



Broadcasting Decision CRTC 2013-693

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Route reference: 2013-315

Ottawa, 13 December 2013

Walsh Investments Inc. and Yorkton Broadcasting Company Limited, partners in a general partnership carrying on business as GX Radio Partnership

Yorkton, Saskatchewan

Application 2013-0084-7, received 17 January 2013

CFGW-FM Yorkton and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CFGW-FM Yorkton, Saskatchewan, and its transmitters, from 1 January 2014 to 31 August 2020.*

Introduction

1. The Commission received an application by Walsh Investments Inc. and Yorkton Broadcasting Company Limited, partners in a general partnership carrying on business as GX Radio Partnership to renew the broadcasting licence for the commercial radio station CFGW-FM Yorkton, Saskatchewan, and its transmitters CFGW-FM-1 Swan River, Manitoba and CKGW-FM-2 Wapella, Saskatchewan, which expires 31 December 2013.¹
2. The Commission received an intervention sent on behalf of the province of Saskatchewan, relating to the participation of CFGW-FM in the National Public Alerting System (NPAS). The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. As specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS. Therefore, the Commission will not impose conditions of licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to voluntarily participate in the NPAS, so that Canadians receive timely warnings of imminent perils.

¹ The original expiry date of CFGW-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

Non-compliance

4. In Broadcasting Notice of Consultation 2013-315, the Commission noted that the licensee was in apparent non-compliance with section 15 of the *Radio Regulations, 1986* (the Regulations), relating to Canadian content development (CCD) contributions, for the 2008-2009, 2009-2010, 2010-2011 and 2011-2012 broadcast years.
5. The licensee explained that the CCD shortfall occurred due to a misinterpretation of Broadcasting Public Notice 2008-67. The licensee has since paid the shortfall in full.
6. In light of the above, the Commission finds the licensee in non-compliance with section 15 of the Regulations, for the 2008-2009 to 2011-2012 broadcast years.

Regulatory measures

7. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
8. The Commission considers that initiatives relating to the development of Canadian content and talent not only help to develop and advance the careers of emerging Canadian artists but to increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions to the development of Canadian content and talent.
9. The Commission has reviewed the record for this application and notes that the shortfall to FACTOR has been paid in full. The Commission is of the view that the licensee's payments to CCD were made in good faith and that the licensee has taken the necessary measures to ensure future compliance with section 15 of the Regulations relating to CCD contributions. Accordingly, the Commission considers it appropriate to grant a full licence term to this station.

Conclusion

10. In light of the above, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CFGW-FM Yorkton, Saskatchewan, and its transmitters CFGW-FM-1 Swan Lake, Manitoba, and CFGW-FM-2 Wapella, Saskatchewan, from 1 January 2014 to 31 August 2020. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.

Reminders

11. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.
12. The Commission also reminds the licensee that it must fulfill all of its remaining tangible benefit commitments as a result of the change of effective control approved in Broadcasting Public Notice 2008-114.

Employment equity

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

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-315, 2 July 2013
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Applications processed pursuant to streamlined procedures – Information bulletin*, Broadcasting Public Notice CRTC 2008-114, 3 December 2008

**This decision is to be appended to the licence.*