



Broadcasting Decision CRTC 2006-139

Ottawa, 12 April 2006

Coopérative Radio-Halifax-Métro limitée
Halifax, Nova Scotia

Application 2005-1034-8
Public Hearing in the National Capital Region
16 January 2006

Community radio station in Halifax

*The Commission **approves in part** the application by Coopérative Radio-Halifax-Métro limitée to operate a French-language Type A community FM radio station in Halifax. Within 90 days of the date of this decision, the applicant must submit an amendment to its application proposing the use of a frequency other than 89.7 MHz (channel 209B1) that is acceptable to both the Commission and the Department of Industry.*

The application

1. The Commission received an application by the Coopérative Radio-Halifax-Métro limitée (the Coopérative) for a broadcasting licence to operate a French-language Type A community FM radio programming undertaking in Halifax. The applicant proposed to operate the station at 89.7 MHz (channel 209B1) with an effective radiated power of 1,925 watts.
2. The Coopérative would broadcast 126 hours of programming during each broadcast week, including a minimum of 80 hours of locally produced programming. The Coopérative would also air programming originating with the Réseau francophone d'Amérique (RFA). Music programming would consist mainly of a mix of several styles, such as traditional, folk, blues, jazz and popular music to reflect as closely as possible the expectations of the Francophone and Francophile population in the Halifax region.
3. The Coopérative indicated that a large portion of its programming would consist of programming produced by French-Canadian and Acadian artists. The applicant planned to devote air time to promoting Maritime artists and their new productions.
4. The applicant stated that it would provide ongoing professional training to the station's volunteers.
5. The applicant further indicated that it would amend the constitution and by-laws of the Coopérative to reflect the eligibility requirement set out in *Direction to the CRTC (Ineligibility of Non-Canadians)*, SOR/97-192, 8 April 1997, amended by SOR/98-1268, 15 July 1998, that at least 80% of the members of the Coopérative must be Canadians.

6. The Commission received several interventions in support of this application.

Use of frequency 89.7 MHz

7. The use of frequency 89.7 MHz by the Coopérative is technically competitive with the application by Maritime Broadcasting System Limited (MBS) to operate a new commercial FM radio station in Halifax using frequency 89.9 MHz. The MBS application is the subject of a separate decision also published today.¹
8. The Department of Industry (the Department) has designated frequency 89.9 MHz as the only Class C1 frequency still available in Halifax. The assignment of a Class C1 frequency makes it possible to use an effective radiated power of approximately 100,000 watts. Given the technical potential of such a frequency, the use of frequency 89.7 by the Coopérative would prevent the future use of frequency 89.9 MHz in Halifax at its maximum power.
9. Recognizing that the two frequencies, 89.7 MHz and 89.9 MHz, are technically competitive in Halifax, the Coopérative indicated that two other frequencies could be acceptable for its proposed community radio station, i.e., 92.9 MHz and 98.5 MHz.
10. The Commission has considered the impact of assigning frequency 89.9 MHz in Halifax and is aware of the shortage of full-power analog frequencies in this market. Given that the Coopérative's proposed programming targets a specific audience, the Commission finds it appropriate to ask the applicant to find another frequency for its proposed community radio station.
11. In making its determination, the Commission has considered the fact that the applicant stated that it would be prepared to use a frequency other than the frequency proposed in its initial application.
12. Accordingly, the Commission **approves in part** the application by Coopérative Radio-Halifax-Métro limitée for a broadcasting licence to operate a French-language Type A community FM radio programming undertaking in Halifax. Within 90 days of the date of this decision, the Coopérative must submit an application proposing the use of a frequency other than 89.7 MHz (channel 209B1) that is acceptable to both the Commission and the Department.
13. In accordance with *Community Radio Policy*, Public Notice CRTC 2000-13, 28 January 2000 (Public Notice 2000-13) and further to the applicant's commitment, the Commission expects the applicant to devote a minimum of 15% of the programming broadcast in each broadcast week to community-oriented spoken word programming.

¹ See *CHNS Halifax – Conversion to FM Band*, Broadcasting Decision CRTC 2006-138, 12 April 2006.

14. In accordance with Public Notice 2000-13, the licence for this community radio station will be issued to Coopérative-Radio-Halifax-Métro limitée, a not-for-profit organization without share capital, whose structure provides for membership by members of the community at large. The board of directors is ultimately responsible for management of the station.
15. The licence will expire 31 August 2012 and will be subject to the **conditions** specified in *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000.

Issuance of the licence

16. The Commission will only issue the licence, and it will only be effective at such time as:
 - the applicant submits, within 60 days of the date of this decision, a signed copy of the amended constitution and bylaws, as described and required in paragraph 5 of this decision.
 - the applicant submits, within 90 days of the date of this decision, an amendment to its application proposing the use of an FM frequency and technical parameters that are acceptable to both the Commission and the Department. This amended application will form part of a public process; and
 - 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 12 April 2008. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Employment equity

17. 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 applicant to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>