



Broadcasting Decision CRTC 2009-346

Route reference: 2009-36

Ottawa, 15 June 2009

Tantramar Community Radio Society
Amherst, Nova Scotia

Application 2008-1357-8, received 9 October 2008

Public Hearing in the National Capital Region

30 March 2009

Community radio station in Amherst

*The Commission **approves** an application by Tantramar Community Radio Society for a broadcasting licence to operate an English-language Type B community FM radio station in Amherst, Nova Scotia.*

Introduction

1. The Commission received an application by Tantramar Community Radio Society (TCRS) for a broadcasting licence to operate an English-language Type B community FM radio programming undertaking in Amherst, Nova Scotia.
2. TCRS is a not-for-profit organization controlled by its board of directors.
3. In Broadcasting Decision 2008-254, the Commission denied an application by TCRS to operate a Type B community radio programming undertaking for the following reasons:
 - the application did not reflect the objectives of a community radio station, as set out in Public Notice 2000-13; and
 - the undue negative impact that the applicant could have on the advertising revenues and financial situation of CKDH, a commercial radio station in Amherst owned by Maritime Broadcasting System Limited.

Proposed service

4. TCRS indicated that the station would broadcast 126 hours of programming during each broadcast week, of which 119 hours would be locally produced. A Type B community radio station may not increase or decrease its total weekly broadcast time by more than 20% without prior Commission approval.

5. The new station would allocate at least 58% of its music programming to category 2 music, consisting of 15% Pop, Rock and Dance, 20% Country music, 20% Easy listening and 3% acoustic music. Not less than 50% of musical selections from content category 2 would be devoted to Canadian content selections. A condition of licence to that effect is set out in the appendix to this decision. TCRS also indicated that it would devote at least 40% of its musical programming to category 3 music.
6. TCRS would devote 25% of its spoken word programming to programming such as emergency information, weather updates, public service announcements and coverage of municipal council meetings and special events. The applicant has committed to devote 40% of its news bulletins to local news and 40% to regional news.
7. With respect to the promotion of local artists, TCRS stated it would promote and feature local talent and emerging artists from the Maritimes. TCRS would also help raise funds for local school bands to purchase musical instruments.
8. The applicant indicated that volunteers would consist of community members and of students from institutions like Nova Scotia Community College. TCRS would train volunteers to contribute to the radio station's activities.
9. The Commission received supporting and opposing interventions related to this application. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Interventions

10. In an opposing intervention Maritime Broadcasting System Limited (MBS), licensee of CKDH Amherst, argued that little has changed from TCRS' previous application. Specifically, MBS maintained it is clear that licensing the proposed community FM radio station would have a negative impact on the profitability and viability of its station CKDH.
11. MBS noted that TCRS' proposed community radio station has a coverage area of over 100 km wide that stretches into two provinces and covers several counties. According to MBS, the coverage proposed by TCRS is representative of a commercial station. Additionally, MBS expressed concern that TCRS' proposed 60% category 2 music would bring it into direct competition with CKDH.
12. The Commission notes that TCRS did not respond to any of the interventions in relation to its application.

Commission's analysis and determination

13. After examining the application and interventions, the Commission considers that the two issues to be addressed are the following:

- Does the programming proposed by TCRS reflect the objectives of the Commission's Community Radio Policy?
- What would be the economic impact of the proposed TCRS station on the existing station in Amherst?

Does the programming proposed by TCRS reflect the objectives of the Commission's Community Radio Policy?

14. The Commission notes that, as a not-for-profit organization, TCRS' station is meant to be anchored and rooted in the community it serves by employing volunteers for programming and other administrative tasks. The Commission considers that the spoken word programming proposed by the applicant, such as a daily agricultural news and information show, programming originating from various schools and programming focusing on elders in the community, would reflect community interests. The Commission further considers that TCRS' willingness to broadcast 40% category 3 music is indicative of the diversity the proposed station would bring to the radio market in Amherst.

What would be the economic impact of the proposed TCRS station on the existing station in Amherst?

15. In Broadcasting Decision 2009-224, the Commission approved an application by MBS to convert CKHD, the only station serving Amherst, to the FM band. The population of Amherst is around 8,865 people and has been stagnant between the 2001 and 2006 census years.
16. TCRS projected that its proposed community station would generate advertising revenues amounting to \$50,000 in its first year, increasing to \$98,000 by its seventh year. By that time, advertising revenues would account for approximately 50% of the station's total revenues. TCRS also projected that over its entire licence term 42% of the income generated by its proposed community station would be derived from local advertising, with the rest coming from fundraising activities, government funding and memberships.
17. Taking into account the advertising revenues projected by TCRS for its proposed station, the advertising revenues generated by CKDH in 2008 and the likelihood that the proposed station would appeal to different advertisers from those currently advertising on CKDH, the Commission is of the opinion that the proposed community FM station would not have a significant negative financial impact on CKDH's commercial operations.

Conclusion

18. In light of the above, the Commission **approves** the application by Tantramar Community Radio Society for a broadcasting licence to operate an English-language Type B community FM radio programming undertaking in Amherst, Nova Scotia. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

Related documents

- *CKHD Amherst – Conversion to FM band*, Broadcasting Decision CRTC 2009-224, 24 April 2009
- *Community radio station in Amherst, Nova Scotia*, Broadcasting Decision CRTC 2008-254, 11 September 2008
- *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000

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 2009-346

Terms, conditions of licence and encouragement

Terms

Issuance of the broadcasting licence to operate an English-language Type B community FM radio programming undertaking in Amherst, Nova Scotia

The licence will expire 31 August 2015.

The station will operate at 107.9 MHz (channel 300B1) with an effective radiated power of 6,500 watts (non-directional antenna/effective height of antenna above average terrain of 123 metres).

The Commission reminds the applicant that pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

In accordance with *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000, the licence for this community radio station will be held by a not-for-profit organization without share capital whose structure provides for membership, management, operation and programming by members of the community at large. The board of directors will ultimately control the undertaking and be responsible for adherence to the *Radio Regulations, 1986* and the station's conditions of licence.

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 15 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 shall be subject to the conditions set out in *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000.
2. The licensee shall, as an exception to the percentage of Canadian musical selections in a broadcast week and as set out in the *Radio Regulations, 1986*, devote 50% or more of its musical selections from content category 2 (popular music) to Canadian selections broadcast in their entirety over the broadcast week.

Encouragement

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.