



Broadcasting Decision CRTC 2009-318

Route reference:

Broadcasting Notice of Public Hearing 2008-14

Additional references: 2008-14-1, 2008-14-3

Ottawa, 1 June 2009

Various applicants

Orillia, Ontario

Public Hearing in Orillia, Ontario

26 January 2009

Licensing of new radio stations to serve Orillia, Ontario

*The Commission **approves**, by majority decision, an application by Bayshore Broadcasting Corporation for a broadcasting licence to operate a new commercial FM radio station to serve Orillia.*

*The Commission also **approves** an application by Instant Information Services Incorporated for a broadcasting licence to operate a new low-power, tourist information FM radio station to serve Orillia.*

*The Commission **denies** the remaining applications for broadcasting licences to operate new FM radio stations to serve Orillia.*

Introduction

1. At a public hearing commencing 26 January 2009 in Orillia, Ontario, the Commission considered eight applications for new radio programming undertakings to serve Orillia, some of which are mutually exclusive on a technical basis. The applicants were as follows:
 - Bayshore Broadcasting Corporation
 - Debra McLaughlin, on behalf of a corporation to be incorporated
 - Frank Torres, on behalf of a corporation to be incorporated
 - Instant Information Services Incorporated
 - Larche Communications Inc.
 - Newcap Inc.
 - Nick Montague, on behalf of a corporation to be incorporated
 - Rock 95 Broadcasting Ltd.
2. As part of this process, the Commission received and considered interventions with respect to each application. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

3. After reviewing the positions of the parties to this proceeding, the Commission is of the view that the primary issues to be considered are as follows:
 - Can the Orillia radio market sustain additional radio services without an undue negative impact to the existing station?
 - If so, which of the applications should be approved, in light of the factors identified in Broadcasting Public Notice 2008-30 (the Call)?

The Orillia radio market and its ability to sustain new stations

4. Orillia is located in Simcoe County, approximately 30 kilometres north-east of Barrie, 35 kilometres south-east of Midland and 120 kilometres north of Toronto.
5. According to Statistics Canada's 2006 Census, the population of the Orillia Census Agglomeration was 40,532. The population had increased by 5.7% from the 2001 Census, as compared to 5.4% for Canada and 6.6% for Ontario during the same period. The Commission considers Orillia to be a small market as defined in Broadcasting Public Notice 2006-159.
6. Orillia's economy is a mix of manufacturing, government services, customer services and tourism, and it receives seasonal benefit from being a recreational and cottage country area for residents of southern Ontario. The 2008 *Financial Post Survey of Markets* projected that Orillia's retail sales would grow by almost 20% from 2008 to 2013. However, the Commission acknowledges that this projection was made prior to the recent downturn in the economy.
7. The Orillia radio market is currently served by one local commercial station (CICX-FM) owned by Larche Communications Inc. (Larche). This station has operated in a Country music format since March 2008. It had previously operated in a Classic Rock/Classic Hits format.
8. BBM Canada data indicate that out-of-market tuning by Orillia area residents 12 years of age and older accounts for approximately 83% of the total tuning. Among the out-of-market Barrie and Midland radio stations available to Orillia listeners are several FM stations that offer, among others, Classic/Mainstream Rock (CFJB-FM), Adult Contemporary (CHAY-FM) and Classic Rock/Classic Hits (CICZ-FM). The latter is owned by Larche.
9. A comparison of Orillia's ratio of radio advertising revenues to retail sales with the comparable figure for all of Canada suggests that there is a significant amount of radio advertising revenue potential in the Orillia radio market due in part to the large number of listeners tuning to out-of-market stations.¹ Further, the Commission notes that several

¹ The Commission notes that, in accordance with the guidelines respecting the confidential treatment of annual returns set out in Circular No. 429, an aggregate financial summary for the Orillia radio market cannot be made available due to the limited number of incumbents serving that market.

markets comparable in size to the Orillia market support two or more viable radio stations.

