



## Broadcasting Decision CRTC 2009-224

Route reference:

Broadcasting Notice of Public Hearing 2008-14

Additional reference:

Broadcasting Notice of Public Hearing 2008-14-4

Ottawa, 24 April 2009

**Maritime Broadcasting System Limited**  
Amherst, Nova Scotia

*Application 2008-0816-5, received 12 June 2008*  
*Public Hearing in Orillia, Ontario*  
*26 January 2009*

### **CKDH Amherst – Conversion to FM band**

*The Commission **approves** an application for a broadcasting licence to operate an English-language commercial FM radio station in Amherst, Nova Scotia, to replace the AM station CKDH Amherst.*

### **Introduction**

1. The Commission received an application by Maritime Broadcasting System Limited (MBS) for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Amherst, Nova Scotia, to replace its AM station CKDH Amherst.
2. The applicant proposed to operate the new FM station at 107.1 MHz (channel 269B) with an average effective radiated power of 18,700 watts.
3. The proposed FM station would maintain CKDH's current Adult Contemporary music format targeting adults between the ages of 35 and 54, with a particular focus on women. Approximately 100 hours per broadcast week would be devoted to local programming. The station would broadcast 11 hours of spoken word programming per broadcast week, including two hours and 32 minutes of news as well as community events information and related surveillance material. The applicant proposed to devote 65% of its newscast from Monday to Friday and 50% of its weekend newscasts to local news stories.
4. The Commission received interventions in support of this application, as well as an intervention offering general comments from Tantramar Community Radio Society (TCRS) and an intervention in opposition. The applicant did not reply to the interventions. The interventions can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

## Commission's analysis and determinations

5. After examining the application in light of applicable regulations and policies and taking into account the interventions received, the Commission considers that the issue to be addressed in its determinations is whether approval of this application would have a negative impact on the quality of radio programming presently offered in Amherst.
6. The opposing intervener submitted that approval of the present application to convert CKDH to the FM band would only serve to increase MBS's profits, and would not improve the quality of the radio programming in Amherst. For its part, TCRS noted that, since 1989, there have been steady declines in CKDH's community involvement, local news programming and coverage of special events. It also noted that the majority of the station's music programming is voice-tracked and that FM radio listeners in this market are already inundated with similar music formats.
8. The Commission considers that, given the programming commitments made by the applicant, including those relating to local programming, as set out above, approval of this application would not have a negative impact on the quality of radio programming presently offered in Amherst.
9. In the light of the above, the Commission **approves** the application by Maritime Broadcasting System Limited for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Amherst, Nova Scotia, to replace its AM station CKDH. The terms and **conditions of licence** are set out in the appendix to this decision.

## Canadian content development

7. The Commission reminds MBS 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* (the Regulations), as amended from time to time. Any CCD initiatives that have not been allocated to specific parties by condition of licence must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

## Simulcast period and revocation of AM licence

10. As set out in the appendix to this decision, the licensee is authorized to simulcast the programming of the new FM station on CKDH for a transition period of three months following the commencement of operations of the FM station. Pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act*, and consistent with MBS's request, the Commission **revokes** the licence for CKDH effective at the end of the simulcast period.

## **Employment equity**

11. Because MBS is subject to the *Employment Equity Act* and files reports concerning employment equity with Human Resources and Social Development Canada, its employment equity practices are not examined by the Commission.

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 2009-224

## Terms and conditions of licence

### Terms

#### **Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Amherst, Nova Scotia**

The licence will expire 31 August 2015.

The station will operate at 107.1 MHz (channel 269B) with an average effective radiated power of 18,700 watts.

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.

The Commission reminds the applicant that, pursuant to subsection 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.

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 is authorized to simulcast the programming of the new FM station on CKDH Amherst for a transition period of three months following the commencement of operations of the FM station.