



Broadcasting Decision CRTC 2006-643

Ottawa, 27 November 2006

0749943 BC Ltd. (Matthew G. McBride)
Pemberton, British Columbia

Application 2006-0347-4
Public Hearing at Québec, Quebec
11 September 2006

English-language FM radio station in Pemberton

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

The application

1. The Commission received an application by 0749943 BC Ltd. (Matthew G. McBride) for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Pemberton, British Columbia.
2. The proposed station would broadcast 126 hours of programming in each broadcast week, all of which would be locally produced. It would offer a blend of rock and pop music from the 1970s, with a particular emphasis on music from the 1980s. The applicant stated that spoken word programming would include news, sports and weather information reflecting issues, activities, events and conditions in the area covered by the signal of the proposed station. The proposed station would produce a weekly talk and open-line program called “View On The Valley” that would reflect and discuss a broad range of local issues. It would also devote four hours per week to Aboriginal programming. Where possible, Aboriginal programming would be presented in the local Aboriginal dialect.
3. The applicant indicated that it would participate in the plan developed by the Canadian Association of Broadcasters (CAB) for contributions by radio licensees to Canadian talent development (CTD). Under this plan, a radio licensee serving a market the size of Pemberton is required to contribute a minimum of \$400 in each broadcast year to eligible third parties for the development of Canadian musical and other talent. The applicant indicated that the \$400 annual contribution would be directed to the Foundation Assisting Canadian Talent on Recordings (FACTOR), and made a commitment to contribute an additional \$2,000 in each broadcast year to local CTD initiatives including payments to local musical talent for public performances, the recording of live concerts featuring Canadian talent, and to the local school district for a music scholarship. The applicant’s overall commitment to CTD would be \$2,400 in each broadcast year.

Interventions

4. The Commission received interventions in support of this application. In addition, the Canadian Independent Record Production Association (CIRPA) filed an intervention that offered general comments on a number of applications considered at the same public hearing, including the present application.
5. CIRPA supported the applicant's commitment to FACTOR, but opposed the applicant's proposal to pay for the recording of concerts that might be broadcast. CIRPA indicated that expenses of this nature should be considered a cost of doing business, rather than legitimate CTD expenses.

Applicant's reply

6. In response to the concerns raised by CIRPA about the allocation of funds to producers of concerts, the applicant argued that such expenses are recognized as acceptable direct CTD initiatives in *An FM Policy for the Nineties*, Public Notice CRTC 1990-111, 17 December 1990 (the FM Policy). The applicant notes that the FM Policy includes no requirement that concerts recorded under a CTD initiative be broadcast, and that it recognizes that some productions may not be suitable for airplay. However, for new and emerging artists, simply having an opportunity to experience the recording and production aspect of the music industry is an important component of talent development.

Commission's analysis and determinations

7. In its evaluation of this application, the Commission has carefully considered the views of the applicant and the interveners. The Commission is satisfied that the applicant has proposed a service that will respond to the needs and interests of listeners in the Pemberton area.
8. With regard to CIRPA's comments regarding the allocation of funds to production costs, the Commission is satisfied that the CTD initiatives proposed by the applicant meet the eligibility criteria set out in *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995.
9. In light of the above, the Commission **approves** the application by 0749943 BC Ltd. (Matthew G. McBride) for a broadcasting licence to operate an English-language, commercial FM radio programming undertaking in Pemberton, British Columbia at 98.9 MHz (channel 255A) with an effective radiated power of 420 watts¹.

¹ The Department of Industry has advised the Commission that the effective radiated power of the new station will be 420 watts, rather than 500 watts, as had been noted in Broadcasting Notice of Public Hearing CRTC 2006-7, 13 July 2006.

10. It should be noted that the new FM station will operate in a single station market, as defined in *Local programming policy for FM radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993. Consequently, as the only commercial FM radio station serving Pemberton, the new FM station will be exempt from the requirement that, in order to solicit or accept local advertising, one-third of its programming must be local. In this regard, the Commission notes the applicant's indication that all programming broadcast during the broadcast week would be locally produced.
11. The Commission notes the applicant's proposed contributions to CTD. A **condition of licence** is set out in the appendix to this decision requiring the applicant to adhere to those commitments. The Commission expects the applicant to contribute a total of \$16,800 over a period of seven consecutive broadcast years upon commencement of operations, as proposed.
12. The licence will expire 31 August 2013 and will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition of licence number 9, which does not apply to stations operating in single station markets.

Issuance of the licence

13. The Department of Industry (the Department) has advised the Commission that, while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.
14. The Commission reminds the applicant that, pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department notifies the Commission that its technical requirements have been met, and that a broadcasting certificate will be issued.
15. 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 November 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

16. In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the applicant to consider employment equity 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>

Appendix to Broadcasting Decision CRTC 2006-643

Conditions of licence

1. The licence will be subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999 (Public Notice 1999-137), with the exception of condition of licence number 9.
2. In addition to the amounts required under condition of licence number 5 set out in Public Notice 1999-137, the licensee shall, upon commencement of operations, make direct expenditures of at least \$2,000 in each broadcast year to local CTD initiatives, including payments to local musical talent for public performances, the recording of live concerts featuring Canadian talent, and to the local school district for a music scholarship.

The Commission reminds the licensee that all Canadian talent development (CTD) expenditures must be made in accordance with the Commission's policy on qualifying contributions to CTD, as set out in Appendix 1 to *An FM policy for the nineties*, Public Notice CRTC 1990-111, 17 December 1990.