



## Broadcasting Decision CRTC 2010-750

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Route reference: 2010-295

Ottawa, 12 October 2010

### **My Broadcasting Corporation**

St. Thomas, Ontario

*Application 2010-0140-4, received 3 February 2010*

*Public Hearing in the National Capital Region*

*19 July 2010*

### **English-language FM radio station in St. Thomas**

1. The Commission **approves** the application by My Broadcasting Corporation (MBC) for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in St. Thomas, Ontario. The terms and **conditions of licence** are set out in the appendix to this decision.
2. MBC is a corporation controlled by Jon Pole and Andrew Dickson.
3. The new station will operate at 94.1 MHz (channel 231A) with an average effective radiated power (ERP) of 1,370 watts (maximum ERP of 4,370 watts with an effective height of antenna above average terrain of 46.5 metres). The station will offer a Gold-based Adult Contemporary music format. MBC will broadcast 125 hours of local programming in each broadcast week. The local programming will include approximately 14 hours of spoken word programming, of which approximately 5 hours will be devoted to news. Newscasts will primarily feature local news. The station will also feature weather, sports and community events. MBC further committed to devote, by condition of licence, at least 38% of all category 2 (Popular Music) selections broadcast during each broadcast week and between 6 a.m. and 6 p.m. from Monday to Friday to Canadian selections broadcast in their entirety. A **condition of licence** to this effect is included in the appendix to this decision.
4. The Commission received interventions supporting and an intervention opposing the application. The intervener in opposition to the application expressed concern that the station would not broadcast live 24 hours per day, but instead would use programming from a network at certain times in the broadcast schedule. His concern was that in the event of extreme weather conditions, listeners would not be adequately served by the station. The individual also expressed dissatisfaction with the amount of local news proposed as well as the format, stating that the music programming would replicate what is already available on other stations. Finally, the intervener questioned whether the new station would promote community events.

5. In subsequent correspondence dated 21 June 2010, the intervener also expressed concern that MBC does not have staff in each community, citing a number of examples of stations in neighbouring communities that share on-air staff.
6. In its 28 June 2010 reply, MBC stated that as a small-market broadcaster, it did not have the resources to provide live programming 24 hours per day, 7 days a week. However, MBC stated that it had dedicated staff at all of its stations in all of the communities it was licensed to serve. MBC also noted that its small-market station business model was effective, as evidenced by the fact that it had hired additional staff for its existing stations despite the recent economic recession.
7. In approving the application, the Commission has considered MBC's experience in operating small-market stations. In this case, given the close proximity of St. Thomas to London, the Commission considers the maintaining of service to St. Thomas, as proposed by the applicant, to be fundamental in the granting of the new FM station to MBC. For this reason, the Commission finds it appropriate to impose conditions of licence to ensure that the station serves the primary market of St. Thomas. MBC has indicated that it would agree to conditions of licence requiring it not to identify itself on a basis that includes exclusive reference to London, to include references to the St. Thomas and Elgin County region in all its traffic and weather reports and to include references to local news and events in the St. Thomas and Elgin County region on a regular basis in the programming broadcast. **Conditions of licence** to this effect are included in the appendix to this decision.

### **Canadian content development**

8. 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 that MBC will devote the minimum each year in direct contributions to CCD, with 60% to be directed to FACTOR and 40% to be directed to the St. Thomas Music Festival.
9. 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 *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Secretary General

*\*This decision is to be appended to the licence.*

# Appendix to Broadcasting Decision CRTC 2010-750

## Terms, conditions of licence, expectation and encouragement

### Terms

#### Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in St. Thomas, Ontario

The licence will expire 31 August 2017.

The station will operate at 94.1 MHz (channel 231A) with an average effective radiated power (ERP) of 1,370 watts (maximum ERP of 4,370 watts with an effective height of antenna above average terrain of 46.5 metres).

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 12 October 2012. 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 licensee 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*, in any broadcast week:
  - a) devote, in that broadcast week, a minimum of 38% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
  - b) devote, between 6 a.m. and 6 p.m., in the period from Monday to Friday of the same broadcast week, a minimum of 38% of its musical selections from content category 2 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 *Radio Regulations, 1986*.

3. The licensee shall not identify the station on a basis that includes exclusive references to the city of London, Ontario.
4. The licensee shall include coverage of local news, sports and events of direct and particular relevance to St. Thomas and Elgin County on a regular basis each day in the programming broadcast.
5. The licensee shall include reference to St. Thomas and Elgin County in each traffic report and each weather report.

### **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.