



## Broadcasting Decision CRTC 2013-622

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Route reference: 2013-324

Ottawa, 22 November 2013

**Rogers Broadcasting Limited**  
Whistler, British Columbia

*Application 2013-0154-8, received 25 January 2013*

### **CISW-FM Whistler and its transmitter CISP-FM Pemberton – Licence renewal and amendment**

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CISW-FM Whistler and its transmitter CISP-FM Pemberton, from 1 January 2014 to 31 August 2020.*

*The Commission **approves** the licensee's proposal that it be required to broadcast not less than 30 hours of local station-produced programming per broadcast week, rather than the currently required three hours.*

*In addition, the Commission **approves** the licensee's request for the continued exemption of CISW-FM from the requirement that in order to be permitted to solicit or accept local advertising, at least one-third of the programming broadcast on the station must be local programming.*

#### **The application**

1. Rogers Broadcasting Limited (Rogers) filed an application to renew the broadcasting licence for the English-language commercial radio station CISW-FM Whistler and its transmitter CISP-FM Pemberton, which expires 31 December 2013.<sup>1</sup>
2. In addition, Rogers proposed an amendment to the station's condition of licence relating to the broadcast of local station-produced programming, to require it to broadcast not less than 30 hours of such programming each broadcast week, rather than the currently required three hours.
3. Rogers also requested that CISW-FM continue to be exempt from the Commission's local programming policy (see Public Notice 1993-121), which states that commercial FM stations in markets served by more than one private commercial station must devote at least one-third of the broadcast week to local programming in order to

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<sup>1</sup> The original licence expiry date for the station was 31 August 2013. The licence was administratively renewed until 31 December 2013 as a result of Broadcasting Decision 2013-418.

solicit or accept local advertising. In this regard, the licensee noted that the commercial radio station CKEE-FM Whistler now operates in the same radio market as CISW-FM.

4. The Commission received numerous interventions in support of this application.

### **Commission's analysis and decisions**

5. After examining the application in light of applicable regulations and policies, the Commission considers that the issues to be addressed are the following:
  - the proposed amendment to the station's condition of licence relating to the broadcast of local station-produced programming; and
  - the continued exemption of CISW-FM from the Commission's local programming policy, i.e., the requirement that in order to be permitted to solicit or accept local advertising, at least one-third of the programming broadcast on the station must be local programming.

### **Broadcast of local station-produced programming**

6. Rogers stated that CISW-FM currently offers a minimum of 30 hours of local station-produced programming per broadcast week despite being required, by condition of licence, to offer not less than three hours. Following a request for clarification, the Commission asked the licensee if it would commit, by condition of licence, to broadcast a higher level of local station-produced programming. Rogers agreed and proposed that the relevant condition of licence be amended to specify that CISW-FM is required to broadcast not less than 30 hours of local station-produced programming per broadcast week. Accordingly, the Commission **approves** the licensee's proposal. A **condition of licence** to that effect is set out in the appendix to this decision.

### **Continued exemption of CISW-FM from the Commission's local programming policy**

7. As noted above, Rogers requested that CISW-FM continue to be exempt from the requirement to devote at least one-third of the broadcast week to local programming in order to solicit or accept local advertising. In support of its request, the licensee noted that CISW-FM has been operating with the English-language commercial radio stations CISQ-FM Squamish and CKKS-FM Sechelt under the brand "Mountain FM" ever since they were licensed over 20 years ago, serving the area surrounding the Sea-to-Sky highway and sharing information of common interest. It stated that continuing CISW-FM's exemption would allow it to maintain consistency in those markets while retaining the flexibility needed to respond to the stations' financial challenges.
8. The Commission's local programming policy sets out a list of FM stations that operate in single station markets and are thus excluded from application of the policy. These stations, which include CISW-FM as well as the other two Mountain FM

stations,<sup>2</sup> are permitted to solicit and accept local advertising irrespective of the amount of local programming they broadcast. The Commission notes, however, that following the launch of CKEE-FM in 2013,<sup>3</sup> CISW-FM no longer operates in a single station market.

9. The local programming policy states that “changing circumstances, such as those resulting from future licensing action or possible station closures, may, by strict interpretation, render the definition of single-station market inapplicable to some of the above communities, or applicable to others.” As a general rule, however, once a station is exempt under the policy, it will remain exempt should the status of the market change.
10. In examining Rogers’ request, the Commission also considered that the amount of programming produced by the station exceeds that required by its condition of licence; that the continued exemption would help to ensure the unique operation of Mountain FM; that the station is in compliance with all regulatory requirements and conditions of licence; and that no interventions were submitted in opposition to the request.
11. Accordingly, the Commission **approves** the licensee’s request for the continued exemption of CISW-FM Whistler from the requirement to ensure that not less than one-third of its programming must be local for it to solicit or accept local advertising.

## **Conclusion**

12. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CISW-FM Whistler and its transmitter CISP-FM Pemberton, from 1 January 2014 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

## **Employment equity**

13. Because this licensee 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**

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013

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<sup>2</sup> Public Notice 1993-121 includes CISE-FM Sechelt, which now operates as CKKS-FM.

<sup>3</sup> In Broadcasting Decision 2009-102, the Commission approved an application by Four Senses Entertainment Inc. for a broadcasting licence to operate a radio station in Whistler.

- *English-language FM radio station in Whistler*, Broadcasting Decision CRTC 2009-102, 2 March 2009
- *Local programming policy for FM radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993

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

## **Appendix to Broadcasting Decision CRTC 2013-622**

### **Terms and conditions of licence for the English-language commercial radio programming undertaking CISW-FM Whistler and its transmitter CISP-FM Pemberton, British Columbia**

#### **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 ensure that during each broadcast week, the undertaking broadcasts not less than 30 hours of local station-produced programming.
3. The undertaking is exempt from the requirement set out in *Local programming policy for FM radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993, that, in order to solicit or accept local advertising, at least one-third of its programming must be local programming.