



Broadcasting Decision CRTC 2010-102

Route reference: 2009-632

Additional reference: 2009-632-2

Ottawa, 19 February 2010

Newcap Inc.
Westlock, Alberta

*Application 2009-0976-5, received 30 June 2009
Public Hearing in the National Capital Region
14 December 2009*

CFOK Westlock - Conversion to FM band

1. The Commission **approves** the application by Newcap Inc. (Newcap) for a broadcasting licence to operate a new English-language commercial FM radio programming undertaking in Westlock, Alberta to replace its AM station CFOK. The terms and **conditions of licence** are set out in the appendix to this decision. There were no interventions to this application. The implementation is subject to the notification by the Department of Industry (the Department) set out in the appendix.
2. The station will operate at 97.9 MHz (channel 250B) with an average effective radiated power (ERP) of 27,000 watts (maximum ERP of 48,000 watts with an effective height of the antenna above average terrain of 93.7 metres).
3. The new station will maintain CFOK's Classic Hits music format targeting adults between the ages of 25 and 54. Local programming will include 3 hours 24 minutes of pure news with approximately 75% local news.
4. The station will operate in a single-station market as defined in Public Notice 1993-121. Accordingly, the station is not subject to the requirement that, in order to solicit or accept local advertising, one-third of its programming must be local. The Commission notes, however, that the applicant committed to offer 126 hours of local programming in each broadcast week.

Canadian content development

5. The Commission reminds Newcap 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. The Commission notes that Newcap indicated that, in addition to the required basic annual contributions it would, by condition of licence, contribute a total of \$35,000 (\$5,000 annually) to CCD over seven

broadcast years, upon commencement of operations. Of this amount, 20% (\$1,000 annually) would be devoted to FACTOR with the remainder (\$4,000 annually) to be directed to the Westlock School Division for the purchase of musical instruments and music curriculum materials.

6. The Commission reminds the applicant that any development 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 Broadcasting Public Notice 2006-158.

Simulcast period and revocation of AM licence

7. As set out in the appendix to this decision, the licensee is authorized to simulcast the programming of the new FM station on CFOK 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 the licensee's request, the Commission **revokes** the licence for CFOK effective at the end of the simulcast period.

Employment equity

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

Secretary General

Related documents

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Local programming policy for FM Radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 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 2010-102

Terms and conditions of licence

Terms

Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Westlock, Alberta

The licence will expire 31 August 2016.

The station will operate at 97.9 MHz (channel 250B) with an average effective radiated power (ERP) of 27,000 watts (maximum ERP of 48,000 watts with an effective height of the antenna above average terrain of 93.7 metres).

Condition prior to the implementation of the new undertaking

The Commission reminds the applicant that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry (the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued. Therefore, in the absence of the notification by the Department, the applicant will not be able to implement the new undertaking approved in this decision.

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 19 February 2012. 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, with the exception of condition of licence number 8.
2. The licensee is authorized to simulcast the programming of the new FM station on CFOK Westlock for a transition period of three months following the commencement of operations of the FM station.
3. In addition to 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, the licensee shall, upon commencement of operations, make an annual contribution of \$5,000 (\$35,000 over seven consecutive broadcast

years) to the promotion and development of Canadian content.

Of this amount, 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.