



## Broadcasting Decision CRTC 2005-402

Ottawa, 12 August 2005

### **Robert Orr, on behalf of a corporation to be incorporated**

Blucher, Saskatchewan

*Application 2004-0598-7*

*Public Hearing in the National Capital Region*

*16 May 2005*

### **Christian music FM radio station in Blucher**

*The Commission **approves** the application by Robert Orr, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a specialty English-language commercial FM radio station in Blucher, Saskatchewan. The station will broadcast Christian music.*

#### **The application**

1. The Commission received an application by Robert Orr, on behalf of a corporation to be incorporated, (Robert Orr) for a broadcasting licence to operate a low-power specialty English-language commercial FM radio programming undertaking that would provide a Christian music service to listeners in Blucher, Saskatchewan. The applicant proposed to operate the station at 94.1 MHz (channel 231LP) with an effective radiated power (ERP) of 36 watts.
2. The applicant stated that the proposed station would broadcast 24 hours a day, seven days a week. During each broadcast week, a minimum of 95% of all musical selections would be drawn from subcategory 35 (Non-classic religious), as set out in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000.
3. The proposed station would offer at least 100 hours of local programming, including two hours of spoken word programming, in each broadcast week. The local spoken word programming would include one-minute, station-produced newscasts, which would be aired hourly Monday to Friday between 6 a.m. and midnight, as well as weather reports, sportscasts and community service items.
4. The applicant indicated that it would not broadcast any religious programming, as defined in the *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993 (Public Notice 1993-78).

5. The applicant indicated that it would participate in the Canadian talent development (CTD) plan created by the Canadian Association of Broadcasters (CAB). Under that 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 Blucher are required to contribute, through eligible third parties, a minimum yearly amount of \$400 to the development of Canadian talent.

## **Interventions**

6. The Commission received many interventions in connection with this application, most of which supported the proposal. In addition, Rawlco Radio Ltd. (Rawlco), the licensee of CKOM, CFMC-FM and CJDJ-FM Saskatoon, Saskatchewan, and Elmer Hildebrand, on behalf of 629112 Saskatchewan Ltd., the licensee of CJWW, CFQC-FM and CJMK-FM Saskatoon<sup>1</sup>, filed comments on the application.
7. Rawlco and Mr. Hildebrand noted that Blucher is located approximately ten kilometres from Saskatoon where they operate radio stations. While the interveners were not opposed to Robert Orr's proposal to operate a low-power Christian music station in Blucher, they expressed concern that, in the future, the applicant might file an application to increase the station's power or change its format. Accordingly, Rawlco and Mr. Hildebrand indicated that they supported the proposed station contingent upon the applicant maintaining the technical parameters and format proposed in the present application, namely those of a low-power Christian music service.
8. The applicant did not respond to the interventions.

## **Commission's analysis and determination**

9. In *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998, the Commission stated that licensees must include spoken word material of direct and particular relevance to the community served, such as local news, weather and sports, and the promotion of local events and activities. Given the nature of this niche service and the fact that the applicant is proposing to provide this very small community with its first radio service dedicated exclusively to Blucher, the Commission is satisfied with the level of local programming proposed in the application, and encourages the applicant to produce more, as resources permit.
10. The Commission considers that, if the applicant does offer religious programming as defined in Public Notice 1993-78, it must adhere to the guidelines set out in that public notice with respect to the provision of balance (section III.B.2.a)) and ethics (section IV). The Commission is imposing a **condition of licence**, as set out in the appendix to this decision, requiring that, where the applicant does broadcast such religious programming, it must adhere to these guidelines.

---

<sup>1</sup> Elmer Hildebrand Communications Inc. owns 100% of the shares of 629112 Saskatchewan Ltd.

11. With respect to the interveners concerns related to the operating parameters of the proposed station, the Commission notes that the station will be licensed as a low-power unprotected FM service. The Commission reiterates its expectation that, when a licensee of a low-power radio station files an application to change its operating class to that of a higher-powered, protected station, it should present compelling evidence that its authorized technical parameters are not adequate to provide the service as it was originally proposed.
12. In light of all the above, the Commission **approves** the application by Robert Orr, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a low-power specialty English-language commercial FM radio programming undertaking in Blucher at 94.1 MHz (channel 231LP) with an ERP of 36 watts.
13. The licence will expire 31 August 2011 and will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition of licence number 8. The licence will also be subject to the **conditions** set out in the appendix to this decision.

#### **Issuance of the licence**

14. The Department of Industry (the Department) has advised the Commission that, while this application is considered 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.
15. 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.
16. Given that the technical parameters approved in this decision are for a low-power unprotected service, the Commission also reminds the applicant that it will have to select another frequency if the Department so requires.
17. Furthermore, the licence for this undertaking will only be issued once the applicant has:
  - satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects, and
  - informed the Commission in writing that it is prepared to commence operations.

18. 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 12 August 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**

19. 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 in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*

## Appendix to Broadcasting Decision CRTC 2005-402

### Conditions of licence

1. The licence shall be subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition of licence number 8.
2. The licensee shall operate the station within the Specialty format defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995 and in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time by the Commission.
3. A minimum of 95% of all musical selections broadcast during each broadcast week shall be drawn from subcategory 35 (Non-classic religious), as set out in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000.
4. 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.