



Broadcasting Decision CRTC 2019-133

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Reference: 2018-388

Ottawa, 7 May 2019

Carlsbad Springs Community Association
Carlsbad Springs and Vars, Ontario

Public record for this application: 2018-0096-2
Public hearing in the National Capital Region
6 December 2018

Community radio station in Carlsbad Springs

*The Commission **approves** an application for a broadcasting licence to operate a low-power, English- and French-language community FM radio station in Carlsbad Springs, Ontario, and a low-power FM rebroadcasting transmitter in Vars.*

Application

1. The Commission received an application by the Carlsbad Springs Community Association (CSCA) for a broadcasting licence to operate a low-power English- (60%) and French-language (40%) community FM radio station in Carlsbad Springs, Ontario, and a low-power FM rebroadcasting transmitter in Vars. The Commission received interventions in support of this application, as well as a comment from an individual, to which the applicant did not reply.
2. The station would operate at 107.7 MHz (channel 299LP) with an effective radiated power (ERP) of 14.8 watts (effective height of antenna above average terrain (EHAAT) of 23 metres). The broadcasting transmitter in Vars would operate at 107.9 MHz (channel 300LP) with an ERP of 1.3 watts (EHAAT of 10 metres). The applicant already operates an exempt tourist radio station at 107.7 MHz (CJRO-FM Carlsbad Springs), which now requires a community broadcasting licence. CSCA confirmed that it would cease operating its tourist station when the proposed community radio station becomes operational. The new community station would be known as Carlsbad Vars Radio.
3. CSCA is a not-for-profit corporation that is effectively controlled by its board of directors.
4. The applicant indicated that the station would broadcast 126 hours of programming each broadcast week, 103 hours of which would be devoted to local programming. The remaining 23 hours would be devoted to syndicated musical and spoken word programming, which, according to the applicant, would complement the local programming offered.

5. In each broadcast week, 19 hours and 8 minutes would be devoted to local spoken word programming, including 5 hours and 8 minutes of local news and community information targeting Carlsbad Springs and the village of Vars, as well as 14 hours of magazine-style local community programming produced by the station for anglophone and francophone communities.
6. News bulletins would be composed of local news (80%) and regional news (20%). In the context of news bulletins, CSCA considers Carlsbad Springs and the village of Vars to be local communities.
7. The proposed station's music content would be drawn from a mix, at 95%, of musical selections from content category 2 (Popular Music)—80% from subcategory 21 (Pop, Rock and Dance) and 15% from a combination of subcategories 22 (Country) and 23 (Acoustic and Easy Listening)—and, at 5%, of musical selections (World Music and Celtic) from content category 3 (Special Interest Music).
8. Regarding community involvement and volunteer participation, CSCA stated that it currently has a team of dedicated volunteers from the community who could create their own radio programs, become journalists, record events, edit programs, help produce advertisements and serve on the board of directors, as well as assume other responsibilities (e.g. marketing and promotion). CSCA also stated that it is present in the community during local events and that it promotes volunteer/community involvement in the radio station's operations. Further, it stated that it intends to organize "open houses," where community members could visit the radio station, learn how it operates and find out how to get involved. The applicant also stated that it had already started to seek the participation of La Cité collégiale, Algonquin College and the University of Ottawa, and that it had established partnerships with local newspapers and online news sites to help them develop their information and news programs.
9. Because of the limited number of volunteers and the amount of training required to prepare volunteers to broadcast on the air, the applicant currently has no plans for live programming. Its programming would therefore be entirely pre-recorded.
10. After examining the record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:
 - the financial impact on existing radio stations in the market;
 - the use of 107.7 MHz and 107.9 MHz in the markets of Carlsbad Springs and Vars, respectively;
 - the diversity of programming; and
 - the absence of live programming.

Commission's analysis and decisions

Financial impact on existing radio stations in the market

11. The proposed community station would be located in Carlsbad Springs and would serve a population of approximately 493 persons in its 3 mV/m contour and a population of 1,443 persons in its 0.5 mV/m contour. The proposed rebroadcasting transmitter in Vars would serve a population of approximately 754 persons in its 3 mV/m contour and a population of 778 persons in its 0.5 mV/m contour.
12. CSCA, a not-for-profit community association, expects nearly 22% of its station's revenues to be generated by local sales, with the remainder coming from donations and non-government funding. The applicant anticipates total local advertising revenues of \$2,000 in the first year of operation, increasing to \$4,000 in the seventh year, representing 0.004% and 0.01%, respectively, of the market's total local advertising revenues in 2017.
13. Given the above, the absence of opposing interventions identifying any undue negative financial impact, as well as the nature of the proposed service, the Commission finds that approval of this application would not have any undue negative financial impact on existing stations in the market.

