



Broadcasting Decision CRTC 2019-266

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Reference: 2019-10

Ottawa, 29 July 2019

Exploits Valley Community Radio Inc.
Grand Falls, Newfoundland and Labrador

Public record for this application: 2018-0954-2

Public hearing in the National Capital Region

19 March 2019

Community radio station in Grand Falls-Windsor

*The Commission **approves** an application for a broadcasting licence to operate a low-power, English-language community FM radio station in Grand Falls-Windsor, Newfoundland and Labrador.*

Application

1. Exploits Valley Community Radio Inc. (EVCR) filed an application for a broadcasting licence to operate a low-power, English-language community FM radio station in Grand Falls-Windsor, Newfoundland and Labrador. The Commission received an intervention in support of this application.
2. EVCR is a not-for-profit corporation that is controlled by its board of directors.
3. The station would operate at 94.5 MHz (channel 233LP) with an effective radiated power of 35 watts (non-directional antenna with an effective height of antenna above average terrain of 73 metres).¹
4. The applicant indicated that the station would broadcast 126 hours of programming each broadcast week, of which at least 116 hours would be devoted to local programming. The remainder would be devoted to wrap-around programming.
5. In each broadcast week, 1.5 hours of the spoken word programming broadcast would be devoted to news programming (80% local and 20% regional), including 45 minutes of pure news. In addition, the station would provide weather reports and local events listings, and would broadcast programs that feature, among other things, interviews with those working in the health sector, traditional Newfoundland music and stories relating to such music, and rare music from the 50s, 60s, 70s and 80s along with related history and trivia.

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

6. In regard to the music programming to be broadcast, approximately 62.5% would be drawn from content category 2 (Popular Music) and approximately 37.5% from content category 3 (Special Interest Music).² EVCR indicated that the station would broadcast and promote local Newfoundland and Labrador music talent from all genres who do not get airplay on other stations.
7. In regard to volunteer participation, EVCR indicated that its station would be operated by a dedicated group of volunteers from the community who would be involved in all aspects of the station's operations. The applicant added that it would host a regular open house event where the public would be welcome to visit the station so that they may gain insight into how community radio operates, chat with existing volunteers, and learn how members of the community can get involved.
8. EVCR noted that its board of directors would ultimately oversee all aspects of the proposed station, including programming, and that the programs to be aired on the station would be reviewed and approved by the board of directors in order to ensure that all content adheres to Commission requirements. Additionally, to ensure that all programming obligations are met throughout its licence term, the board of directors would regularly review log sheets for the programs broadcast. Finally, the applicant stated its intention to establish a separate programming committee and volunteer program director role to handle all content on the station, which would eliminate some of the onerous responsibilities placed on its board of directors.

Commission's analysis and decisions

9. After examining the record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address relate to the following:
 - the financial impact of the proposed service on existing radio stations in the market; and
 - the diversity of programming.

Financial impact on existing radio stations in the market

10. The Grand Falls-Windsor radio market is currently served by two English-language commercial radio stations, CKXG-FM Grand Falls-Windsor and CKCM Grand Falls-Windsor, both of which are operated by Stingray Radio Inc.
11. The proposed community station would serve a population of 12,371 in its primary (i.e., 3 mV/m) service contour and a population of 14,196 in its secondary (i.e., 0.5 mV/m) service contour.

² These content categories, and other content categories and subcategories, are set out in the appendix to Broadcasting Regulatory Policy 2010-819.

12. EVCR, a not-for-profit corporation, expects that nearly 25% of its proposed station's revenues would be generated by local sales, with the remainder to come from donations and from government and non-government funding.
13. In light of the above, and given the nature of the proposed service, the Commission finds that approval of this application would not have an undue negative financial impact on existing stations in the market.

Diversity of programming

14. The Commission's policy for campus and community radio stations is set out in Broadcasting Regulatory Policy 2010-499. As indicated in that policy, the programming of campus and community radio stations should distinguish itself from that of the commercial and public sectors in both style and substance, and should be rich in local information and reflection. Further, the programming provided by such stations should meet the needs and interests of the communities they serve in ways that are not met by commercial radio stations and Canadian Broadcasting Corporation (CBC) stations. Programming should consist of music, especially Canadian music, not generally heard on commercial stations (including Special Interest Music and styles of popular music seldom broadcast), in-depth spoken word programs, and programs that target specific groups within the community.
15. In regard to the present case, the Commission finds that EVCR's proposed service would serve Grand Falls-Windsor through a broad variety of programs focused on the community, and would help new local artists gain on-air exposure, thereby adding diversity to the Grand Falls-Windsor radio market.

Conclusion

16. In light of all of the above, the Commission finds that the proposed station would contribute to local representation and to programming diversity in the Grand Falls-Windsor radio market. Moreover, the Commission is satisfied that the application is consistent with the provisions for community radio stations set out in Broadcasting Regulatory Policy 2010-499. Accordingly, the Commission **approves** the application by Exploits Valley Community Radio Inc. for a broadcasting licence to operate a low-power, English-language community FM radio programming undertaking in Grand Falls-Windsor, Newfoundland and Labrador. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

17. Pursuant to section 16 of the *Radio Regulations, 1986*, all licensees of community radio stations must participate in the National Public Alerting System.

Secretary General

Related documents

- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2019-266

Terms, conditions of licence, expectations and encouragement for the low-power, English-language community FM radio programming undertaking in Grand Falls-Windsor, Newfoundland and Labrador

Terms

The licence will take effect 1 September 2019 and expire 31 August 2026.

The station will operate at 94.5 MHz (channel 233LP) with an effective radiated power of 35 watts (non-directional antenna with an effective height of antenna above average terrain of 73 metres).

The Department of Industry's (the Department's) *BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings* specifies that a low-power FM radio station is considered a secondary assignment operating on an unprotected channel. Should an FM station or transmitter with protected status be granted a frequency incompatible with that used by the low-power station considered in this decision, the applicant may need to cease the operation of that low-power station, or file an application to change its frequency and/or technical parameters.

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

Furthermore, the licence for this undertaking will be issued only once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **29 July 2021**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, as well as to the conditions set out in the broadcasting licence for the undertaking.

Expectations

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website.

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

Encouragement

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. The Commission encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.