10. At the public hearing, the Commission requested comments from the parties in regard to the capacity of the Orillia radio market to sustain new entrants and to the viability of their business plans. Larche, the incumbent but also an applicant in this proceeding, was opposed to the introduction of a new licensee at this time unless the new licensee was itself. Larche stated that a new commercial licensee in the market at this time would have an impact on CICX-FM and could mean service reductions at the station. However, the incumbent also expressed confidence in its ability to compete and survive. With the exception of Larche, all applicants did not anticipate that a new entrant would have an undue impact on the incumbent. The applicants generally acknowledged that the recent change in the economy might have some negative impact on their respective proposals. All applicants, however, expressed confidence that their business plans remained viable both at the current time and into the future when they anticipated launching.
11. The Commission is mindful of the current economic situation but notes that this economic downturn will eventually come to an end. As a result, the Commission has taken into consideration the amount of time that typically exists between licensing a new service and its launch.
12. After reviewing the evidence on the public record, including the comments received as part of the oral phase of the public hearing, the Commission is satisfied that the Orillia radio market with its advertising revenue potential can sustain the introduction of a new mainstream commercial radio station and a tourist information station without undue economic impact on the incumbent radio station. Further, the Commission is of the view that a new mainstream commercial radio station would bring diversity to the market through competition.
13. In Broadcasting Public Notice 2006-159, the Commission set out its general concern with the relatively lower profitability of radio markets with populations under 250,000 and signalled its intent to avoid over-licensing in such markets. The Commission is of the view that the licensing of one new mainstream commercial radio station and a low-power tourist information station to serve the Orillia market at this time is consistent with this intent.

Assessment of the applications

Applications for new mainstream commercial stations

14. Having determined that there is room in the Orillia radio market for one additional mainstream commercial radio service, the Commission has considered the applications to serve Orillia in light of the factors relevant to the evaluation of the applications outlined in the Call, which include the factors set out in Decision 99-480:

- the quality of the application;
 - the diversity of news voices;
 - addressing the Orillia radio market in terms of underserved listeners; and
 - the competitive state of the radio market and the level of market impact.
15. Details of the applications are set out in Appendix 1 to this decision.
 16. Having considered all of the applications in light of the criteria set out above, the Commission finds that the proposal by Bayshore Broadcasting Corporation (Bayshore) best meets the needs of the Orillia radio market. In the Commission's view, Bayshore's experience as an established small-market operator in the region, where it owns CHGB-FM Wasaga Beach, CFOS Owen Sound, CFPS-FM Port Elgin and CHWC-FM Goderich, would prove valuable in the Orillia radio market. The proposed Bayshore station would also introduce a new radio voice to the market and provide significant local reflection.
 17. Bayshore proposed to offer a Soft Adult Contemporary music format targeted to listeners between the ages of 35 and 64 years. Bayshore committed, by condition of licence, to devote a minimum of 12% of all musical selections to musical selections drawn from content category 3 (Special Interest Music), which, in the Commission's view, would add to the musical diversity of the market.
 18. The Commission also notes that Bayshore committed, by condition of licence, to devote at least 40% of all category 2 (Popular music) selections aired in each broadcast week and between 6:00 a.m. and 6:00 p.m., Monday to Friday, to Canadian selections. These levels exceed the minimum regulatory requirement set out in the *Radio Regulations, 1986* (the Regulations), as amended from time to time and would therefore provide enhanced exposure for Canadian popular music. **Conditions of licence** requiring Bayshore to abide by the above commitments are set out in Appendix 2 to this decision.
 19. All of the station's programming would be local, with 85 hours of live-to-air programming. In each broadcast week, 20 hours and 54 minutes would be devoted to spoken word programming, including 8 hours and 20 minutes of pure news. At least 75% of the news would be local.
 20. All commercial radio licensees must adhere to the requirements relating to basic annual contributions to Canadian content development (CCD) set out in section 15 of the Regulations. The Commission notes that Bayshore made a commitment to exceed the minimum basic contribution to CCD. Specifically, Bayshore committed to devote, by condition of licence, a total of \$350,000 to CCD over and above the basic annual contribution, over seven consecutive broadcast years upon commencement of operations. Of this amount, at least 20% would be devoted to FACTOR. The remainder would be directed to eligible initiatives as follows: Aboriginal Broadcast Training and Development Fund; Orillia-area high schools' music programs for new musical equipment, sheet music or to subsidize travel costs associated with attending national or

international performance competitions; Orillia Lake Country Reading Series; Orillia Spring Blues Fest; and Leacock Summer Festival. A **condition of licence** requiring Bayshore to abide by the above commitment is set out in Appendix 2 to this decision.

Instant Information Services Incorporated

21. The Commission considers that, given its distinct nature of service and the fact that it would be limited to broadcasting six minutes of advertising material per hour, the English-language, low-power tourist information FM station proposed by Instant Information Services Incorporated (Instant Information) would make a valuable addition to the Orillia radio market without an undue impact on the incumbent station. The station would offer 125 hours of local programming consisting of repeated loops of information on current weather, road conditions, Bank of Canada exchange rate along with tourist and community information about local events and attractions. The station would also have the capacity to serve as an emergency broadcast system in the event of an emergency in the Orillia area.
22. At the hearing, Instant Information indicated that it would adhere to section 15 of the Regulations relating to basic annual contributions to CCD. As a spoken word station, Instant Information specified that it would direct its contribution to eligible initiatives that support independent parties dedicated to producing new spoken word content that would otherwise not be produced for broadcast.

