



Broadcasting Decision CRTC 2005-256

Ottawa, 23 June 2005

3077457 Nova Scotia Limited

Ottawa, Ontario

Application 2004-0383-2

Public Hearing in the National Capital Region

1 December 2004

Low-power English-language tourist information service in Ottawa

*The Commission **approves in part** the application by 3077457 Nova Scotia Limited for a broadcasting licence to operate a low-power English-language tourist information service in Ottawa, Ontario. The licensee must submit for approval an application proposing the use of a suitable low-power frequency other than 96.5 MHz (channel 243LP).*

3077457 Nova Scotia Limited's application is one of four applications approved today for broadcasting licences to carry on new FM radio stations to serve Ottawa, Ontario/Gatineau, Quebec. The Commission's general approach to these and other radio applications considered at the 1 December 2004 Public Hearing in the National Capital Region is set out in Introduction to Broadcasting Decisions CRTC 2005-253 to 2005-257 – Licensing of new radio stations to serve Ottawa, Ontario/Gatineau, Quebec, Broadcasting Public Notice CRTC 2005-64, also issued today.

The application

1. The Commission received an application by 3077457 Nova Scotia Limited (3077457 Nova Scotia) for a broadcasting licence to operate a low-power English-language FM radio programming undertaking to provide a tourist information service in Ottawa, Ontario.
2. 3077457 Nova Scotia is directly owned by Jack McGaw (50%) and indirectly by Robert Stapells (50%) through 3079118 Nova Scotia Limited.
3. The proposed station would broadcast pre-recorded messages informing tourists of weather and highway conditions as well as attractions and services in the Ottawa area. The applicant proposed to operate the station at 96.5 MHz (channel 243LP) with an effective radiated power of 18 watts.
4. Although most of the programming would be in the English-language, the applicant has indicated that, in the event of an emergency that would affect the community, it would broadcast emergency information in English and French.

Interventions

5. The Commission received two interventions in support of this application.

Commission's analysis and determination

6. The Commission considers that, given 3077457 Nova Scotia's experience in operating similar services in Halifax, Fredericton, Moncton and St. Stephen, the applicant has the expertise and resources necessary to operate its proposed Ottawa station on a viable basis. The Commission further considers that the introduction of this station, which will target tourists, will not have a negative impact on other stations in the market.
7. The Commission notes that 3077457 Nova Scotia's application was technically mutually exclusive with other applications considered at this hearing for the use of 96.5 MHz. In *French-language pop/rock and urban FM radio station in Gatineau with a transmitter in Gatineau (Buckingham sector)*, Broadcasting Decision CRTC 2005-255, 23 June 2005, the Commission has approved an application by Radio Nord Communications inc. (Radio Nord) to operate a French-language station at 96.5 MHz. Among other reasons outlined in that decision, the Commission considers that Radio Nord's proposal constitutes a better use of 96.5 MHz.
8. Consequently, the Commission **approves in part** the application by 3077457 Nova Scotia Limited for a broadcasting licence to operate a low-power English-language FM radio programming undertaking to provide a tourist information service in Ottawa. The applicant's proposed use of 96.5 MHz (channel 243LP) is **denied**.
9. The Commission directs 3077457 Nova Scotia Limited to submit an amendment to its application proposing the use of another low-power FM frequency, other than 96.5 MHz, which is acceptable to both the Commission and to the Department of Industry (the Department).
10. In making its determination, the Commission has taken into consideration the applicant's statement that it would be prepared to use an alternative frequency.
11. The licence will expire 31 August 2011 and will be subject to the **conditions of licence** set out in the appendix to this decision.

Issuance of the licence

12. The Commission will only issue the licence, and it will only be effective at such time as:
 - the applicant submits, within three months of the date of this decision, an amendment to its application proposing the use of another low-power frequency that is acceptable to both the Commission and the Department. This amended application will form part of a public process; and

- 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 23 June 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.

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 2005-256

Conditions of licence

1. The licensee shall use the station solely for the purpose of providing pre-recorded messages informing tourists of weather and highway conditions as well as attractions and services in the Ottawa area.
2. The licensee shall not broadcast more than six minutes of advertising material per clock hour.
3. The licensee shall not broadcast musical selections, except as incidental background music.