



Broadcasting Decision CRTC 2013-449

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Route reference: 2013-220

Ottawa, 28 August 2013

Golden West Broadcasting Ltd.

High River, Alberta

Application 2012-1391-7, received 29 October 2012

CFXO-FM High River – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CFXO-FM High River from 1 September 2013 to 31 August 2020.*

Introduction

1. Golden West Broadcasting Ltd. filed an application to renew the broadcasting licence for the commercial radio station CFXO-FM High River, Alberta, which expires 31 August 2013.¹ The Commission did not receive any interventions regarding this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-220, the Commission noted that the licensee was in apparent non-compliance with its condition of licence relating to Canadian talent development (CTD) for the 2007-2008 and 2008-2009 broadcast years.
3. The licensee explained that the \$1,000 shortfall for the 2007-2008 broadcast year and the \$900 shortfall for the 2008-2009 broadcast year resulted from its tracking process. To prevent additional shortfalls, it put two people in charge of the monitoring and compliance of Canadian content development contributions.
4. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to CTD for the 2007-2008 and 2008-2009 broadcast years.

¹ The original expiry date for CFXO-FM's broadcasting licence was 31 August 2012. The licence was administratively renewed until 31 August 2013 as a result of Broadcasting Decision 2012-447.

Regulatory measures

5. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
6. The Commission considers that initiatives relating to the development of Canadian content and talent will not only help to develop and advance the careers of emerging Canadian artists but will increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions to the development of Canadian content and talent.
7. Since the licensee paid the shortfalls and provided the proof of payment to the Commission and since there have not been any subsequent non-compliance issues with respect to CTD contributions, the Commission is of the view that the licensee has put in place the necessary measures to ensure future compliance. The Commission notes that as of 1 September 2013, the licensee will be subject to section 15 of the *Radio Regulations, 1986*.
8. Given the circumstances surrounding the licensee's non-compliance for CFXO-FM, the Commission considers it appropriate to grant a full-term renewal to the station.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CFXO-FM High River, Alberta, from 1 September 2013 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

10. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Employment equity

11. Because this applicant 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 applications received*, Broadcasting Notice of Consultation CRTC 2013-220, 7 May 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-447, 17 August 2012, as corrected by Broadcasting Decision CRTC 2012-447-1, 22 August 2012
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *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 2013-449

Terms and conditions of licence for the commercial radio programming undertaking CFXO-FM High River, Alberta

Terms

The licence will expire 31 August 2020.

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, as amended from time to time.
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), in any broadcast week:
 - a) devote, in that 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 the period from Monday to Friday of the same broadcast week, a minimum of 40% of its musical selections from content category 2 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.