



Broadcasting Decision CRTC 2011-573

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Route reference: 2011-190

Ottawa, 8 September 2011

Golden West Broadcasting Ltd.
Airdrie, Alberta

Application 2011-0027-1, received 11 January 2011

CFIT-FM Airdrie – Technical change

*The Commission **approves** an application by Golden West Broadcasting Ltd. to change the authorized contours of the radio station CFIT-FM Airdrie by increasing the average effective radiated power from 3,000 watts to 60,000 watts.*

*The licensee will be subject to a **condition of licence** restricting the solicitation of advertising.*

The application

1. The Commission received an application by Golden West Broadcasting Ltd. (Golden West) to change the authorized contours of the radio programming undertaking CFIT-FM Airdrie by increasing the average effective radiated power (ERP) from 3,000 watts to 60,000 watts (maximum ERP from 6,000 watts to 100,000 watts with an effective height of antenna above average terrain of 40 metres).
2. The licensee indicated that a better signal within the area already served and a slight expansion to the north and east of Airdrie would help the station realize its potential.
3. The Commission notes that, as a result of this technical change, the potential listenership would increase from 30,814 to 49,255 persons in the 3 mV/m contour and from 87,982 to 894,133 persons in the 0.5 mV/m contour. This significant increase in population would be due to the 0.5 mV/m contour encompassing the city of Calgary.

Interventions

4. The Commission received interventions in opposition to this application from an individual, Mr. Zane Mastin, and from CAB-K Broadcasting Ltd. (CAB-K), licensee of CKLJ-FM Olds and CKJX-FM Olds. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. After examining the application in light of applicable policies and regulations, and taking into account the interventions received and the applicant's replies, the Commission considers that the issues to be addressed in its determinations are:
 - instances of non-compliance;
 - potential violation of the Common Ownership Policy; and
 - the impact of the change on CAB-K stations in Olds, Alberta.

Instances of non-compliance

6. In his intervention, Mr. Mastin stated that there are issues of non-compliance that should be taken into account in the evaluation of the application. In this regard, Commission records show that the annual return for CFIT-FM's 2007-2008 broadcast year was submitted two weeks late, which would represent a failure to comply with Section 9(2) of the *Radio Regulations, 1986* regarding the submission of the annual returns. It also appears that the required Canadian talent development (CTD) contributions for the 2006-2007 broadcast year were paid almost a year late, which would represent a failure to comply with the station's condition of licence relating to CTD.
7. The Commission notes that the apparent instances of non-compliance occurred under the previous owner of the station. However, they became the purchaser's liability when it acquired the station. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with radio stations found in non-compliance. The Commission noted in particular that each instance of non-compliance will be evaluated in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it will consider the circumstances leading to the non-compliance in question, the licensee's arguments, and the measures taken to rectify the situation. In accordance with this revised approach, the Commission will process the present application based on its merits. The non-compliance issues will be examined at the time of licence renewal.

Potential violation of the Common Ownership Policy

8. In his intervention, Mr. Mastin also argued that the approval of the proposed amendment would be inconsistent with the Commission's Common Ownership Policy (Broadcasting Information Bulletin 2010-341). In this regard, the Commission notes that although Golden West currently operates multiple radio stations in the vicinity of Calgary, the proposed 3 mV/m contour of CFIT-FM intersects only with the 3 mV/m contour of Golden West's CKUV-FM High River. The overlapped area of the proposed 3 mV/m contour of CFIT-FM and the 3 mV/m contour of CKUV-FM comprises a population of 18,028, representing 1.8% of the total population included within the 3 mV/m contour of CKUV-FM. As set out in the Common Ownership Policy, the radio contours that overlap less than 5% of the population of a radio market generally do not raise Common

Ownership Policy concerns. The Commission therefore considers that the proposed amendment does not trigger any Common Ownership Policy concerns.

Impact of the change on CAB-K stations in Olds

9. In its intervention, CAB-K stated that the proposed increase in coverage would encroach into the market of Olds and its surrounding communities north of Airdrie. CAB-K argued that this would have a negative impact on the financial viability and profitability of its stations CKLJ-FM and CKJX-FM. CAB-K contended that if the Commission were to approve the amendment, it should take steps to protect CAB-K's stations by imposing a condition of licence preventing Golden West from soliciting advertising from the market area served by CAB-K's stations.
10. The Commission notes that the proposed 3 mV/m contour of CFIT-FM does not intersect with the 3 mV/m contour of any of the CAB-K stations. However, CFIT-FM's proposed 0.5 mV/m contour would encompass additional areas that are currently served by the 0.5 mV/m contour of the CAB-K stations. This incremental overlap in coverage represents an additional 7.8% of the population of CKLJ-FM's 0.5 mV/m contour and 15.7% of the population of CKJX-FM's 0.5 mV/m contour. The Commission further notes that, in its intervention, CAB-K indicated that "currently the Airdrie station is not a factor in our regions and has not had any impact on us."
11. Given that CAB-K operates two stations in Olds, that CAB-K noted in its intervention that CFIT-FM currently has not had any impact on its stations, and that the incremental overlap in the secondary contours is modest, the Commission considers that the proposed technical change would not cause any significant incremental harm to CAB-K's stations in Olds and that any loss of revenue and potential financial impact would be modest.

Conclusion

12. In light of the above, the Commission **approves** the application by Golden West Broadcasting Ltd. to change the authorized contours of the radio programming undertaking CFIT-FM Airdrie, by increasing the average ERP from 3,000 watts to 60,000 watts (maximum ERP from 6,000 watts to 100,000 watts with an effective height of antenna above average terrain of 40 metres).
13. 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 the licensee to maintain its focus on local programming for Airdrie.
14. The Commission also notes the overlap of the new CFIT-FM contours with the Calgary market. Even if no interventions were received from licensees in the Calgary market, in order to ensure that the licensee directs its programming to the market it is licensed to serve, it will be subject to the following **condition of licence**:

The licensee shall not solicit or accept advertising from the city of Calgary as identified by Statistics Canada.

15. 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.
16. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Secretary General

Related documents

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Revised guidelines for the application of the Common Ownership Policy for Radio*, Broadcasting Information Bulletin CRTC 2010-341, 4 June 2010

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