



Broadcasting Decision CRTC 2008-367

Ottawa, 23 December 2008

3937844 Canada Inc.
Athabasca, Alberta

Application 2008-0786-0, received 6 June 2008
Public Hearing in Cambridge, Ontario
20 October 2008

CKBA Athabasca - Conversion to FM band

1. The Commission **approves** the application by 3937844 Canada Inc., a subsidiary of Newcap Inc., for a broadcasting licence to operate a new English-language FM radio programming undertaking in Athabasca, Alberta to replace its AM station CKBA. There were no interventions to this application. The terms and **conditions of licence** for the new station are set out in the appendix to this decision. The implementation of the station is subject to the notification by the Department of Industry discussed in the appendix.
2. The proposed station will maintain its current Classic Hits music format targeted to adults between the ages of 25 and 54 with a particular focus on the 35 to 44 demographic. A minimum of 6 hours 48 minutes of the broadcast week will be devoted to spoken word programming including 3 hours of news content in addition to information on community events and charities as well as weather and surveillance.
3. The station will operate in a single-station market as defined in Public Notice 1993-121. Accordingly, the station is not subject to the requirement that, in order to solicit or accept local advertising, one-third of its programming must be local. Nevertheless, the applicant made a commitment to offer 126 hours of local programming in each broadcast week.

Canadian content development

4. The Commission reminds the applicant that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time. The Commission notes the applicant's commitments over and above this basic amount. Specifically, the applicant indicated that, in addition to the required basic annual contributions, it would, by condition of licence, contribute a total of \$35,000 to CCD over seven broadcast years, upon commencement of operations. Of this amount, 20% would be devoted to FACTOR with the remainder to be directed to eligible parties and initiatives as follows: the local Athabasca schools music program for the purchase of musical instruments and other materials for the music curriculum.

5. 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.

Simulcast period and revocation of AM licence

6. As set out in the appendix to this decision, the applicant is authorized to simulcast the programming of the new FM station on CKBA Athabasca for a transition period of three months following the commencement of operations of the FM station. Pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act*, and consistent with the licensee's request, the Commission **revokes** the licence for CKBA effective at the end of the simulcast period.

Employment equity

7. Because this applicant is subject to the *Employment Equity Act* and files reports concerning employment equity with the department of Human Resources and Social Development Canada, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Programming Policy for FM Radio – Definition of a Single-station Market*, Public Notice CRTC 1993-121, 17 August 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 2008-367

Terms and conditions of licence

Terms

Issuance of the broadcasting licence to operate an English-language, FM radio programming undertaking in Athabasca, Alberta

The licence will expire 31 August 2015.

The station will operate at 94.1 MHz (channel 231B1) with an effective radiated power of 9,000 watts.

Condition prior to the implementation of the new undertaking

The Commission reminds the applicant that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry (the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued. Therefore, in the absence of the notification by the Department, the applicant will not be able to implement the new undertaking approved in this decision.

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 23 December 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 of licence 1, 5 and 9.
2. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters' *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 is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee is authorized to simulcast the programming of the new FM station on CKBA Athabasca for a transition period of three months following commencement of operations of the FM station.

4. In addition to the required basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall, upon commencement of operations, make an annual contribution of \$5,000 (\$35,000 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. The remaining amounts 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.