



Broadcasting Decision CRTC 2015-222

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Reference: 2014-541

Ottawa, 27 May 2015

My Broadcasting Corporation
Milton, Ontario

Application 2014-0046-5, received 16 January 2014
Public hearing in the National Capital Region
13 January 2015

English-language FM radio station in Milton

*The Commission **approves** an application for a broadcasting licence to operate an English-language commercial FM radio station in Milton.*

Application

1. My Broadcasting Corporation (MBC) filed an application for a broadcasting licence to operate an English-language commercial FM radio station in Milton, Ontario.
2. MBC is a corporation jointly controlled by Mr. Jon Pole and Mr. Andrew Dickson, through their respective family trusts.
3. The station would operate on 101.3 MHz (channel 267A) with an average effective radiated power (ERP) of 228 watts (maximum ERP of 950 watts with an effective height of antenna above average terrain of -8.2 metres).¹
4. The station would offer an Adult-Contemporary/Gold music format targeting adults 25 to 54 years of age. Of the 126 hours of programming to be broadcast each broadcast week, 100 hours would be devoted to local, station-produced programming. The remaining programming would include a new local music show that would feature interviews with up-and-coming local and regional musicians and provide new local artists with an opportunity to be heard on the radio in Milton as well as in all other markets currently served by the licensee.
5. Spoken word programming would consist of local news, coverage of local events, and daily features such as *Morning Newsmaker*, which would give local community groups the ability to share information with local residents, and *What's On*, which would broadcast each week a minimum of 126 local community event details specific to Milton.

¹ In its application, MBC proposed to operate the station with an average ERP of 264 watts (maximum ERP of 1,100 watts), but reduced these parameters in November 2014, following a revision by the Department of Industry.

6. The applicant committed to devote, by condition of licence, 38% 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).
7. The Commission received several interventions in support of the application, as well as interventions offering general comments from the Canadian Federation of University Women (CFUW) and an individual. It also received interventions in opposition from Tillsonburg Broadcasting Company Limited (TBC), licensee of CKOT-FM Tillsonburg, and 3885275 Canada Inc., operating as Canadian Multicultural Radio (CMR), licensee of CJSA-FM Toronto. MBC replied to the opposing interventions and the comment from the individual. 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

8. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:
 - whether approval of the application would have a technical impact on co-channel stations CJSA-FM and CKOT-FM; and
 - whether approval of the application would have an undue negative financial impact on other radio stations.

Technical impact on co-channel stations CJSA-FM Toronto and CKOT-FM Tillsonburg

9. CMR expressed concern over co-channel interference between the proposed station and its own radio station CJSA-FM. This concern was echoed by the individual intervener, who noted that there are other frequency options available to the applicant. TBC acknowledged that MBC's application met the Department of Industry's (the Department's) broadcasting rules and procedures (the Rules),² but argued that the proposed station would generate interference in CKOT-FM's fringe coverage areas.
10. In its reply, MBC stated that the use of 101.3 MHz as proposed, notwithstanding that CJSA-FM and CKOT-FM operate on the same frequency in their respective markets, complies with the Rules.
11. The Department has examined MBC's application and has determined that it meets its interference protection requirements towards CJSA-FM and CKOT-FM. Further, the claim of potential interference relates to areas located outside of those stations'

² See *BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings*.

protected service contours, and outside of their licensed service areas. Accordingly, the Commission finds that approval of the application would not have a technical impact on either CJSA-FM or CKOT-FM.

Financial impact on other stations

12. Both TBC and CMR submitted that co-channel interference from the proposed station would have a negative impact on their stations' current listenership in Milton. CMR further submitted that due to the competitive nature of the ethnic radio market in Toronto, along with the sizeable South Asian listening audience in Milton, it is imperative that it retain any and all segments of the South Asian population in the Greater Toronto Area (GTA). According to CMR, a potential loss of service area to the west of the GTA could have a significant impact on its station's revenues.
13. In reply, MBC noted the interveners' claims that they provide service or have an audience extending beyond the respective secondary (i.e., 0.5 mV/m) contours of their stations CKOT-FM and CJSA-FM. It stated that neither TBC nor CMR provided any quantitative evidence to support these claims, or their claims of a potential negative financial impact on their stations. The applicant added that neither station is entitled to protection beyond their secondary contours, as set out in the Rules.
14. Through its provision of significant local reflection, the proposed radio station would be the first specifically targeting the community of Milton. Its service area would be limited to that community and would not encompass nearby markets. Moreover, the population covered by the proposed station's service area would represent a small portion of the population covered by the service areas of nearby stations that currently reach Milton. Given the number of stations from the major, adjacent Toronto and Hamilton radio markets that reach Milton, it is unlikely that the launch of a station in Milton would result in undue financial impact on stations currently operating in those major markets. Furthermore, the potential impact of the proposed station would be spread out among multiple Toronto and Hamilton stations. In regard to the potential impact on CJSA-FM in particular, the claim of potential interference associated with a potential loss of revenues relates to areas located outside that station's licensed service area.
15. In light of the above, the Commission finds that approval of the present application would not result in an undue negative financial impact on other stations.

Conclusion

16. In light of the above, the Commission **approves** the application by My Broadcasting Corporation for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Milton, Ontario. The terms and **conditions of licence** are set out in the appendix to this decision.

Canadian content development

17. The applicant 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.

Secretary General

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

Appendix to Broadcasting Decision CRTC 2015-222

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

Terms

The licence will expire 31 August 2021.

The station will operate at 101.3 MHz (channel 267A) with an average effective radiated power (ERP) of 228 watts (maximum ERP of 950 watts with an effective height above average terrain of -8.2 metres).

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.

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 **27 May 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 the broadcasting licence for the undertaking as well as 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 38% 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 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 meanings set out in the Regulations.

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.