



## Broadcasting Decision CRTC 2011-449

PDF version

Route reference: 2011-190

Ottawa, 28 July 2011

### **CIAM Media & Radio Broadcasting Association**

Various locations in British Columbia and Alberta

*Applications 2010-1673-3, 2010-1675-9 and 2010-1676-7, received 10 November 2010*

### **CIAM-FM Fort Vermilion – New transmitters in various locations**

*The Commission **approves** the applications by CIAM Media & Radio Broadcasting Association to amend the broadcasting licence for the Type B community radio station CIAM-FM Fort Vermilion by adding low-power transmitters in Prespatou and Dawson Creek, British Columbia and Three Hills, Alberta.*

#### **Introduction**

1. The Commission received applications by CIAM Media & Radio Broadcasting Association (CIAM) to amend the broadcasting licence for the Type B<sup>1</sup> community radio programming undertaking CIAM-FM Fort Vermilion, Alberta to add low-power FM transmitters in Prespatou and Dawson Creek, British Columbia and Three Hills, Alberta. The Commission received joint interventions in support of the applications.
2. The transmitter in Prespatou would operate on frequency 105.5 MHz (channel 288LP) with an effective radiated power (ERP) of 50 watts (non-directional antenna with an effective height of antenna above average terrain (EHAAT) of 45.1 metres). The transmitter in Dawson Creek would operate on frequency 107.5 MHz (channel 298LP) with an ERP of 50 watts (non-directional antenna with an EHAAT of 146.3 metres). The transmitter in Three Hills would operate on frequency 97.3 MHz (channel 247LP) with an ERP of 50 watts (non-directional antenna with an EHAAT of 44.02 metres).<sup>2</sup>

---

<sup>1</sup> In Broadcasting Regulatory Policy [2010-499](#), the Commission announced that it would remove the distinction between Type A and Type B community stations. In order to do so entirely, the Commission must amend the *Radio Regulations, 1986* (the Regulations). As such, when the Regulations are amended, the type designation will become irrelevant and this station will be a community station.

<sup>2</sup> Technical parameters reflect those submitted by the Department of Industry in its technical acceptability document.

3. The licensee submitted that the addition of these transmitters would allow it to broadcast the programming of CIAM-FM in these communities and adequately serve their populations.

## **Background**

4. In Broadcasting Decision 2010-437, the Commission renewed the broadcasting licence for CIAM-FM for a short-term period until 31 August 2013. This short-term renewal was based on the station's failure to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations) concerning the provision of annual returns for the 2007-2008 broadcast year.
5. Subsequently, in Broadcasting Decision 2010-606, the Commission denied applications by CIAM to amend the broadcasting licence for the CIAM-FM by adding low-power transmitters in Prespatou, Dawson Creek and Three Hills. This denial was based on the station's above-noted failure to comply with the Regulations and the Commission's past practice of generally denying amendments requested by licensees found in non-compliance with their regulatory obligations. Given CIAM-FM's non-compliance with subsection 9(2) of the Regulations, the Commission did not consider that a departure from this practice was warranted in that case.

## **Commission's analysis and determinations**

6. In Broadcasting Notice of Consultation 2011-190, the Commission noted that its analysis had revealed that the licensee might have again failed to comply with section 9(2) of the Regulations with respect to the provision of annual returns for the 2008-2009 broadcast year. Specifically, while the annual return was filed by the 30 November deadline, it was incomplete.
7. The licensee explained that the incomplete filing of the annual return was due to administrative issues. The licensee stated that it had since implemented strict control, procedure and policy measures to ensure future compliance at all times. Additionally, it indicated that it had hired a full-time certified accounting firm to oversee its financial and administrative area relating to its regulatory reporting.
8. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with radio stations found out of compliance. In particular, the Commission noted that each instance of non-compliance would be evaluated in light of such factors as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it would consider the circumstances leading to the non-compliance in question, the licensee's arguments and the measures taken to rectify the situation.
9. In the present case, the Commission notes that the above-noted infraction for the 2008-2009 broadcast year is the licensee's only outstanding non-compliance and that this non-compliance occurred during the previous licence term. The Commission further notes that based on the licensee's timely filing of its annual return for the 2009-2010 broadcast year, the station is currently operating in compliance with the Regulations.

10. The Commission is satisfied with the measures outlined by CIAM to ensure that CIAM-FM complies with the Regulations and its conditions of licence in the future. The Commission will review the licensee's performance in these areas as part of the station's licence renewal.

## Conclusion

11. In light of all of the above, the Commission **approves** the applications by CIAM Media & Radio Broadcasting Association to amend the broadcasting licence for the Type B community radio programming undertaking CIAM-FM Fort Vermilion by adding low-power FM transmitters in Prespatou and Dawson Creek, British Columbia and Three Hills, Alberta.
12. The transmitter in Prespatou will operate on frequency 105.5 MHz (channel 288LP) with an ERP of 50 watts (non-directional antenna with an EHAAT of 45.1 metres). The transmitter in Dawson Creek will operate on frequency 107.5 MHz (channel 298LP) with an ERP of 50 watts (non-directional antenna with an EHAAT of 146.3 metres). Finally, the transmitter in Three Hills will operate on frequency 97.3 MHz (channel 247LP) with an ERP of 50 watts (non-directional antenna with an EHAAT of 44.02 metres).
13. The Department of Industry (the Department) has advised the Commission that while these applications are conditionally technically acceptable, it will only issue broadcasting certificates when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.
14. The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when 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 transmitters approved in this decision.
15. The transmitters 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 **28 July 2013**. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

Secretary General

## Related documents

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC [2011-347](#), 26 May 2011
- Broadcasting Notice of Consultation CRTC 2011-190, 17 March 2011

- *CIAM-FM Fort Vermilion – New transmitters in various locations*, Broadcasting Decision CRTC 2010-606, 20 August 2010
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC [2010-499](#), 22 July 2010
- *CIAM-FM Fort Vermilion and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2010-437, 30 June 2010

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