



Broadcasting Decision CRTC 2012-545

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Route reference: 2012-212

Ottawa, 9 October 2012

Larry C. Osmond

Grand Bank, Newfoundland and Labrador

Application 2011-0969-5, received 31 May 2011

Public hearing in the National Capital Region

7 June 2012

Community radio station in Grand Bank

*The Commission **denies** an application for a broadcasting licence to operate an English-language community FM radio station in Grand Bank.*

The application

1. The Commission received an application by Larry C. Osmond for a broadcasting licence to operate an English-language community FM radio programming undertaking in Grand Bank, Newfoundland and Labrador. The Commission received letters in support of the application prior to the issuance of Broadcasting Notice of Consultation 2012-212, but did not receive any interventions on this application in response to that notice of consultation.
2. The new station would operate on frequency 103.9 MHz (channel 280LP) with an effective radiated power of 5 watts (omni-directional antenna with an effective height of antenna above average terrain of -5 metres).¹
3. The applicant proposed to broadcast 126 hours of programming per broadcast week. In addition, it indicated that the station's format would consist of Newfoundland music and classic country music, as well as gospel music on Sundays.

Commission's analysis and determinations

4. After considering this application in light of the provisions of Broadcasting Regulatory Policy 2010-499 (the Campus and community radio policy), the Commission considers that the issues it must address are the following:
 - Does the governance structure of the proposed radio station reflect the criteria in this regard set out in the Campus and community radio policy?

¹ These technical parameters reflect those approved by the Department of Industry.

- Does the proposed programming reflect the objectives of the Campus and community radio policy?
- Does the applicant's proposal reflect the mandate of community stations set out in the Campus and community radio policy?

Does the governance structure of the proposed radio station reflect the criteria in this regard set out in the Campus and community radio policy?

5. Paragraph 13 of the Campus and community radio policy states the following:

A campus or community radio station is owned, operated, managed and controlled by a not-for-profit organization that provides for membership, management, operation and programming primarily by members of the community served. In its openness to community involvement, campus and community stations offer ongoing opportunities for training in the operation of their station to volunteers from the community served.

6. After reviewing the application in light of the above, the Commission notes that the applicant did not submit any constituting documents that would indicate how the proposed station would be owned, operated, managed and controlled by a not-for-profit organization. The Commission further notes that no documentation was provided to indicate how the application would ensure that membership, management, operation and programming of the station would be controlled by and devoted to the community served.

Does the proposed programming reflect the objectives of the Campus and community radio policy?

7. Paragraph 12 of the Campus and community radio policy states the following:

The programming of campus and community radio should distinguish itself from that of the commercial and public sectors in both style and substance, offering programming that is rich in local information and reflection. The programming provided by campus and community radio should meet the needs and interests of the communities served by these stations in ways that are not met by commercial radio stations and the Canadian Broadcasting Corporation.

8. Accordingly, the Commission considers that community stations should add diversity to the broadcasting system by increasing programming choice in both music and spoken word programming.

9. The applicant indicated that the station's spoken word programming would be comprised of local news and news from the town council. The Commission notes that no further details in regard to spoken word programming were provided.

10. After reviewing the application, the Commission considers that the applicant failed to demonstrate that it would provide the range of programming diversity, spoken word

programming and community reflection required by the Campus and community radio policy.

Does the applicant's proposal reflect the mandate of community stations set out in the Campus and community radio policy?

11. According to the mandate of community stations set out in the Campus and community radio policy, local programming is to be produced in part by volunteers. Further, campus and community stations should offer programming based on the needs and interests of a community through the promotion of Canadian emerging talent, with an emphasis on local musical and spoken word talent.
12. The Commission notes that the applicant failed to answer the sections of the application form relating to its plans for local talent development and volunteer participation. The Commission therefore requested that the applicant specify its plans for volunteer participation and training in the activities of the proposed station, and provide its plans with respect to local talent development.
13. In regard to volunteer participation, the applicant stated it would advertise opportunities for training on its website. It further stated that if programming by schools met the applicant's criteria, that programming may be played on its station. The Commission notes that the applicant did not provide sufficient concrete measures as to how it would facilitate community access to programming, how it would promote the availability of training throughout the community, or how it would provide ongoing training and supervision of those within the community wishing to participate in programming.
14. In regard to local talent development, the applicant stated that it would encourage listeners to contact the station, via its website, if they have music by local or Canadian artists. The Commission notes that the applicant did not elaborate further on its plans in this regard, and that it did not provide any concrete plans on how it would promote and feature music by new Canadian artists, local artists, and artists whose music is seldom heard on other stations.
15. In light of the above, the Commission considers that the applicant did not provide the details necessary to allow for a proper evaluation of its plans for volunteer participation and local talent development. Consequently, it failed to demonstrate that the proposed station would properly reflect the mandate of community stations set out in the Campus and community radio policy.

Conclusion

16. As set out above, the Commission considers that the applicant failed to demonstrate how the governance structure of the proposed radio station would comply with the criteria in this regard set out in the Campus and community radio policy; that the proposed radio station would not achieve the range of programming diversity and community reflection in both music and spoken word programming as required by

that policy; and that the programming, volunteer, and local talent development plans provided by the applicant do not demonstrate a clear understanding of that policy.

17. Although the present application received support from various members of the applicant's community, the Commission notes that the onus falls on the applicant to provide a quality application and to demonstrate an understanding of the regulatory requirements associated with radio programming undertakings. It therefore expects applicants to provide sufficient details to support their applications. In regard to the present case, the Commission considers that the applicant has not provided a quality application, and has not demonstrated an understanding of key policies and regulations as they relate to radio programming undertakings.
18. In light of all of the above, the Commission **denies** the application by Larry C. Osmond for a broadcasting licence to operate an English-language community FM radio programming undertaking in Grand Bank.
19. The Commission reminds the applicant that should it submit an application for any new service, the Commission's decision would be based on the merits of the application received.

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2012-212, 10 April 2012
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010