



Broadcasting Decision CRTC 2010-418

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Route reference: 2009-786

Ottawa, 30 June 2010

Golden West Broadcasting Ltd.
Winnipeg, Manitoba

Application 2009-0148-0, received 15 January 2009

CFEQ-FM Winnipeg – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language specialty radio station CFEQ-FM Winnipeg from 1 July 2010 to 31 August 2013. This short-term licence renewal will enable the Commission to review the licensee's compliance with its conditions of licence.*

Introduction

1. The Commission received an application by Golden West Broadcasting Ltd. (Golden West) to renew the broadcasting licence for the English-language specialty radio programming undertaking CFEQ-FM Winnipeg, which expires 30 June 2010.¹ The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2009-786, the Commission noted that the licensee may have failed to comply with its condition of licence relating to contributions to Canadian talent development (CTD) for the 2003 and 2008 broadcast years. Subsequently, it has been determined that its 2003 CTD contributions had been met.
3. However, since the publication of Broadcasting Notice of Consultation 2009-786, the Commission has determined that the licensee could be in non-compliance with its condition of licence relating to CTD contributions for the 2009 broadcast year.

Commission's analysis and determinations

4. After examining the application in light of applicable regulations and policies, the Commission considers that the issue to be addressed in its determination relates to contributions to CTD.

¹ The current licence was administratively renewed until 31 December 2009 in Broadcasting Decision 2009-506, until 31 May 2010 in Broadcasting Decision 2009-785 and until 30 June 2010 in Broadcasting Decision 2010-324.

5. The Commission notes a shortfall of \$ 10 000 in the licensee's required CTD contribution for the 2008 broadcast year, and of \$ 9 000 for the 2009 broadcast year.
6. Golden West stated that it is unable to provide reasons for the non-compliance since it was not the owner of CFEQ-FM at the time of the 2008 non-compliance. Golden West further noted that it had never been in non-compliance with any of its CCD commitments for its other radio stations and confirmed that it would continue to devote 60% of its annual CCD contribution to FACTOR, with the remaining 40% going to Avante Records.
7. The Commission reminds the licensee that, in Broadcasting Decision 2008-134, it approved its application to acquire the assets of CFEQ-FM from Kesitah Inc. and to continue the operation of the undertaking under the same terms and conditions as those in effect under the licence issued to Kesitah Inc. The Commission considers that although the station was under different ownership at the time of non-compliance, as any part of due diligence, it was Golden West's responsibility to verify the state of the station it was acquiring, including its adherence to conditions of licence. Accordingly, the Commission finds that Golden West was in non-compliance with CFEQ-FM's condition of licence relating to CTD contributions for the above-noted broadcast years. The Commission expects the licensee to complete payment of the \$ 19 000 shortfall in its required CTD contributions by 31 August 2010.

Conclusion

8. In light of all of the above, in accordance with its practice regarding radio non-compliance set out in Circular No. 444, the Commission considers that a short-term renewal period for CFEQ-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language specialty radio programming undertaking CFEQ-FM Winnipeg from 1 July 2010 to 31 August 2013, four years from the original expiry date of 31 August 2009. This short-term renewal will enable the Commission to assess the licensee's compliance with its conditions of licence at an earlier date. The licence will be subject to the **conditions** set out in the appendix to this decision.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2010-324, 28 May 2010
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2009-786, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-785, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-506, 20 August 2009
- *CFEQ-FM Winnipeg – Acquisition of assets*, Broadcasting Decision CRTC 2008-134, 27 June 2008

- *Application for a youth-oriented Christian FM station to serve Winnipeg, Broadcasting Decision CRTC 2002-226, 8 August 2002*
- *Practices regarding radio non-compliance, Circular No. 444, 7 May 2001*

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

Appendix to Broadcasting Decision CRTC 2010-418

Conditions of licence and encouragement

Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence 7.
2. The station shall be operated within the specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. The licensee shall devote no less than 95% of all musical selections broadcast during each broadcast week to selections drawn from subcategory 35 (Non-classic religious).
4. The licensee shall ensure that a minimum of 15% of musical selections from category 3 (Special Interest Music) broadcast during each broadcast week are Canadian selections.
5. The licensee shall adhere to the guidelines on ethics for religious programming set out in section IV of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as amended from time to time.

Encouragement

Employment equity

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.