



## Broadcasting Decision CRTC 2009-222

Route reference:

Broadcasting Notice of Public Hearing 2008-14

Ottawa, 24 April 2009

**Touch Canada Broadcasting (2006) Inc. (the general partner), and 1188011 Alberta Ltd. and Touch Canada Broadcasting Inc. (the limited partners), carrying on business as Touch Canada Broadcasting Limited Partnership**  
Calgary, Alberta

*Application 2008-1064-9, received 5 August 2008*  
*Broadcasting Public Hearing in Orillia, Ontario*  
*26 January 2009*

### **Christian music AM radio station**

*The Commission **approves** an application for a broadcasting licence to operate an English-language commercial AM radio station in Calgary, Alberta.*

### **The application**

1. The Commission received an application by Touch Canada Broadcasting (2006) Inc. (the general partner), and 1188011 Alberta Ltd. and Touch Canada Broadcasting Inc. (the limited partners), carrying on business as Touch Canada Broadcasting Limited Partnership (Touch) for a broadcasting licence to operate an English-language commercial AM radio programming undertaking in Calgary.
2. Touch is ultimately controlled by Mr. Charles R. Allard.
3. The station would operate at frequency 700 kHz with a daytime transmitter power of 50,000 watts and a night-time transmitter power of 20,000 watts.
4. The proposed station would offer a Southern Gospel and Inspirational music format and would draw a majority of its musical selections from content subcategory 35 (non-classic religious), as defined in Public Notice 2000-14. In each broadcast week, the station would also broadcast 37 hours and 44 minutes of spoken word programming, including news, weather, sports and business reports as well as community updates. In addition, 28 hours would be devoted to religious programming each broadcast week. Touch committed to broadcast balance programming as defined in Public Notice 1993-78.
5. Overall, the proposed station would broadcast a minimum of 84 hours of local programming each broadcast week. The remainder of the programming would consist of brokered programming as well as American and Canadian syndicated programming.

## Interventions and reply

6. As part of this process, the Commission received and considered several interventions in support of this application and one intervention in opposition from Lighthouse Broadcasting Ltd. (Lighthouse). The interventions and the applicant's reply can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
7. In its intervention, Lighthouse expressed concerns over the contours of the proposed station and argued that the signal would penetrate the Medicine Hat, Alberta market, where Lighthouse is currently authorized to operate CJLT-FM Medicine Hat, a specialty gospel Christian station. Lighthouse alleged that Touch designed its application to encompass CJLT-FM's service area, and that approval of this application would have a negative impact on Lighthouse's ability to attract and retain national advertisers and brokered programming. Lighthouse added that it would prefer that the Commission deny the application altogether, but that if the Commission concludes that Touch should be awarded the licence, the transmitter power should be restricted to 5,000 watts rather than the proposed 50,000 watts.
8. In response to the Lighthouse intervention, Touch stated that the contours of its proposed station would not overlap with the contours of CJLT-FM, and that, therefore, it would not have a financial impact on CJLT-FM. Touch argued that the daytime contour of its proposed station would fall short of reaching Medicine Hat, while the night-time contour would not even be near the Medicine Hat area. Touch also submitted a response from the engineering firm DEM Allen and Associates confirming that reducing the transmitter power to 5,000 watts would compromise the reliability of the proposed signal to serve the Calgary market.

## Commission's analysis and determinations

9. The Commission examined the technical parameters submitted by the applicant as well as the intervention provided by Lighthouse. It notes that Touch's daytime and night-time signals would not reach Medicine Hat, and the power levels near Medicine Hat would not be sufficient to provide a reliable signal to this market. Specifically, the daytime 0.5 mV/m contour would approach but not cover Medicine Hat, while the night-time 0.5 mV/m contour is constrained in the direction of Medicine Hat.
10. In light of the above, the Commission **approves** the application by Touch Canada Broadcasting (2006) Inc. (the general partner), and 1188011 Alberta Ltd. and Touch Canada Broadcasting Inc. (the limited partners), carrying on business as Touch Canada Broadcasting Limited Partnership for a broadcasting licence to operate an English-language commercial AM radio programming undertaking in Calgary. The terms and **conditions of licence** are set out in the appendix to this decision.

## Canadian content development

11. The Commission reminds the applicant that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time.

12. The Commission notes that Touch further committed to contribute, by condition of licence, an additional amount over and above the basic annual contribution. Specifically, Touch indicated that it will contribute a combined CCD amount, including both the basic annual contribution and an additional contribution, of \$20,000 annually, for a total of \$140,000 over the course of seven consecutive broadcast years, upon commencement of operations. Of the additional CCD contribution, 20% will be devoted to FACTOR with the remainder to be directed to the Gospel Music Association in order to support the Covenant Awards program which combines a conference, artist competition, training sessions and an awards show. A **condition of licence** requiring Touch to abide by the above commitment is set out in the appendix to this decision.

Secretary General

**Related documents**

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993

*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 2009-222

## Terms, conditions of licence and encouragement

### Issuance of the broadcasting licence to operate an English-language AM commercial radio programming undertaking in Calgary

#### Terms

The licence will expire 31 August 2015.

The station will operate at frequency 700 kHz with a daytime transmitter power of 50,000 watts and a night-time transmitter power of 20,000 watts.

The Commission reminds the applicant that, 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 24 April 2011. 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 licence will be subject 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, upon commencement of operations, contribute \$20,000 annually (\$140,000 over seven consecutive broadcast years) to the promotion and development of Canadian content. This amount includes the required basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, as well as an additional annual contribution.

Of the additional contribution, the licensee shall allocate no less than 20% per broadcast year to FACTOR. The remaining amounts of this additional CCD contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

3. Where the licensee broadcasts religious programming as defined in the *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

## **Encouragement**

### **Employment equity**

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.