Determinations

Bayshore Broadcasting Corporation and Instant Information Services Incorporated

23. Based on all of the foregoing, the Commission **approves**, by majority decision, the following application for a broadcasting licence to operate an English-language FM radio programming undertaking in Orillia:

Bayshore Broadcasting Corporation
Application 2008-0795-1, received 9 June 2008

The terms and **conditions of licence** for this new service are set out in Appendix 2 to this decision.

24. The Commission also **approves** the following application for a broadcasting licence to operate an English-language, low-power tourist information FM radio programming undertaking in Orillia:

Instant Information Services Incorporated
Application 2008-0800-1, received 9 June 2008

The terms and **conditions of licence** for this new service are set out in Appendix 3 to this decision.

Remaining applications

25. With respect to the applications by Larche and Rock 95 Broadcasting Ltd. (Rock 95), the Commission indicated at the hearing that approval of their respective applications may not be consistent with the Common Ownership Policy. As set out in Public Notice 1998-41 and reaffirmed in Broadcasting Public Notice 2008-4, a person may own or control no more than three stations in a given language in markets where less than eight commercial stations are operating in that language, with a maximum of two stations in any one frequency band. Section 2 of the Regulations defines a “market” in the case of an FM station as “the FM 3mV/m contour or the central area as defined by the BBM, whichever is smaller.” For the purpose of evaluating the above applications under the Common Ownership Policy, the Commission has determined that the market in question is best defined as the BBM radio market of Orillia. In the present instance, if Larche or Rock 95 were to operate three English-language FM stations within the Orillia radio market as defined by BBM, this would constitute a violation of the Common Ownership Policy.
26. The Commission notes that the 3 mV/m contours of Larche’s existing stations (CICX-FM Orillia and CICZ-FM Midland) both intersect the boundaries of the Orillia radio market. Further, the 3 mV/m contour of Larche’s proposed station would also intersect the Orillia radio market. With respect to Rock 95, the 3 mV/m contours of its existing stations (CFJB-FM Barrie and CKMB-FM Barrie) both intersect the Orillia radio market and the 3 mV/m contour of its proposed station would also intersect the boundaries of the market.
27. If Larche and Rock 95’s applications were to be approved, the two licensees would exceed the limit of two FM stations in a given geographic and linguistic market as set out in the Common Ownership Policy and would require an exception to the policy. The onus falls on an applicant to demonstrate an economic or technical need for the exception to the policy. The Commission considers that neither applicant demonstrated that a pressing economic need existed or that the applications addressed technical issues with respect to their existing stations. The Commission is of the view that an exception to the Common Ownership Policy is not warranted in this instance.
28. In light of all of the above, the Commission **denies** the six remaining applications for broadcasting licences to operate radio programming undertakings in Orillia, as set out below:

Debra McLaughlin, on behalf of a corporation to be incorporated
Application 2008-0831-3, received 12 June 2008

Frank Torres, on behalf of a corporation to be incorporated
Application 2008-0801-6, received 9 June 2008

Larche Communications Inc.
Application 2008-0789-4, received 6 June 2008

Newcap Inc.
Application 2008-0799-3, received 9 June 2008

Nick Montague, on behalf of a corporation to be incorporated
Application 2007-1507-1, received 22 October 2007

Rock 95 Broadcasting Ltd.
Application 2008-0804-0, received 9 June 2008

Secretary General

Related documents

- *Call for applications – Radio – Orillia, Ontario*, Broadcasting Public Notice CRTC 2008-30, 10 April 2008
- *Diversity of voices – Regulatory policy*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *Revised policy concerning the issuance of calls for radio applications and a new process for applications to serve small markets*, Broadcasting Public Notice CRTC 2006-159, 15 December 2006
- *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
- *Introductory statement – Licensing new radio stations*, Decision CRTC 99-480, 28 October 1999
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998

This decision and the appropriate appendix are to be appended to each licence. This document 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 2009-318

