



## Broadcasting Notice of Consultation CRTC 2021-412

PDF version

Ottawa, 15 December 2021

*Public record: 1011-NOC2021-0412*

### **Call for comments on market capacity and the appropriateness of issuing a call for radio applications to serve Lunenburg County, Nova Scotia**

The Commission has received an application for a broadcasting licence to operate a new commercial radio station to serve Lunenburg County, Nova Scotia. The Commission is seeking comments on market capacity and the appropriateness of issuing a call for radio applications to serve Lunenburg County. The Commission encourages interested persons, as well as the applicant, to submit additional information that it will take into consideration before making a final determination on whether it should proceed with a call for applications.

The deadline for the receipt of interventions is **31 January 2022**. Only parties that file interventions may file a reply to matters raised during the intervention phase. The deadline to file replies is **15 February 2022**.

The Commission expects persons interested in serving the Lunenburg County radio market to express their interest during the intervention period. Should little or no interest be expressed to serve that radio market, the Commission may publish the application for consideration during the non-appearing phase of a public hearing rather than issue a call for applications.

#### **Background**

1. In Broadcasting Regulatory Policy 2014-554 (the Radio Call Policy), the Commission set out its procedure for issuing calls for applications for broadcasting licences to operate radio stations. According to the Radio Call Policy, applications for new radio stations in markets of all sizes will generally result in the issuance of a call for applications with the following exceptions:
  - proposals with very little or no commercial potential or impact, including some low-power applications;
  - proposals to provide the first commercial service in a market;
  - proposals by the sole commercial operator in a market to improve service to the market, either through an AM to FM conversion or a new station;

- proposals to provide the first commercial service in the other official language in a market or to convert the only station in the other official language from AM to FM; and
  - proposals to convert stations from AM to FM in markets with two or fewer commercial operators.
2. The Commission will also take into account the availability or scarcity of spectrum when considering applications that propose to use one of the last known frequencies in a market. Such applications will not be eligible to be considered under one of the exceptions to the issuance of a call.
  3. If an application does not fall within one of the exceptions to the issuance of a call, the Commission will publish a notice of consultation to seek comments on market capacity and the appropriateness of issuing a call. The Commission proceeds this way to ensure that new radio stations are introduced in a transparent and efficient manner and that the ability of existing radio stations to serve their communities is not compromised. It also provides Canadians with an opportunity to express their views on introducing new radio services prior to a call being issued.

### **Application for Lunenburg County**

4. The Commission announces that it has received the following application for a broadcasting licence to operate a new English-language commercial radio station to serve Lunenburg County, Nova Scotia:

<b>Applicant</b>	<b>Type of service</b>	<b>Technical parameters</b>	<b>Main communities included in the primary contour</b>
James Scott Clements on behalf of a corporation to be incorporated (OBCI)	English-language commercial FM radio station	107.9 MHz (channel 300B1) with an effective radiated power of 6,500 watts	Lunenburg County

5. The applicant requested that its application be considered as a “proposal to provide the first commercial service in a market,” and therefore, that there be no call for competing applications as set out in the Radio Call Policy. The Commission notes, however, that while the proposal may be to provide the first commercial service to originate from the town of Lunenburg, it is not “the first commercial service in a market.”
6. Given that there are currently two commercial radio stations licenced to serve Lunenburg County, both of which originate from the adjacent town of Bridgewater, the present application does not meet an exception to the issuance of a call for applications as set out in the Radio Call Policy.

## Call for comments

7. In light of the above, the Commission calls for comments on the capacity of Lunenburg County to support a new station and on whether it should issue a call for applications for new radio stations to serve this community. The Commission encourages interested persons, as well as the applicant, to submit additional information that it will take into consideration before making a final determination on whether to proceed with a call for applications.
8. Aggregated financial information relating to the radio market in Newfoundland and Labrador, Nova Scotia and Prince Edward Island can be found in the [Commission's Statistical and Financial Summaries 2020](#) on the Open Data Portal.
9. Following receipt of comments, the Commission will conduct an assessment of the capacity of Lunenburg County to support an additional station, taking into account economic and financial data as well as the comments received in the public consultation.
10. As indicated in the Radio Call Policy, the Commission will weigh factors such as market capacity, spectrum availability or scarcity and interest by other parties in serving the market when deciding whether to:
  - publish the application for consideration during the non-appearing phase of a public hearing;
  - issue a call for applications; or
  - make a determination that the market cannot sustain additional stations, return the application and issue a decision setting out this determination.

## Procedure

11. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answers, replies and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

12. The Commission invites interventions that address the issues and questions set out above. The Commission will accept interventions that it receives on or before **31 January 2022**. Only parties that file interventions may file a reply to matters raised during the intervention phase. The deadline for the filing of replies is **15 February 2022**.
13. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
14. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
15. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
16. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

17. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed or served. The Commission advises parties who file or serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

18. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
19. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

### **Important notice**

20. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, email or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and fax numbers, etc.
21. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
22. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
23. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

24. Electronic versions of the interventions and of other documents referred to in this notice are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by visiting "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment". Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

25. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782  
Toll-free TTY: 1-877-909-2782

Secretary General

### **Related documents**

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010