



Broadcasting Decision CRTC 2015-123

PDF version

Route reference: 2014-472

Ottawa, 1 April 2015

Craig Timmermans, on behalf of a corporation to be incorporated
Little Current and Manitoulin Island, Ontario

Application 2014-0314-6, received 10 April 2014
Public hearing in the National Capital Region
12 November 2014

English-language FM radio station in Little Current and Manitoulin Island

*The Commission **approves** an application for a broadcasting licence to operate an
English-language commercial FM radio station in Little Current and Manitoulin Island.*

Application

1. Craig Timmermans, on behalf of a corporation to be incorporated (Timmermans (OBCI)), filed an application for a broadcasting licence to operate an English-language commercial FM radio station in Little Current and Manitoulin Island, Ontario.
2. Timmermans (OBCI) will be a corporation controlled by Mr. Craig Timmermans.
3. The station would operate on 103.1 MHz (channel 276B) with an effective radiated power of 35,200 watts (non-directional antenna with an effective height of antenna above average terrain of 178 metres).
4. The station would offer a Country music format targeting adults 25 to 54 years of age. It would broadcast 126 hours of local programming each broadcast week, including three hours of English-language Aboriginal music programming interspersed with spoken word segments concerning local Aboriginal issues. Spoken word programming would include four hours 30 minutes of news each broadcast week, of which three hours would be devoted to pure news. The station would also broadcast weather, sports, surveillance material, marine forecasts and community events information.
5. The applicant committed to devote, by condition of licence, 40% of its content category 2 (Popular Music) musical selections broadcast during each broadcast week and between 6 a.m. and 6 p.m. from Monday to Friday to Canadian selections, which

exceeds the minimum regulatory requirement, set out in the *Radio Regulations, 1986* (the Regulations).

6. The Commission received several interventions in support of the application. It also received an intervention from an individual commenting on the application, to which the applicant replied. The public record for this application can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.

Commission's analysis

7. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issue it must address is the impact the proposed station could have on incumbent stations in the market.
8. The individual submitted that the Country music station CFRM-FM Little Current already serves Manitoulin Island and that another country music station would not work. He noted that the Country music station CICS-FM Sudbury also provides service to Manitoulin Island.
9. In reply, Timmermans (OBCI) indicated that CFRM-FM operates as a community station and is unable to reach all of Manitoulin Island. It also indicated that Manitoulin Island is outside of CICS-FM's licensed service area, as its signal only reaches the northeastern part of the island. The applicant therefore submitted that the proposed station would not have a negative impact on incumbent radio stations in the region.
10. In the Commission's view, the proposed station would increase the radio programming available to Little Current and Manitoulin Island listeners and would also provide the local community with its first commercial radio station.
11. Although there would likely be a financial impact on CFRM-FM, the Commission notes that this station's board of directors passed a resolution on 25 November 2013 in support of the applicant's proposal.

Conclusion

12. In light of the above, the Commission **approves** the application by Craig Timmermans, on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Little Current and Manitoulin Island, Ontario. The terms and **conditions of licence** are set out in the appendix to this decision.

Canadian content development

13. 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 Regulations, as amended from time to time. According to the applicant's

financial projections, the proposed station would generate annual revenues below the \$1.25 million threshold set out in the Regulations throughout its licence term, and therefore may not be required to make any basic CCD contributions so long as annual revenues remain below \$1.25 million.

14. Moreover, the applicant made commitments to exceed the minimum required contribution to CCD. Specifically, it committed to devote, by condition of licence, over and above the basic annual contribution to CCD, a total of \$35,000 to CCD over seven consecutive broadcast years (\$5,000 per broadcast year) upon commencement of operations. Of this amount, at least 20% per broadcast year would be devoted to FACTOR or MUSICACTION, with the remainder going 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. A **condition of licence** to that effect is set out in the appendix to this decision.

Secretary General

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

Appendix to Broadcasting Decision CRTC 2015-123

Terms, conditions of licence, expectation and encouragement for the English-language commercial FM radio programming undertaking in Little Current and Manitoulin Island, Ontario

Terms

The licence will expire 31 August 2021.

The station will operate at 103.1 MHz (channel 276B) with an effective radiated power of 35,200 watts (non-directional antenna with an effective height above average terrain of 178 metres).

Pursuant to section 22(1) of the *Broadcasting Act*, no license 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.

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 and its 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 **1 April 2017**. 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 shall adhere 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), devote:
 - (a) in each broadcast week, at least 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
 - (b) between 6 a.m. and 6 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, at least 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 meanings set out in the Regulations.

3. In addition to the required basic annual contribution to Canadian content development, 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 \$5,000 (\$35,000 over seven consecutive broadcast years) to the promotion and development of Canadian content. Of this amount, the licensee shall allocate not less than 20% per broadcast year to FACTOR or MUSICACTION. The remainder 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

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

Encouragement

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.