



Broadcasting Decision CRTC 2005-40

Ottawa, 3 February 2005

Valley Broadcasters Ltd.

Nelson, Crawford Bay and Castlegar, British Columbia

Applications 2004-0025-0, 2004-0027-6

Public Hearing in the National Capital Region

7 June 2004

English-language FM radio station in Nelson

1. The Commission **approves** the application by Valley Broadcasters Ltd. (Valley) for a broadcasting licence to operate an English-language FM commercial radio programming undertaking in Nelson¹. The new station will operate at 103.5 MHz (channel 278A1) with an average effective radiated power (ERP) of 104 watts, and will have a transmitter in Crawford Bay operating at 91.9 MHz (channel 220LP) with an ERP of 40 watts.
2. The new station in Nelson will replace CHNV-FM, a transmitter of CKQR-FM Castlegar, also owned by Valley. The Commission also **approves** the applicant's request to amend the broadcasting licence for the radio programming undertaking CKQR-FM by deleting the transmitter CHNV-FM Nelson.
3. CHNV-FM Nelson currently rebroadcasts the programming of CKQR-FM Castlegar. The applicant proposed that local programming and local advertising be broadcast on the new undertaking, and confirmed that it would adhere to a condition of licence specifying that local advertising would not be solicited or accepted during any broadcast week unless at least one-third of all programming broadcast is locally-originated. Plans related to local programming include a weekday program block, community event interviews and local advertising. The applicant indicated that, other than local programming, all of the programming broadcast on the new station would continue to be received from CKQR-FM. The transmitter proposed for Crawford Bay will be new.
4. The applicant will participate in the Canadian talent development (CTD) plan created by the Canadian Association of Broadcasters (CAB). Under the plan, accepted by the Commission in *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995, licensees serving markets the size of Nelson are required to contribute, through eligible third parties, a minimum

¹ In *CKKC Nelson – Conversion to FM band*, Broadcasting Decision CRTC 2005-41 published today, the Commission approved the application by Standard Radio Inc. (Standard) for a broadcasting licence to operate a new English-language FM radio programming undertaking at Nelson to replace Standard's AM station CKKC. In *Low-power FM radio station in Nelson*, Broadcasting Decision CRTC 2005-42, also published today, the Commission denied an application by Andrew Quinn-Young and Dallas Wolbaum, partners in a general partnership carrying on business as Little Mountain Radio, to operate an English-language low-power FM radio programming undertaking at Nelson.

yearly amount of \$400 to the development of Canadian talent. Valley indicated that, in addition to its contribution under the CAB CTD plan, it would expend an additional \$400 in each broadcast year to support the Nelson Music Festival. A **condition of licence** requiring adherence to this commitment is set out below.

5. The Commission did not receive any interventions in connection with these applications.

Issuance of the licence

6. The licence will expire 31 August 2011. It will be subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, as well as to the following **condition of licence**:
 - In addition to making annual payments to third parties involved in Canadian talent development at the level identified for it in the Canadian Association of Broadcasters' (CAB) Distribution Guidelines for Canadian talent development, as required under condition of licence number 5, the licensee shall contribute \$400 in each broadcast year to the Nelson Music Festival.
7. As indicated above, the transmitter in Nelson is in operation, and has already been certified by the Department of Industry (the Department). With respect to the transmitter in Crawford Bay, 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.
8. 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.
9. Given that the technical parameters of the Crawford Bay transmitter approved in this decision are for a low-power unprotected FM service, the Commission also reminds the applicant that it will have to select another frequency if the Department so requires.
10. The transmitter at Crawford Bay 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 3 February 2007. 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

11. 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.

Secretary General

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