



Broadcasting Decision CRTC 2012-9

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Route reference: 2011-427

Additional reference: 2011-427-1

Ottawa, 10 January 2012

Golden West Broadcasting Ltd.

Fort Saskatchewan, Alberta

Application 2010-0835-0, received 14 May 2010

Public hearing in the National Capital Region

19 September 2011

English-language FM radio station in Fort Saskatchewan

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

Introduction

1. The Commission received an application by Golden West Broadcasting Ltd. (Golden West) for a broadcasting licence to operate an English-language FM radio programming undertaking in Fort Saskatchewan, Alberta. The new station would operate at 107.9 MHz (channel 300B1) with an average effective radiated power (ERP) of 11,000 watts (maximum ERP of 20,000 watts with an effective height of antenna above average terrain of 70.2 metres).
2. Golden West is controlled by Elmer Hildebrand.
3. Golden West proposed a mixed Classic Hits/Classic Rock music format. The 14 hours 5 minutes of spoken word programming proposed by the applicant would be comprised of local news (6 hours, 5 minutes), local weather, local sports, local surveillance, local farm and agriculture reports as well as oil and gas news. The station would also promote local concerts and the activities of the vibrant local arts community and other community organizations.
4. In its application, Golden West indicated that it would accept a condition of licence requiring it to broadcast 40% of its musical selections from content category 2 (Popular music) during the broadcast week and between 6:00 a.m. and 6:00 p.m., Monday to Friday to Canadian selections. It also committed, by condition of licence, to contribute \$93,500 over and above the basic contributions to Canadian content development (CCD) over seven years.

Interventions and the applicant's reply

5. The Commission received interventions in support of this application as well as interventions opposing the application from Newcap Inc. (Newcap), Rogers Broadcasting Limited (Rogers), Astral Media Radio G.P. (Astral), 1572422 Alberta Ltd. and an individual. Newcap, Rogers and Astral intervened regarding the impact of the proposed service on the Edmonton market. The individual argued that the format would overlap with other stations in the market and 1572422 Alberta Ltd. requested to set aside the application in order to allow it to submit a competing application for a new undertaking in Fort Saskatchewan/Lamont. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings".
6. In their interventions, Newcap, Rogers and Astral, all owners of Edmonton stations, highlighted the negative undue impact the new service proposed by Golden West would have on the Edmonton market. The interveners indicated that Fort Saskatchewan is located within the Edmonton market. Rogers argued that Fort Saskatchewan could not support a local radio service and that revenues would be drawn from Edmonton in order to survive. Newcap stated that the proposed mixed Classic Rock/Classic Hits format would be directly competitive with its stations as well as other stations in the market.
7. In its reply, Golden West noted that the opposing interventions are focused on the Edmonton market and ignore the needs and unique nature of Fort Saskatchewan. The applicant argued that its application is not a back-door entry into the Edmonton market and its focus is to serve Fort Saskatchewan. Golden West submitted that Fort Saskatchewan is capable of supporting its own local radio station and that its proposed station would not impact the broader Edmonton market.

Commission's analysis and decision

8. In its application, Golden West stated that it was proposing a first service for Fort Saskatchewan. The Commission notes that the community of Fort Saskatchewan is included within the Edmonton Census Metropolitan Area, which forms the BBM Canada Edmonton central radio market. However, the 3 mV/m contour proposed by the applicant does not encompass the city of Edmonton. Based on the definition of a market in the *Radio Regulations, 1986*, which is the 3 mV/m contour of the FM station or the central area as defined by BBM Canada, whichever is smaller, the market served by Golden West would be Fort Saskatchewan and the surrounding communities, excluding the city of Edmonton.
9. Therefore, the Commission is of the view that Golden West's application would constitute a first service for Fort Saskatchewan.
10. The Commission notes that the proposed 0.5 mV/m contour would encompass part of the city of Edmonton. To ensure that the licensee directs its programming to the market it is licensed to serve, the Commission deems it appropriate to impose a

condition of licence preventing the licensee from soliciting advertising in the city of Edmonton as identified by Statistics Canada.

Conclusion

11. In light 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 Fort Saskatchewan, Alberta.
12. The Commission reminds Golden West of its commitment to provide a local radio service to the communities it is licensed to serve. The Commission therefore expects Golden West to maintain its focus on local programming for Fort Saskatchewan.
13. The Commission reminds the applicant that it must adhere to the requirements relating to contributions to CCD set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time. The Commission notes the applicant's commitment to exceed the minimum required contribution. Specifically, the applicant committed to contribute \$93,500 over and above the basic contributions to CCD over seven years. Of this amount, 20% will be devoted to FACTOR or MUSICACTION, with the remainder to an eligible CCD initiative. A **condition of licence** to this effect is set out in the appendix to this decision.
14. The Commission also reminds the applicant that any development initiatives that have not been allocated to specific parties by condition of licence must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Secretary General

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

Appendix to Broadcasting Decision CRTC 2012-9

Terms, conditions of licence and expectation

Terms

Issuance of the broadcasting licence to operate an English-language FM commercial radio programming undertaking in Fort Saskatchewan, Alberta

The licence will expire 31 August 2018.

The station will operate on frequency 107.9 MHz (channel 300B1) with an average effective radiated power (ERP) of 11,000 watts (maximum ERP of 20,000 watts with an effective height of antenna above average terrain of 70.2 metres).

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.

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.

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 10 January 2014. 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.

In order to ensure that the applicant is in compliance at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, the Commission requires the applicant to file a copy of its amended and executed by-laws within 12 months of the date of this decision.

Conditions of licence

1. The licence will be subject 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. As an exception to section 2.2(8) of the *Radio Regulations, 1986*, the licensee shall devote no less than 40% of its musical selections from content category 2 (Popular Music) in each broadcast week and between 6:00 a.m. and 6:00 p.m. Monday to Friday to Canadian selections broadcast in their entirety.

3. In addition to the required basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall make a contribution of \$93,500 to CCD, to be allocated as follows over seven consecutive broadcast years upon commencement of operations:

Year 1:	\$7,500
Year 2:	\$8,000
Year 3:	\$10,000
Year 4:	\$12,000
Year 5:	\$15,000
Year 6:	\$18,000
Year 7:	\$23,000

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR or MUSICACTION. The remainder of this additional CCD contribution 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.

4. The licensee shall not solicit advertising in the city of Edmonton as identified by Statistics Canada.

Expectation

The Commission expects the licensee to maintain its focus on local programming for Fort Saskatchewan.