Details from the applications for new broadcasting licences for FM radio programming undertakings to serve Orillia, Ontario

| Applicant | Details from the application |
|---|--|
| Bayshore Broadcasting Corporation Application 2008-0795-1 | Type: English-language commercial FM radio programming undertaking Technical parameters: 89.1 MHz (channel 206A), effective radiated power of 2,100 watts Format: Soft Adult Contemporary Target audience: general target audience – 35 to 64 years, female skew; core target audience – 35 to 54 years Canadian content (music): 40% category 2 Local programming per broadcast week: 126 hours Spoken word programming per broadcast week: 20 hours, 54 minutes 30 seconds News programming per broadcast week: 8 hours, 20 minutes of pure news, 75% local Canadian content development contribution (over the basic annual contribution): \$350,000 over seven consecutive broadcast years Emerging Canadian artists programming per broadcast week: 8 to 10% of musical selections Category 3 musical selections**: 12% by condition of licence Live-to-air programming per broadcast week: 85 hours |
| Debra McLaughlin, on behalf of a corporation to be incorporated Application 2008-0831-3 | Type: English-language commercial FM radio programming undertaking Technical parameters: 89.1 MHz (channel 206B), average effective radiated power of 2,900 watts Format: Adult Album Alternative, with greater emphasis on current and recurrent music Target audience: general target audience – 18 to 54 years; core target audience – 25 to 44 years Canadian content (music): 40% of Canadian content Local programming per broadcast week: 126 hours Spoken word programming per broadcast week: 18 hours, 57 minutes News programming per broadcast week: 4 hours, 27 minutes of pure news, 75% local Canadian content development contribution (over the basic annual contribution): \$278,632 over seven consecutive broadcast years Emerging Canadian artists programming per broadcast week: 20% of musical selections Live-to-air programming per broadcast week: 111 hours |
| Frank Torres, on behalf of a corporation to be incorporated Application 2008-0801-6 | Type: English-language commercial FM radio programming undertaking Technical parameters: 89.1 MHz (channel 206B1), average effective radiated power of 5,600 watts Format: Adult Contemporary |

Target audience: general target audience – 25 to 54 years; core target audience – 35 to 54 years, female skew
Canadian content (music): 40% category 2
Local programming per broadcast week: minimum 120 hours, 6 hours of syndicated programming possible
Spoken word programming per broadcast week: 19 hours, 10 minutes
News programming per broadcast week: 4 hours, 22 minutes of pure news, 60% local
Canadian content development contribution (over the basic annual contribution): \$350,000 over seven consecutive broadcast years
Emerging Canadian artists programming per broadcast week: 10% of musical selections
Live-to-air programming per broadcast week: 24 hours a day

**Instant Information
 Services Incorporated**
 Application 2008-0800-1

Type: English-language, low-power commercial tourist information FM radio programming undertaking
Technical parameters: 98.5 MHz (channel 253LP), effective radiated power of 27 watts
Format: Tourist radio
Target audience: All demographics
Canadian content (music): N/A
Local programming per broadcast week: 125 hours
Spoken word programming per broadcast week: 97%
Programming: 10-15 minute broadcast loops, repeated 24/7, 365 days a year; loops consist of weather forecasts and conditions, road condition reports, road traffic reports, Bank of Canada exchange rate and tourist/community information about local events and attractions, etc.
Emerging Canadian artists programming per broadcast week: N/A

**Larche
 Communications Inc.**
 Application 2008-0789-4

Type: English-language commercial FM radio programming undertaking
Technical parameters: 89.1 MHz (channel 206B1), average effective radiated power of 1,000 watts
Format: Hot Adult Contemporary (Hot AC)
Target audience: general target audience – 18 to 49 years; core target audience – 18 to 34 years, women
Canadian content (music): 35% category 2
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 13 hours, 37 minutes
News programming per broadcast week: 3 hours, 38 minutes of pure news, 75% local
Canadian content development contribution (over the basic annual contribution): \$172,000 over seven consecutive broadcast years
Emerging Canadian artists programming per broadcast week: committed to 5% but would aim between 5-10% of musical selections
Live-to-air programming per broadcast week: 91 hours, from 6 am to 7 pm
Voice-tracked programming per broadcast week: from 7 pm to midnight

Newcap Inc.
Application 2008-0799-3

Type: English-language commercial FM radio programming undertaking
Technical parameters: 89.1 MHz (channel 206B1), average effective radiated power of 1,000 watts
Format: Contemporary Hit Radio (also known as Top 40)
Target audience: general target audience – 18 to 44 years; core target audience – 25 to 34 years, women
Canadian content (music): 40% category 2
Local programming per broadcast week: offering 126 hours, but committed to 120 hours
Spoken word programming per broadcast week: 18 hours, 20 minutes
News programming per broadcast week: 3 hours of pure news, 75% local
Canadian content development contribution (over the basic annual contribution): \$350,000 over seven consecutive broadcast years
Emerging Canadian artists programming per broadcast week: 15% of musical selections
Local live-to-air programming: 91 hours
Local voice-tracked programming per broadcast week: outside prime time hours

