



Broadcasting Decision CRTC 2008-105

Ottawa, 16 May 2008

Eternacom Inc.
Elliot Lake, Ontario

*Application 2007-1409-9, received 5 October 2007
Public Hearing in Vancouver, British Columbia
25 February 2008*

Christian music FM radio station in Elliot Lake

*The Commission **approves** an application for a broadcasting licence to operate an English-language commercial specialty FM radio programming undertaking in Elliot Lake, Ontario.*

The application

1. The Commission received an application by Eternacom Inc. (Eternacom) for a broadcasting licence to operate an English-language commercial specialty FM radio programming undertaking in Elliot Lake.
2. The proposed station would offer a Christian music format. Specifically, in any broadcast week, at least 90% of its musical selections would be drawn from content subcategory 35 (non-classic religious), as defined in Public Notice 2000-14, and no more than 15% of its musical selections would consist of hit material, as defined in Public Notice 1997-42. The station would also broadcast 2.5 hours of spoken word programming per day, including news, weather, sports, information about local events and activities, religious spoken word programming, and balance programming as defined in Public Notice 1993-78.
3. Overall, the proposed station would broadcast no less than 42 hours of local programming per broadcast week, with the remainder of the programming originating from the applicant's Sudbury station CJTK-FM. Eternacom indicated its plans to increase the level of local programming over the course of the licence term, subject to the availability of funds.

4. The Commission received several interventions in support of the application. The Commission also received a comment by the Canadian Independent Record Production Association and an intervention in opposition to the application by 1158556 Ontario Ltd. (1158556 Ontario), licensee of the Christian music station CHIM-FM Timmins and its transmitter CHIM-FM-7 Elliot Lake. The intervention by 1158556 Ontario included numerous letters from listeners of its Elliot Lake service also opposing the application. The interventions and the applicant's reply are available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determination

5. 1158556 Ontario noted that Elliot Lake is already served by a Christian music service through CHIM-FM's transmitter in Elliot Lake. Additionally, it submitted that the market is not large enough to support two stations with the same format.
6. In reply, Eternacom noted that the CHIM-FM transmitter in Elliot Lake rebroadcasts the service of the intervener's Timmins station. The applicant stated that it would offer a local Elliot Lake programming service that would include opportunities for local churches to have their own programs.
7. The Commission notes that the proposed new radio programming undertaking would introduce a local Christian music service into the Elliot Lake market with dedicated local reflection programming produced and originated from that market. In the Commission's view, the proposed station would add a new local voice and local programming diversity to the market.
8. In the light of all of the above, the Commission **approves** the application by Eternacom Inc. for a broadcasting licence to operate an English-language commercial specialty FM radio programming undertaking in Elliot Lake. The terms and **conditions of licence** are set out in the appendix to this decision.

Canadian content development

9. In Broadcasting Public Notice 2006-158, the Commission set out a new approach to the development and promotion of Canadian artists. In order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcast using Canadian resources, the Commission replaced the expression "Canadian talent development" (CTD) with "Canadian content development" (CCD). Under the new policy, each radio station holding a commercial radio licence is required to make a basic annual CCD contribution based on its total broadcast revenues in the previous broadcast year. This requirement will be reflected in amendments to the *Radio Regulations, 1986* (the Regulations). Until such time, it will be implemented by a transitional condition of licence, as set out in the appendix to this decision. This condition of licence will expire upon the coming into force of the amendments to the Regulations.

10. The Commission 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.

Secretary General

Related documents

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Revised policy on the use of hits by English-language FM radio stations*, Public Notice CRTC 1997-42, 23 April 1997
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993

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 2008-105

Terms, conditions of licence and encouragement

Terms

Issuance of the broadcasting licence to operate an English-language specialty commercial FM radio programming undertaking that will broadcast Christian music in Elliot Lake

The licence will expire 31 August 2014.

The station will operate at 102.5 MHz (channel 273A) with an effective radiated power of 865 watts.

The Department of Industry (the Department) has advised the Commission that while this application is conditionally technically acceptable, it will only issue broadcasting certificates 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 16 May 2010. 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 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 conditions 5 and 8.
2. The licensee shall operate the station within the Specialty format as defined in *A Review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.

3. The licensee shall devote a minimum of 90% of all musical selections broadcast during each broadcast week to selections drawn from content subcategory 35 (non-classic religious).
4. The licensee shall broadcast, in any broadcast week, no more than 15% hit material as defined in *Revised policy on the use of hits by English-language FM radio stations*, Public Notice CRTC 1997-42, 23 April 1997.
5. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines concerning the provision of balance and ethics in religious programming set out in sections III.B.2.a) and IV of that public notice, as amended from time to time.
6. The licensee shall make a basic annual contribution to Canadian content development (CCD). The amount of this contribution shall be determined in accordance with *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Broadcasting Public Notice 2006-158), as amended from time to time.

The licensee shall allocate 60% of this basic annual CCD contribution to FACTOR or to MUSICACTION.

The remainder of the annual basic contribution to CCD shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives in Broadcasting Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

Encouragement

Employment equity

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.