



## Broadcasting Decision CRTC 2005-366

Ottawa, 2 August 2005

**My Broadcasting Corporation**  
Pembroke, Ontario

*Application 2004-1135-6*  
*Public Hearing at Niagara Falls, Ontario*  
*6 June 2005*

### English-language FM radio station in Pembroke

*The Commission **approves** the application by My Broadcasting Corporation for a broadcasting licence to operate an English-language FM radio station in Pembroke, Ontario.*

#### The application

1. The Commission received an application by My Broadcasting Corporation (My Broadcasting) for a broadcasting licence to operate a new English-language FM radio programming undertaking in Pembroke, Ontario. The station would operate at 104.9 MHz (channel 285A) with an average effective radiated power (ERP) of 1,620 watts.
2. The applicant proposed to offer an Adult contemporary music format. Over 80% of the proposed station's programming would be local while the remainder of the programming would be drawn from its sister station, CHMY-FM Renfrew, Ontario. In each broadcast week, the station would broadcast at least two hours of programming in Aboriginal languages.
3. The spoken word programming would include local news, weather, traffic and sports as well as community announcements and coverage of community events. In addition, the station would produce a one-hour program entitled *Kwe-Kew*, which would explore and pay tribute to the history of the Algonquins of Golden Lake First Nation people. A portion of that program would be broadcast in the Algonquin language.
4. With respect to Canadian content levels, the applicant made a commitment that 38% of all musical selections drawn from category 2 (Popular music) broadcast during each broadcast week would be devoted to Canadian selections. The applicant also made a commitment that 38% of all category 2 musical selections broadcast between 6:00 a.m. and 6:00 p.m., Monday to Friday, would be Canadian. The applicant stated that it would adhere to these commitments as conditions of licence.

5. My Broadcasting stated that it would promote Canadian talent by hiring artists and bands to perform live acoustic performances and concerts. The applicant indicated, however, that it would not participate in the Canadian talent development (CTD) funding plan created by the Canadian Association of Broadcasters. Instead, the applicant proposed to contribute \$2,000 in each broadcast year in eligible direct cost expenditures to the development of Canadian talent. The applicant agreed to accept a condition of licence requiring adherence to this commitment.

### **Interventions**

6. The Commission received numerous interventions in support of this application. In addition, the Canadian Independent Record Production Association (CIRPA) filed an intervention that commented on a number of applications considered at the public hearing, including the present application.
7. CIRPA indicated its support for those applicants that, like My Broadcasting, proposed Canadian content levels for category 2 musical selections that exceeded the minimum regulatory requirements of 35% over the broadcast week. CIRPA also indicated that it supports independent ownership and diversity of ownership in a given market. CIRPA reiterated its ongoing support for diversity of musical formats and expressed concern that, while musical formats are given various names, the selections being played are often largely the same. CIRPA further contended that the CTD commitments set out in most of the applications for new radio services considered in this public proceeding did not propose sufficient contributions to the Foundation to Assist Canadian Talent on Record (FACTOR). CIRPA stated that it strongly opposed those CTD commitments that did not allocate any contributions to FACTOR.

### **Applicant's reply**

8. In response to the concerns raised by CIRPA about contributions to FACTOR, My Broadcasting stated that, as a small independent radio company, its primary goal is to serve the residents of the Ottawa Valley with a specific focus on Renfrew County. The applicant further maintained that, because it would allocate its CTD expenditures itself, it would be able to ensure that all of its contributions are given directly to local talent.

### **Commission's analysis and determination**

9. The Commission is satisfied that the applicant has proposed a service that will respond to the needs and interests of listeners in the Pembroke area. The Commission also considers that a new radio station offering an Adult contemporary music format with a focus on local news will add to the variety of the radio programming available in the Pembroke market.
10. The Commission notes that the proposed levels of Canadian content for category 2 musical selections exceeds the minimum regulatory requirement, and will therefore provide enhanced exposure for Canadian music. **Conditions of licence** requiring the applicant to adhere to its commitments are contained in the appendix to this decision.

11. With regard to CIRPA's comments regarding the allocation of funds to FACTOR, the Commission notes that licensees of new radio stations are under no obligation to direct their contributions to FACTOR. The Commission is satisfied that the CTD initiative proposed by the applicant meets the eligibility criteria set out in *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995. Further, the Commission reminds the applicant that all CTD expenditures must be made in accordance with the Commission's policy on qualifying contributions to CTD, as set out in Appendix I to *An FM policy for the nineties*, Public Notice CRTC 1990-111, 17 December 1990. A **condition of licence** requiring the applicant to adhere to its commitment is set out in the appendix to this decision.
12. Based on all the foregoing, the Commission **approves** the application by My Broadcasting Corporation for a broadcasting licence to operate an English-language FM radio programming undertaking in Pembroke at 104.9 MHz (channel 285A) with an average ERP of 1,620 watts.
13. The licence will expire 31 August 2011 and will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition of licence 5. The licence will also be subject to the **conditions** set out in the appendix to this decision.

### **Issuance of the licence**

14. 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.
15. The Commission reminds the licensee 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.
16. 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 2 August 2007. 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.

## **Employment equity**

17. In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

*This decision is to be appended to the 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>*

## Appendix to Broadcasting Decision CRTC 2005-366

### Conditions of licence

1. The licence will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition number 5.
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*, in any broadcast week:
  - (a) devote, in that broadcast week, a minimum of 38% of its musical selections from content category 2 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 38% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week”, “Canadian selection”, “content category”, and “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

3. Upon commencement of operation, the licensee shall make direct expenditures of at least \$2,000 in each broadcast year on the development of Canadian talent.