



## Broadcasting Decision CRTC 2009-245

Route reference: 2009-36

Ottawa, 1 May 2009

### **Niagara Radio Group Inc.**

Fort Erie, St. Catharines and Niagara Falls, Ontario

*Application 2009-0028-4, received 9 January 2009*

*Public Hearing in the National Capital Region*

*30 March 2009*

### **CKEY-FM Fort Erie, its transmitter CKEY-FM-1 St. Catharines and CFLZ-FM Niagara Falls – Acquisition of assets (Corporate reorganization)**

1. The Commission **approves** the application by Niagara Radio Group Inc. (Niagara Radio) for authority to acquire from CJRN 710 Inc. the assets of the English-language commercial radio programming undertakings CKEY-FM Fort Erie and its transmitter CKEY-FM-1 St. Catharines along with CFLZ-FM Niagara Falls and for broadcasting licences to operate the undertakings under the same conditions as those in effect under the current licences. The Commission did not receive any interventions in connection with this application.
2. Niagara Radio is wholly-owned and controlled by Niagara Media Group Inc., a corporation controlled by Northguard Capital Corp. which in turn is controlled by Mr. Andrew Ferri.
3. Niagara Radio indicated that the acquisition of assets is a corporate reorganization that will not affect the effective control of the undertakings as it will continue to be exercised by Mr. Ferri.

### **CKEY-FM's past non-compliance**

4. In Broadcasting Decision [2005-29](#), the Commission found CKEY-FM to be in non-compliance with the *Radio Regulations, 1986* (the Regulations) regarding the provision of program logs and music lists and with its condition of licence relating to the provision of local programming. In that decision, the station was issued a short-term licence renewal. Subsequently, in Broadcasting Decision [2007-195](#), the Commission issued a consecutive short-term licence renewal when CKEY-FM was found to be in non-compliance with its condition of licence requiring the broadcast of at least three hours of news programming each broadcast week and with its condition of licence relating to the provision of local programming.

## **CKEY-FM's compliance during its current licence term**

5. The Commission analyzed the programming broadcast on CKEY-FM during the week of 15 to 21 June 2008. The analysis revealed that, for the current licence term, the licensee is in compliance with its conditions of licence requiring it to broadcast a minimum of three hours of news programming each broadcast week and to incorporate spoken word material of direct and particular relevance to the community served.

## **Licence issuance**

6. Given that CKEY-FM's current licence expires 31 August 2009 and given that it has been found to be in compliance during its current licence term, the Commission considers appropriate to issue new licences with full licence terms for both CKEY-FM and CFLZ-FM. However, the Commission reminds Niagara Radio that it should have procedures and mechanisms in place to ensure that CKEY-FM remains in compliance with its conditions of licence and with the Regulations.
7. Upon surrender of the current licences issued to CJRN 710 Inc., the Commission will issue new licences to Niagara Radio Group Inc. The licences will expire 31 August 2015 and will be subject to the terms and **conditions** set out in the appendices to this decision.

Secretary General

## **Related documents**

- *CKEY-FM Fort Erie and its transmitter CKEY-FM-1 St. Catharines - Licence renewal*, Broadcasting Decision CRTC [2007-195](#), 20 June 2007
- *CKEY-FM Fort Erie and its transmitter CKEY-FM-1 St. Catharines - Licence renewal*, Broadcasting Decision CRTC [2005-29](#), 31 January 2005

*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>.*

## **Appendix 1 to Broadcasting Decision CRTC 2009-245**

### **Terms and conditions of licence for CKEY-FM Fort Erie and its transmitter CKEY-FM-1 St. Catharines**

#### **Terms**

The licence will expire 31 August 2015.

#### **Conditions of licence**

1. The licence will be subject to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC [2009-62](#), 11 February 2009.
2. During each broadcast week, the licensee shall broadcast, at a minimum, three hours of news programming. Of this amount, a minimum of 30% (54 minutes) each week must be devoted to local news of direct and particular relevance to Fort Erie and the Niagara region.

## Appendix 2 to Broadcasting Decision CRTC 2009-245

### Terms and conditions of licence for CFLZ-FM Niagara Falls

#### Terms

The licence will expire 31 August 2015.

#### Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC [2009-62](#), 11 February 2009.
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* (the Regulations), in any broadcast week where at least 90% of musical selections from content category 2 that it broadcasts are selections released before 1 January 1981:
  - a) in that broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
  - b) between 6 a.m. and 6 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

The licensee will also be responsible for specifying, on the music lists it provides to the Commission, the year of release for all musical selections it broadcasts.

For purposes of this condition, the terms “broadcast week”, “content category” and “musical selection” shall have the meaning set out in section 2 of the Regulations.