



Broadcasting Decision CRTC 2019-211

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Reference: Part 1 licence renewal applications posted on 28 February 2019

Ottawa, 13 June 2019

Golden West Broadcasting Ltd.

Various locations in Manitoba and Saskatchewan

*Public record for these applications: 2018-0642-3, 2018-0645-7, 2018-0643-1,
2018-0644-9, 2018-0639-0 and 2018-0640-8*

Various commercial radio stations – Licence renewals

The Commission renews the broadcasting licences for the commercial radio stations set out in this decision from 1 September 2019 to 31 August 2025. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Applications

1. Golden West Broadcasting Ltd. (Golden West) filed applications to renew the broadcasting licences for the following commercial radio stations, which expire 31 August 2019:

Call sign and location	Application
CFAM Altona, Manitoba	2018-0642-3
CFRY Portage La Prairie, Manitoba	2018-0645-7
CHSM Steinbach, Manitoba	2018-0643-1
CJRB Boissevain, Manitoba	2018-0644-9
CJXR-FM Steinbach, Manitoba	2018-0639-0
CKVX-FM Kindersley, Saskatchewan	2018-0640-8

2. The Commission did not receive any interventions regarding these applications.

Non-compliance

3. Sections 9(3)(a) and (b) of the *Radio Regulations, 1986* (the Regulations) set out requirements relating to the submission of the information to be included in a station

self-assessment report and a list of musical selections broadcast by the licensee for any period specified by the Commission.

4. According to the Commission's records, the licensee did not comply with these requirements for the requested broadcast week of 22-28 October 2017 for CFAM, CFRY and CHSM and 29 October to 4 November 2017 for CJRB, CJXR-FM and CKVX-FM. Specifically, a number of syndicated programs were neither included in the music list nor the self-assessment report.
5. Golden West explained that all its stations recently underwent a change in the way the licensee manages, schedules and reports its music to create efficiency and improve overall performance. According to the licensee, while its knowledge of this new music software is strong, it continues to expand its expertise with this complex program. The licensee added that adjustments were made to the music software to ensure consistency is maintained between the music list and the self-assessment report and undertook to provide more information in the future relating to programming aired from third-party content providers and, where required, live performances.
6. In light of the above, the Commission finds the licensee in non-compliance with sections 9(3)(a) and (b) of the Regulations.

Contributions to Canadian content development for CJXR-FM

7. As noted in the appendix to Broadcasting Decision 2013-314, the licensee is currently subject to a condition of licence requiring it to contribute a total of \$38,000 to Canadian content development (CCD) over seven consecutive broadcast years in addition to the basic annual CCD contribution set out in section 15 of the Regulations. Pursuant to this condition, Golden West would be required to make its over-and-above CCD contribution for its seventh year of operations by 31 August 2020, as well as a pro-rated amount representing the remaining 10 months of its first incomplete year of operations.
8. However, the Commission notes that the licensee deviated from the timeline for the payment of annual CCD contributions set out in its condition of licence. Specifically, Golden West made contributions that were greater than those required for the first years of operation to cover the amounts it would owe in subsequent years. Given that the total contributions required for CJXR-FM have been paid in full to eligible initiatives, the Commission considers that no significant harm was caused to the Canadian broadcasting system. Consequently, the Commission finds that the licensee has fulfilled its over-and-above CCD contributions and that no condition of licence relating to such contributions is required in the next licence term.

Regulatory measures

9. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of

non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances leading to the non-compliance, the arguments provided by the licensee and the action taken to rectify the situation are also considered.

10. In this case, the licensee has acknowledged the non-compliance, demonstrated an understanding of the regulatory obligation and taken the appropriate corrective actions to address the issue. As a result, the Commission is confident that the measures that the licensee has put in place will allow it to operate the stations in compliance with its regulatory obligations in the future.
11. Accordingly, the Commission considers that it would be appropriate to renew the licences for the stations for a period of six years. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

12. In light of all the above, the Commission **renews** the broadcasting licences for the commercial radio programming undertakings set out at paragraph 1 of this decision from 1 September 2019 to 31 August 2025. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

13. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory obligations. The retention of these radio monitoring materials makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, a licensee's failure to file requested material in a timely manner or to file such material at all affects the Commission's ability to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.
14. As stated in Broadcasting Information Bulletin 2009-251, unless otherwise specified, all contributions required by condition of licence must be made annually, starting in the first year of operation and continuing in each subsequent broadcast year. These contributions cannot be made in another broadcast year unless prior authorization is sought and obtained from the Commission.
15. The Commission reminds the licensee that it must comply at all times with the requirements set out in the *Broadcasting Act* (the Act), the Regulations and its conditions of licence.

16. Pursuant to section 22 of the Act, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

Employment equity

17. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *English-language FM radio station in Steinbach*, Broadcasting Decision CRTC 2013-314, 28 June 2013
- *Clarifications regarding Canadian content development contributions made by commercial radio stations*, Broadcasting Information Bulletin CRTC 2009-251, 5 May 2009

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2019-211

Terms, conditions of licence and expectation for the commercial radio programming undertakings CFAM Altona, CFRY Portage La Prairie, CHSM Steinbach, CJB Boissevain and CJXR-FM Steinbach, Manitoba, and CKVX-FM Kindersley, Saskatchewan

Terms

The licences will expire 31 August 2025.

Conditions of licence applicable to all stations

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 licences for the undertakings.

Additional condition of licence for CJXR-FM Steinbach

2. 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), the licensee shall devote at least 40% of its musical selections from content category 2 (Popular Music) in each broadcast week and between 6 a.m. and 6 p.m. from Monday to Friday 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 meaning set out in the Regulations.

Expectation

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