005. Subsequently, the Commission received a letter from AVR requesting an additional extension of time until 12 September 2005. The Commission announced the change to AVR's application in Broadcasting Public Notice CRTC 2005-11-1, 15 April 2005.
6. This application is AVR's fifth request for an extension of time to commence the operation of this station. The first application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2002-312, 16 October 2002, which granted a nine-month extension. The second application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2003-424, 27 August 2003, which granted a four-month extension. The third application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2003-567, 14 November 2003, which granted a five-month extension. The fourth application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2004-264, 9 July 2004, which granted a six-month extension.
7. AVR stated that it has not yet concluded a lease agreement for the new transmission facility.
8. The Commission received an intervention in opposition to this application by Mr. Victor Miranda. In the intervener's view, AVR has had ample time to secure a lease agreement for its facility.
9. The applicant did not respond to this intervention.

Vancouver and Abbotsford, British Columbia

10. In Broadcasting Public Notice CRTC 2005-27, 31 March 2005, the Commission announced that it had received an application by AVR for an extension of the time limit to commence the operation of the radio programming undertaking authorized in *New Aboriginal-language radio station to serve Vancouver approved in part*, Decision CRTC 2001-314, 5 June 2001 (Decision 2001-314)¹, as well as the transmitter authorized in *New transmitter in Abbotsford*, Broadcasting Decision CRTC 2003-67, 21 February 2003 (Decision 2003-67). AVR requested that the Commission extend the implementation deadline for the new radio programming undertaking consisting of an originating station in Vancouver and a transmitter in Abbotsford until 5 December 2005.
11. This application is AVR's fourth application for an extension of time to implement the station in Vancouver. The first application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2002-172, 3 July 2002, which granted a twelve-month extension. The second application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2003-189, 16 June 2003, which granted another twelve-month extension. The third application was approved in *Deadline to commence operations*, Broadcasting Decision CRTC 2004-292, 23 July 2004, which granted a six-month extension.
12. AVR stated that it needs more time to implement since it will file an application with the Commission for the use of an alternate frequency to serve Vancouver.
13. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

14. The Commission notes that radio broadcasting involves the use of over-the-air frequencies that are public property and limited in number by the radio spectrum. Accordingly, the Commission requires parties that have been granted the authority to operate a radio undertaking and awarded a frequency for that purpose to commence the operation of the proposed service within a specific timeframe and thus make use of the frequency. Currently, the Commission requires that a proposed radio undertaking be operational as soon as possible and no later than 24 months from the date of the licensing decision, but does consider requests for an extension of that time.

¹ In *New Aboriginal-language radio station to serve Vancouver approved in part*, Decision CRTC 2001-314, 5 June 2001, the Commission approved AVR's application for a new station but denied the proposed frequency and directed the applicant to file an application proposing the use of a frequency that is acceptable to the Department of Industry and the Commission.

15. The Commission approved AVR's original applications proposing to operate radio stations in Calgary and Ottawa/Gatineau, respectively, and approved in part AVR's proposal to operate a radio station in Vancouver in 2001 following competitive processes that included consideration of other applications proposing new radio services for these cities. The Commission has already granted AVR three extensions to the implementation deadline for the proposed station in Calgary, four extensions to the implementation deadline for the proposed station in Ottawa/Gatineau, and three extensions to the implementation deadline for the proposed station in Vancouver. In the Commission's view, it has extended considerable latitude to AVR in prolonging the deadlines to commence operation of these proposed stations.
16. The Commission recognizes the value of the programming service proposed to be offered by AVR's proposed stations in addressing the needs, interests and concerns of Aboriginal Canadians, particularly those living in urban areas. The Commission nevertheless reminds AVR that radio frequencies are scarce resources. The Commission notes that, in *Call for applications for a broadcasting licence to carry on a radio programming undertaking to serve Calgary, Alberta*, Broadcasting Public Notice CRTC 2005-48, 13 May 2005, it announced that it has received an application for a broadcasting licence to provide a commercial radio service in Calgary. Consistent with the procedures generally followed by the Commission in such cases, it called for applications from other parties wishing to obtain a broadcasting licence to serve the Calgary radio market.
17. After taking into consideration all of the above factors as well as the fact that it received only one opposing intervention, the Commission **approves** the applications by Aboriginal Voices Radio Inc. for an extension of the time limit to commence the operation of the radio undertakings authorized in Decision 2001-172, Decision 2001-627, Decision 2001-314 and Decision 2003-67. In the circumstances, the Commission considers that it is appropriate to extend the time limit to commence operation of each of the proposed undertakings to 5 December 2005.
18. The Commission puts AVR on notice that, if it were to file another application requesting an extension of the time limit to commence operation of any of these proposed undertakings, it must also submit a detailed report providing information on its progress with respect to the implementation of the new undertaking and on the development of programming proposed to be broadcast on the undertaking, including the proposed network programming. Any such report should clearly illustrate that the implementation of the undertaking will be imminent.
19. The Commission also puts AVR on notice that failure to commence operation of the undertakings authorized in Decision 2003-195, Decision 2001-172, Decision 2001-627, Decision 2001-314 and Decision 2003-67 within a reasonable period of time will cause the authority granted in the relevant decision to become null and void.

Issuance of the licences

20. The licences for these undertakings will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertakings must be operational at the earliest possible date and in any event no later than 5 December 2005, unless a request for an extension of time is approved by the Commission before that date. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Secretary General

This decision is to be appended to each 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>