



## Broadcasting Decision CRTC 2010-874

PDF version

Route reference: 2010-596

Ottawa, 24 November 2010

### **Stillwater Broadcasting Ltd.**

Swan River and Benito, Manitoba

*Application 2010-0966-3, received 10 June 2010*

### **CJSB-FM Swan River – New transmitter in Benito**

*The Commission **approves** the application by Stillwater Broadcasting Ltd. to amend the broadcasting licence for the commercial radio station CJSB-FM Swan River in order to add a low-power FM transmitter in Benito.*

#### **Introduction**

1. The Commission received an application by Stillwater Broadcasting Ltd. (Stillwater) to amend the broadcasting licence for the English-language commercial radio programming undertaking CJSB-FM Swan River, Manitoba, in order to add a low-power FM transmitter in Benito. The Commission received interventions in support of this application. The interventions are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
2. The new transmitter would operate on frequency 99.1 MHz (channel 256LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 24 metres).
3. Stillwater stated that the addition of the new transmitter would allow it to adequately serve the population of Benito. It added that Benito was originally identified as part of CJSB-FM's service area but that the station's signal is currently not well received in that area.

#### **Commission's analysis and determinations**

##### **Non-compliance**

4. The Commission notes that the licensee has failed to comply with section 15 of the *Radio Regulations, 1986* (the Regulations) regarding its Canadian content development (CCD) contributions for the broadcast year ending 31 August 2009. Stillwater contributed more than the basic amount required, but failed to allocate any of the required 60% of that basic amount to FACTOR or MUSICACTION.

5. The Commission generally denies licence amendments requested by licensees that fail to comply with their regulatory requirements. However, since Stillwater paid its CCD contribution in full, but failed to distribute 60% of the basic amount to FACTOR or MUSICACTION due to its misinterpretation of the new CCD regime,<sup>1</sup> the Commission is of the view that an exception to its general practice is warranted.
6. Nevertheless, any corrective measures regarding the licensee's non-compliance with section 15 of the Regulations will be determined at the time of the station's licence renewal.

## Conclusion

7. The Commission therefore **approves** the application by Stillwater Broadcasting Ltd. to amend the broadcasting licence for the English-language commercial radio programming undertaking CJSB-FM Swan River in order to add a low-power FM transmitter in Benito.
8. The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry (the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued. Therefore, in the absence of the notification by the Department, the applicant will not be able to implement the technical changes approved in this decision.
9. Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission also reminds the licensee that it will have to select another frequency if the Department so requires.
10. The transmitter 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 November 2012. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

Secretary General

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

---

<sup>1</sup>The new CCD regime was implemented in *Amendments to the Radio Regulations, 1986 – Implementation of the Commercial Radio Policy 2006 and the Digital Radio Policy*, Broadcasting Public Notice CRTC 2008-67, 23 July 2008.