



Broadcasting Decision CRTC 2013-314

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Additional reference: 2012-475

Ottawa, 28 June 2013

Golden West Broadcasting Ltd.
Steinbach, Manitoba

*Application 2012-0446-1, received 9 April 2012
Public hearing in the National Capital Region
20 March 2013*

English-language FM radio station in Steinbach

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

Introduction

1. Golden West Broadcasting Ltd. (Golden West) filed an application to operate an English-language commercial FM radio station in Steinbach, Manitoba.
2. Golden West is a corporation controlled by Mr. Elmer Hildebrand.
3. The proposed station would operate at 107.7 MHz (channel 299B) with an effective radiated power of 30,000 watts (non-directional antenna with an effective height of antenna above average terrain of 117.4 metres).
4. The station would offer a country favourites music format targeting listeners between the ages of 18 and 54. The applicant indicated that it would broadcast at least 118 hours of local programming each broadcast week including at least 10 hours of spoken word programming. In addition, Golden West proposed to exceed the minimum levels of Canadian musical selections required under the *Radio Regulations, 1986* (the Regulations) by devoting at least 40% of musical selections from content category 2 (Popular Music) to Canadian selections both during the broadcast week and between 6:00 a.m. and 6:00 p.m. Monday to Friday.

Background

5. The Commission originally announced this application in Broadcasting Notice of Consultation 2012-475, which placed it on the agenda for the 7 November 2012 public hearing. At that time, Golden West proposed to operate the new station on frequency 88.5 MHz (channel 203C1). The Canadian Broadcasting Corporation

(CBC) submitted an intervention indicating that Golden West's proposal was technically mutually exclusive with the CBC's application for a broadcasting licence to operate a new French-language FM station in Winnipeg to replace its existing station CKSB St. Boniface.

6. Golden West's application was subsequently withdrawn from the 7 November 2012 hearing in order to allow the parties to discuss possible technical solutions that would allow both the Golden West and CBC applications to proceed. Following these discussions, Golden West submitted revised technical parameters under which the proposed station would operate on frequency 107.7 MHz (channel 299B).

Interventions

7. In addition to the intervention from the CBC discussed above, the Commission received an intervention from the Province of Manitoba's Emergency Measures Organization (Manitoba EMO). Manitoba EMO noted that it has as full access to the National Alert Aggregation (NAAD) System for the distribution of alert messages and wanted to be kept informed of the steps that Golden West would take to broadcast emergency messages.
8. In reply, Golden West indicated that it would work with Manitoba EMO to implement the public alerting system.
9. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca.

Commission's analysis and decisions

10. In the revised Radio Call Policy (Broadcasting Public Notice 2006-159), the Commission indicated that applications for new radio stations or for conversion of AM stations to the FM band would generally result in a call for applications with some exceptions, including proposals by the sole commercial operator in a market to improve service to the market, either through an AM to FM conversion or a new station. The Commission notes that Golden West is currently the sole operator in Steinbach. It currently operates CHSM with an easy listening format and CILT-FM with a hot adult contemporary/classic hits format.
11. Given that the applicant is the sole operator in Steinbach, the Commission is of the view that this application does not necessitate a call for applications and is consistent with the revised Radio Call Policy. Moreover, the Commission finds that the proposed station would introduce a valuable service and add diversity to the programming available to Steinbach through its country favourites music format. The new station would also provide significant local reflection in light of its proposed spoken word programming.

12. With respect to the intervention from Manitoba EMO, the Commission reminds Golden West that broadcasters play a vital role in the provision of emergency alerts to Canadians. It expects all radio undertakings to participate in the national public alerting system to alert Canadians to imminent perils.
13. In light of all of the above, 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 Steinbach. The terms and **conditions of licence** are set out in the appendix to this decision.

Canadian content development

14. The Commission reminds the licensee that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time. The Commission notes that Golden West made commitments to exceed the minimum required contribution to CCD. Specifically, Golden West committed to devote, by condition of licence, over and above the basic annual contribution to CCD, a total of \$38,000 to CCD over seven consecutive broadcast years upon commencement of operations. Of this amount, at least 20% shall be devoted to FACTOR or MUSICACTION on an annual basis with the remainder to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of Broadcasting Public Notice 2006-158.
15. As noted in Broadcasting Information Bulletin CRTC 2009-251, the Commission expects the licensee to make a pro-rated payment related to its CCD commitment that is over and above the minimum required contribution (the over and above CCD contribution) in an amount representing the number of months the station was in operation during that broadcast year. However, the total CCD contribution for the station's first seven years of operation does not change. Accordingly, the licensee will be required to contribute an amount representing the remaining months of its first year of operation in its seventh full broadcast year. This will ensure that the licensee fulfills its requirement to complete the total over and above CCD contribution over seven consecutive full broadcast years following the commencement of operations.

Employment equity

16. 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

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2012-475, 5 September 2012

- *Clarifications regarding Canadian content development contributions made by commercial radio stations*, Broadcasting Information Bulletin CRTC 2009-251, 5 May 2009
- *Revised policy concerning the issuance of calls for radio applications and a new process for applications to serve small markets*, Broadcasting Public Notice CRTC 2006-159, 15 December 2006
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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

Appendix to Broadcasting Decision CRTC 2013-314

Terms, conditions of licence and expectation for the English-language commercial FM radio programming undertaking in Steinbach, Manitoba

Terms

The licence will expire 31 August 2019.

The station will operate at 107.7 MHz (channel 299B) with an effective radiated power of 30,000 watts (non-directional antenna with an effective height of antenna above average terrain of 117.4 meters).

The Commission reminds the applicant that pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

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 **28 June 2015**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
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* (the Regulations):
 - (a) devote, in each broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
 - (b) devote, between 6:00 a.m. and 6:00 p.m. in any period beginning on Monday of a week and ending on Friday of the same week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

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

3. In addition to the basic annual contribution to Canadian content development, set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall contribute a total of \$38,000 to the promotion and development of Canadian talent over seven consecutive broadcast years upon commencement of operations as follows :

- \$5,000 annually for the first, second, third and fourth broadcast years; and
- \$6,000 annually for the fifth, sixth and seventh broadcast years.

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR or MUSICACTION. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Expectation

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.