



Broadcasting Decision CRTC 2006-169

Ottawa, 24 April 2006

Golden West Broadcasting Ltd.
Weyburn, Saskatchewan

Application 2005-0948-2
Public Hearing at Calgary, Alberta
21 February 2006

English-language FM radio station in Weyburn

*The Commission **approves** an application for a broadcasting licence to operate an English-language, commercial FM radio station in Weyburn, Saskatchewan.*

The application

1. The Commission received an application by Golden West Broadcasting Ltd. (Golden West) for a broadcasting licence to operate an English-language, commercial FM radio programming undertaking in Weyburn, Saskatchewan. The station would operate at 103.5 MHz (channel 278C1) with an effective radiated power (ERP) of 100,000 watts.
2. Golden West is currently the licensee of CFSL Weyburn, which operates in a Country music format.
3. Golden West stated that the new radio station would offer a Rock and rock-oriented music format. It stated that the proposed radio station's music-driven programming would appeal mainly to a younger demographic.
4. With respect to Canadian content levels, Golden West made a commitment that 40% of all musical selections drawn from category 2 (Popular music) broadcast during each broadcast week, and 40% of all category 2 musical selections broadcast between 6:00 a.m. and 6:00 p.m., Monday to Friday, would be devoted to Canadian selections. The proposed level of Canadian content exceeds the minimum level of 35% required by the *Radio Regulations, 1986* (the Regulations).
5. Golden West stated that the spoken word programming to be offered by its proposed radio station would include regular news and information packages aired throughout each day of the week with a particular focus on local news and information.

6. Golden West confirmed that it would participate in the plan developed by the Canadian Association of Broadcasters (CAB) for contributions by radio licensees to Canadian talent development (CTD). Under this plan, a radio licensee serving a market the size of Weyburn is required to contribute a minimum of \$400 in each broadcast year to eligible third parties for the development of Canadian musical and other talent. Golden West made a further commitment to contribute \$1,000 in each broadcast year to eligible third party organizations in the Prairies. Accordingly, Golden West's overall commitment to CTD is \$1,400 in each broadcast year.

Intervention

7. The Commission received an intervention in connection with this application by the Canadian Independent Record Production Association (CIRPA). The intervener did not raise any specific concerns about this application but offered general comments on various issues. CIRPA stated that it supports "more Canadian content rather than less" and noted that Golden West proposed to offer Canadian content beyond the regulatory minimum. CIRPA also indicated that it supports diversity in ownership and musical formats. However, CIRPA expressed general concern with the lack of CTD funding proposed to be directed to FACTOR. In CIRPA's opinion, the best use of CTD contributions is to "direct the funds to FACTOR and utilize the expertise and knowledge available to FACTOR to maximize benefits from these monies."
8. Golden West did not reply to CIRPA's intervention.

Commission's analysis and determination

9. The Commission notes that there are currently two local radio stations in Weyburn; namely, CFSL, which is operated by Golden West and offers a Country music format, and VF2397, which is operated by Corey Lascelle and provides a low-power tourism information service. The Commission considers that Golden West's proposed radio station would bring greater programming diversity to the Weyburn radio market.
10. Furthermore, the Commission notes that Golden West made a commitment to broadcast Canadian content levels that exceed the minimum requirements set out in the Regulations. Its proposed radio station would therefore provide enhanced exposure for Canadian music. In addition, Golden West proposed CTD contributions that exceed the minimum requirements for the Weyburn market established under the CAB's CTD plan. **Conditions of licence** requiring the applicant to adhere to its commitments are contained in the appendix to this decision.
11. Accordingly, the Commission **approves** the application by Golden West Broadcasting Ltd. for a broadcasting licence to operate an English-language, commercial FM radio programming undertaking in Weyburn at 103.5 MHz (channel 278C1) with an ERP of 100,000 watts.

12. The licence will expire 31 August 2012 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, as well as to the **conditions** set out in the appendix to this decision.

Issuance of licence

13. The Department of Industry (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.
14. 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.
15. 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 24 April 2008. 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

16. Because this applicant 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

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 2006-169

Conditions of licence

1. The licence is subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999 (Public Notice 1999-137).
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986*, in any broadcast week:
 - (a) devote, in that broadcast week, a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
 - (b) devote, between 6:00 a.m. and 6:00 p.m., in the period from Monday to Friday of the same broadcast week, a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category,” and “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

3. In addition to the amounts required under condition of licence number 5 set out in Public Notice 1999-137, the licensee shall, upon commencement of operation, make direct expenditures of at least \$1,000 in each broadcast year on the development of Canadian talent. Such contributions shall be to eligible organizations located in the Prairies.

The Commission reminds the licensee that all Canadian talent development (CTD) expenditures must be made in accordance with the Commission’s policy on qualifying contributions to CTD, as set out in Appendix 1 to *An FM policy for the nineties*, Public Notice CRTC 1990-111, 17 December 1990.