Nick Montague, on behalf of a corporation to be incorporated
Application 2007-1507-1

Type: English-language commercial FM radio programming undertaking
Technical parameters: 89.1 MHz (channel 206A), effective radiated power of 332 watts
Format: Classic Rock and Outlaw Country
Canadian content (music): 35% category 2*
Local programming per broadcast week*:** 126 hours
Spoken word programming per broadcast week: 21 hours, 12 minutes
News programming per broadcast week: 3 hours of pure news****, 83% local
Canadian content development contribution (over the basic annual contribution): \$43,543 over seven consecutive broadcast years
Emerging Canadian artists programming per broadcast week: 5% of musical selections
Live-to-air programming per broadcast week: 98 hours
Voice-tracked programming per broadcast week: 28 hours

Rock 95 Broadcasting Ltd.
Application 2008-0804-0

Type: English-language commercial FM radio programming undertaking
Technical parameters: 89.1 MHz (channel 206A), effective radiated power of 6,000 watts
Format: Hot Adult Contemporary
Target audience: general target audience – 18 to 64 years; core target audience – 25 to 44 years, slight female skew
Canadian content (music): 40% category 2
Local programming per broadcast week: 126 hours
Spoken word programming per broadcast week: 19 hours, 36 minutes
News programming per broadcast week: 5 hours, 18.5 minutes of pure news, 50% local

Canadian content development contribution (over the basic annual contribution): \$526,800 over seven consecutive broadcast years

Emerging Canadian artists programming per broadcast week: 15% of musical selections

Voice-tracked programming per broadcast week: 11 hours 30 minutes

Locally-produced and pre-recorded programming: 5 hours

* Percentages shown for category 2 musical selections (Popular Music) are for both the broadcast week and the period from 6:00 a.m. to 6:00 p.m., Monday to Friday. The definition of "broadcast week" is the same as that set out in the *Radio Regulations, 1986*.

** Percentages shown for category 3 musical selections (Special Interest Music) are for the broadcast week. The definition of "broadcast week" is the same as that set out in the *Radio Regulations, 1986*.

*** The definition of "broadcast week," as it relates to local, spoken word and news programming, is the same as that set out in the *Radio Regulations, 1986*.

**** As set out in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, "news" excludes related surveillance material, that is, weather, traffic, sports and entertainment reports.

Appendix 2 to Broadcasting Decision CRTC 2009-318

Bayshore Broadcasting Corporation

Application 2008-0795-1, received 9 June 2008

Terms, conditions of licence, expectation and encouragement

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Orillia, Ontario

Terms

The licence will expire 31 August 2015.

The station will operate at 89.1 MHz (channel 206A) with an effective radiated power of 2,100 watts.

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.

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 1 June 2011. 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 *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):
 - a) devote, in each broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and

- b) devote, between 6:00 a.m. and 6:00 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, a minimum of 40% of its musical selections from content category 2 (Popular Music) 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 Regulations.

3. The licensee shall, in any broadcast week, devote a minimum of 12% of all musical selections broadcast to musical selections drawn from content category 3 (Special Interest Music).
2. 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 \$50,000 (\$350,000 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.

Expectation

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

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.

Appendix 3 to Broadcasting Decision CRTC 2009-318

Instant Information Services Incorporated
Application 2008-0800-1, received 9 June 2008

Terms, conditions of licence, expectation, commitment and encouragement

Issuance of the broadcasting licence to operate an English-language, low-power tourist information FM radio programming undertaking in Orillia, Ontario

Terms

The licence will expire 31 August 2015.

The station will operate at 98.5 MHz (channel 253LP) with an effective radiated power of 27 watts.

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.

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.

Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission also reminds the applicant that it will have to select another frequency if the Department so requires.

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 1 June 2011. 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. 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.

2. The licensee shall use the station solely for the purpose of providing pre-recorded tourist information pertaining to the weather, road conditions, Bank of Canada exchange rates along with tourist and community information about local events and attractions in Orillia.
3. The licensee shall not broadcast more than six minutes of advertising material per clock hour.
4. The licensee shall not broadcast musical selections, except as incidental background music.

Expectation

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Commitment

The licensee shall make its service available as an emergency broadcast facility for the City of Orillia.

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.