



## Broadcasting Decision CRTC 2005-167

Ottawa, 20 April 2005

**Westwave Broadcasting Inc.**  
Sechelt, British Columbia

*Application 2004-0170-4*  
*Public Hearing at Vancouver, British Columbia*  
*28 February 2005*

### English-language FM commercial radio station in Sechelt

*The Commission **approves** an application by Westwave Broadcasting Inc. to operate an English-language FM radio programming undertaking in Sechelt.*

#### The application

1. The Commission received an application by Westwave Broadcasting Inc. (Westwave) for a broadcasting licence to operate a new English-language FM commercial radio programming undertaking in Sechelt, British Columbia. The proposed service would also serve the communities of Langdale, Gibsons, Robert Creek and Pender Harbour.
2. The new station would operate in a "pop adult" music format which would consist predominately of music from the 60's, 70's and 80's, and would offer 126 hours of local programming each week, of which 5 hours and 55 minutes would be devoted to local news.
3. The applicant originally proposed to operate at 93.1 MHz (channel 226C) with an average effective radiated power (ERP) of 11,300 watts, but subsequently filed an amendment to its application, proposing instead the use of 91.7 MHz (channel 219C1) with an effective radiated power of 600 watts.

#### Canadian talent development

4. Under the Canadian talent development (CTD) funding plan developed by the Canadian Association of Broadcasters (CAB) a radio licensee adhering to the plan and serving a market the size of Sechelt would be expected to contribute a minimum of \$400 in each broadcast year to eligible third parties for the development of Canadian musical and other artistic talent.
5. Westwave proposed to spend a total of \$39,000 on CTD, over a seven-year licence term, including the contribution specified under the CAB plan. This amount would be distributed as follows:

- Coast Cultural Alliance - \$16,500 for the support of a variety of local artists, distributed as follows:
    - \$1,500 contribution in each of the first, second and third years of operation.
    - \$2,000 contribution in each of the fourth and fifth years of operation.
    - \$4,000 contribution in each of the sixth and seventh years of operation
  - Sun Coast Star Search - \$12,500, distributed as follows:
    - \$1,500 contribution in each of the first, second and third years of operation.
    - \$2,000 contribution in each subsequent year of operation.
  - Foundation to Assist Canadian Talent on Record (FACTOR) - \$10,000, distributed as follows:
    - \$2,000 contribution in each of the fourth and fifth years of operation.
    - \$3,000 contribution in each of the sixth and seventh years of operation.
6. A **condition of licence** is set out in the appendix to this decision requiring the applicant to adhere to its financial commitments to CTD. The Commission considers that the minimum amount of the budget allocation is to be made over the seven consecutive broadcast years following the commencement of operations.

### **Interventions**

7. The Commission received numerous interventions in support of this application, as well as interventions in opposition filed by Central Island Broadcasting Ltd., now known as Island Radio Ltd. (Island), and by the Canadian Broadcasting Corporation (CBC).
8. Island opposed the application on technical grounds, stating that the use of frequency 93.1 MHz would be mutually exclusive with Island's application to establish a new FM service in Port Alberni, and that the proposed signal would intrude into the markets of Nanaimo and Parksville, British Columbia.
9. The CBC also opposed the applicant's original proposal to use 93.1 MHz on technical grounds, indicating that 93.1 MHz would be mutually exclusive with a proposal by the CBC to use channel 226C to improve Radio One reception and make it available on the FM band for audiences in Vancouver.

10. As noted above, Westwave subsequently filed an amendment to its application, proposing the use of 91.7 MHz (channel 219C1).
11. In response to Westwave's amendment, Island filed a second intervention in which it expressed concern that approval of the applicant's proposal would have a significant impact on Island's Nanaimo and Parksville stations. The intervener suggested that the quality of Westwave's proposed signal in Nanaimo would prove attractive to some local advertisers attempting to reach residents of the Sunshine Coast area.
12. Island further indicated that the proposed use of 91.7 MHz in close proximity to Nanaimo might cause interference to the signal of its station CKWV-FM Nanaimo, which uses the frequency 102.3 MHz.

#### **The licensee's reply**

13. In reply to Island's concerns respecting potential impact on advertising revenues, Westwave submitted an economic planning study conducted by the Regional District of Nanaimo which projects steady economic growth. In addition, Westwave indicated that its intention was not to serve the Nanaimo market nor to sell advertising to Nanaimo businesses.
14. In response to Island's concern regarding interference to the signal of CKWV-FM Nanaimo, Westwave committed to solve any such problems in Nanaimo, in the unlikely case that they should occur.
15. With respect to the CBC intervention, the applicant noted that the CBC's objection was based on Westwave's proposed use of 93.1 MHz. The applicant stated that the CBC did not file an intervention opposing Westwave's proposal to use 91.7 MHz.

#### **The Commission's analysis and determination**

16. The Commission has examined the economic impact issues raised by Island and is satisfied with the licensee's response.
17. With respect to the CBC intervention, the Commission notes that the CBC's intervention was in opposition only to the applicant's use of 93.1 MHz, and not to the applicant's subsequent proposal to use 91.7 MHz.
18. The Commission notes that technical matters such as potential for frequency interference are within the jurisdiction of the Department of Industry (the Department), and that it has advised the Commission that the Westwave application for the use of 91.7 MHz is conditionally technically acceptable. While the Department noted the potential for interference to the signal of CKWV-FM Nanaimo, it stated that it is unlikely to be a problem in this case, and confirmed that Westwave has made a commitment to remedy any such interference.

19. Accordingly, the Commission **approves** the application by Westwave Broadcasting Inc. for a broadcasting licence to operate an English-language FM commercial radio programming undertaking in Sechelt , British Columbia, on 91.7 MHz (channel 219C1) with an average effective radiated power of 600 watts.
20. The licence will expire 31 August 2011 and will be subject to the conditions of licence set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, as well as to the **conditions of licence** set out in the appendix to this decision.

### **Issuance of the licence**

21. 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.
22. 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.
23. 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 20 April 2007. 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.

### **Cultural diversity**

24. In its *Commercial Radio Policy 1998*, Public Notice 1998-41, 30 April 1998, the Commission encouraged broadcasters to reflect the cultural diversity of Canada in their programming and employment practices, especially with respect to news, music and promotion of Canadian artists. The Commission expects Westwave to reflect the cultural diversity of Canada in its programming and employment practices.

## **Employment equity**

25. 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.

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 2005-167

### 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, as well as to the following:
2. The licensee shall devote a total of \$39,000 in direct expenditures over the licence term, to support the development of Canadian talent, in accordance with the following minimum annual budgets:

|                   |                   |
|-------------------|-------------------|
| Years 1, 2 and 3: | \$3,000 each year |
| Years 4 and 5:    | \$6,000 each year |
| Years 6 and 7:    | \$9,000 each year |