Use of frequencies 107.7 MHz and 107.9 MHz

14. Because the proposal seeks to convert the current exempt tourist information station (CJRO-FM) in Carlsbad Springs into a community radio station while maintaining the existing technical parameters, including the use of 107.7 MHz (channel 299LP), the current broadcasting certificate is still valid. Therefore, the proposal adheres to the rules governing FM spectrum coordination.
15. As regards 107.9 MHz (channel 300LP), the Department of Industry has granted conditional technical acceptance to the applicant's proposal. Therefore, the proposal adheres to the rules governing FM spectrum coordination.
16. In both cases, other frequencies are available that have the capacity to provide the same coverage as, or better coverage than, those proposed by the applicant. Further, because the application concerns a low-power FM station, the use of the proposed frequency would not eliminate its availability in surrounding areas.¹ In addition, should an application for a full-power radio station (protected status) be approved, CSCA would be forced to vacate the station's frequency, as well as that of its rebroadcasting transmitter.
17. In light of the above, the Commission finds that the use of 107.7 MHz in Carlsbad Springs and 107.9 MHz in Vars would have only a minimal impact on the availability of frequencies in these two markets and surrounding areas, including Ottawa.

¹ Given that the technical parameters are for a low-power FM station, the applicant could be forced to choose another frequency at the request of the Department of Industry.

Diversity of programming

18. Carlsbad Springs is located in the rural area of southeast Ottawa. As part of the city of Ottawa, it has access to several radio stations licensed to serve Ottawa. Its current tourist information radio station offers local and regional information and weather forecasts. However, CSCA wishes to offer musical and spoken word programming to its community, as well as more locally focused information on local events, community projects, not-for-profit groups and local businesses, which are not currently offered by other broadcast media.
19. The Commission considers that although the programming proposed by CSCA relies heavily on popular music, it meets the Commission's regulatory minimums for community stations.²
20. In light of the above, the Commission finds that by giving a voice to the communities of Carlsbad Springs and Vars, the proposed station would add diversity to the Ottawa market.

Absence of live programming

21. CSCA noted that it does not plan to offer live programming at this time, and that all of its content would be produced "live-to-tape." It added that it relies on the work of volunteers and that it would like these volunteers to have a certain level of experience before considering live programming. CSCA has not committed to providing live programming in the future.
22. Although the proposed station does not offer any breaking news or live updates, CSCA noted that it is located in a small market and that it does not expect significant changes in news content. Consequently, it would focus its limited resources on producing 30 minutes of quality local and regional news for its residents, repeated throughout the week and presented in two-minute segments repeated throughout the broadcast day. Further, CJRO-FM participates in the National Public Alerting System as part of its current activities as a tourist station and would continue to do so as part of the proposed community station's activities. Therefore, any alerts related to imminent or unfolding threats to life or property would be broadcast by the proposed station once they are issued by public officials.
23. Community stations are not bound by any regulatory obligation to broadcast live programming, and the residents of Carlsbad Springs have access to other Ottawa radio services. Moreover, the station would be a low-power station with limited range and resources.

² Broadcasting Regulatory Policy 2012-304

Conclusion

24. In light of all of the above, the Commission considers that the proposed station would contribute to local representation, including the bilingual nature of the community, and to programming diversity in the market. Moreover, the Commission is satisfied that the application is consistent with the provisions for community radio stations set out in Broadcasting Regulatory Policy 2010-499. Accordingly, the Commission **approves** the application by Carlsbad Springs Community Association for a broadcasting licence to operate a low-power, English- and French-language community FM radio programming undertaking in Carlsbad Springs and a low-power FM rebroadcasting transmitter in Vars. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

25. Pursuant to section 16 of the *Radio Regulations, 1986*, all licensees of community radio stations must participate in the National Public Alerting System.

Secretary General

Related documents

- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2019-133

Terms, conditions of licence, expectation and encouragements for the low-power, English- and French-language community FM radio programming undertaking in Carlsbad Springs, Ontario, and its rebroadcasting transmitter in Vars

Terms

The licence will expire 31 August 2025.

The station will operate at 107.7 MHz (channel 299LP) with an effective radiated power (ERP) of 14.8 watts (effective height of antenna above average terrain (EHAAT) of 23 metres).

The rebroadcasting transmitter will operate at 107.9 MHz (channel 300LP) with an ERP of 1.3 watts (EHAAT of 10 metres).

The Department of Industry's *BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings* specifies that a low-power FM radio station or rebroadcasting transmitter is considered a secondary assignment operating on an unprotected channel. Should an FM station or transmitter with protected status be granted a frequency incompatible with that used by the low-power station or transmitter considered in this decision, the applicant may need to cease the operation of that low-power station or transmitter, or file an application to change its frequency and/or technical parameters.

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 only 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 **7 May 2021**. 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 *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, as well as to the conditions set out in the broadcasting licence for the undertaking.

Expectation

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. As noted in Appendix 3 to that policy, licensees may submit such documentation via the Commission's website.

Encouragements

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.

The Commission encourages the licensee to broadcast live programming.