



Broadcasting Decision CRTC 2018-253

PDF version

Reference: 2018-16

Ottawa, 26 July 2018

Steven Huber, on behalf of a corporation to be incorporated
Assiniboia, Saskatchewan

Public record for this application: 2017-0675-6

Public hearing in the National Capital Region

27 March 2018

English-language FM radio station in Assiniboia

*The Commission **approves** an application by Steven Huber, on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language, commercial FM radio station in Assiniboia, Saskatchewan.*

The station will be the first local commercial radio service in Assiniboia.

Application

1. Steven Huber, on behalf of a corporation to be incorporated, (Huber OBCI) filed an application for a broadcasting licence to operate an English-language, commercial FM radio station in Assiniboia, Saskatchewan.
2. Huber OBCI will be wholly owned and controlled by Mr. Steven Douglas Huber.
3. The station would operate at 98.1 MHz (channel 251C1) with an average effective radiated power (ERP) of 20,000 watts (maximum ERP of 29,000 watts with an effective height of the antenna above average terrain of 258.3 metres).
4. The station would offer a country music format consisting mostly of hits from the past seven years as well as hits from the 90s and 2000s. Its target audience would be adults aged 25 to 54, skewed slightly towards women.
5. The station would broadcast 126 hours of local programming each broadcast week, of which approximately 4 hours 50 minutes would be devoted to spoken word programming consisting of local news, weather, road information, community and cultural information, local lifestyle and event information as well as agriculture interest programming.

6. The applicant stated that it would devote 2 hours 46 minutes of its spoken word programming to scheduled newscasts consisting of local and regional news (1 hour 50 minutes), national news (28 minutes) and international news (28 minutes).

Interventions

7. The Commission received interventions in support of this application as well as interventions in opposition from Rawlco Radio Ltd. (Rawlco), Harvard Broadcasting Inc. (Harvard), Golden West Broadcasting Ltd. (Golden West) and Pearl Creek Media. The applicant replied to the interventions.
8. Golden West, Harvard and Rawlco submitted that the revenue projections of the applicant could be considered high relative to the size of Assiniboia and that the applicant would not be able to provide the proposed programming with the limited expenses they projected.
9. In addition, Golden West, Harvard and Rawlco submitted that the proposed station would have an undue negative impact on the AM stations CHAB Moose Jaw, CKRM Regina and CJME Regina.
10. In its reply, the applicant cited its experience in radio sales and reaffirmed its capacity to reach the projected revenues while maintaining the projected operating costs. It also stated that the contours of the proposed station would not overlap the Moose Jaw market.

Commission's analysis and decisions

11. The applicant proposes to operate a first local station for the town of Assiniboia and its rural surroundings. According to Statistics Canada's 2016 Census, Assiniboia has a population of 2,389 people and is located 110 kilometres south of Moose Jaw and 176 kilometres southwest of Regina.
12. The station's primary (3 mV/m) contour, as defined by the *Radio Regulations, 1986* (the Regulations), would encompass a population of 4,383 people, while its secondary contour would encompass a population of 8,708 people.
13. With respect to concerns raised by interveners regarding the applicant's ability to meet its revenue projections, Commission staff evaluated similar-sized markets that are served by a single commercial station and found that those stations' revenues and expenses are similar to the applicant's projections.
14. With the exception of a slight overlap between the proposed secondary contour and the primary contour of CHAB Moose Jaw, the contours of the proposed station would not overlap with the primary contour of any other stations in nearby markets. The overlap in population coverage between CHAB's primary contour and the proposed station's secondary contour is minimal and is unlikely to have an impact on CHAB's revenues.

15. While multiple radio stations' secondary contours originating from the nearby markets of Moose Jaw and Regina reach Assiniboia, none are licensed to serve Assiniboia specifically and Assiniboia is not included in any of those stations' markets. Further, Assiniboia has a population that amounts to 1% that of Regina's and 7% that of Moose Jaw's. The Commission is of the view that it is unlikely that stations originating from these markets draw significant revenues from Assiniboia.
16. Based on the above, the Commission considers that the proposed service would not have an undue impact on stations in nearby markets.
17. With respect to programming, the applicant proposed to broadcast 2 hours 46 minutes of scheduled newscasts with an emphasis on local news, but consisting also of regional, national and international news Monday through Friday. It indicated that it does not intend on broadcasting scheduled newscasts on the weekend, but will have an emergency response policy in place to ensure the community of Assiniboia is adequately informed in case of an emergency.
18. The Commercial Radio Policy (Broadcasting Public Notice 2006-158) specifies that "in their local programming, licensees must include spoken word material of direct and particular relevance to the community served, such as local news, weather and sports, and the promotion of local events and activities." Since local radio stations are often the only daily source of local news and information for communities, it is the licensee's responsibility to ensure that a reasonable amount of daily local news and information is available to the communities it is licensed to serve including on weekends.
19. The applicant did not propose contributions to Canadian content development (CCD), over and above the basic annual contribution, but indicated that it is committed to helping develop new and emerging talent through airplay and programming initiatives. In its intervention, Golden West raised concern that the applicant had not committed to any additional CCD contributions. In this regard, commitments to CCD contributions over and above the basic contribution that some applicants make in their applications for new broadcasting licences are not a requirement, but rather at the discretion of the applicant. Further, Assiniboia is a small market and according to the applicant's financial projections, the proposed station would not be required to make an annual basic CCD contribution.
20. The Commission considers that the proposed station would add to the diversity of local radio programming by providing a first local service with locally relevant news and information to serve the needs and interests of listeners in Assiniboia and surrounding areas. There are currently no other commercial FM stations that are specifically licensed to serve Assiniboia. The station will therefore operate in a single-station market as defined in Public Notice 1993-121.

Conclusion

21. In light of the above, the Commission **approves** the application by Steven Huber, on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language, commercial FM radio programming undertaking in Assiniboia. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

22. The Commission reminds the applicant that it must incorporate local news, weather, sports coverage and the promotion of local events and activities in its programming every day, including weekends.

Canadian content development

23. The licensee must adhere to the requirements relating to contributions to CCD set out in section 15 of the Regulations, as amended from time to time.

Secretary General

Related documents

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *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 2018-253

Terms, conditions of licence, expectation and encouragement for the English-language commercial FM radio programming undertaking in Assiniboia, Saskatchewan

Terms

The licence will expire 31 August 2024.

The station will operate at 98.1 MHz (channel 251C1) with an average effective radiated power (ERP) of 20,000 watts (maximum ERP of 29,000 watts with an effective height of the antenna above average terrain of 258.3 metres).

Pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the Commission will only issue a licence for this undertaking once the applicant has:

- satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects; and
- informed the Commission in writing that it is prepared to commence operations.

The undertaking must be in operation by no later than **26 July 2020**. To request an extension, the applicant must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

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 well as to the conditions set out in the broadcasting licence for the undertaking.

Expectation

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Encouragement

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.