



## Broadcasting Decision CRTC 2020-38

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Reference: 2019-225

Ottawa, 30 January 2020

**CJNE FM Radio Inc.**  
Nipawin, Saskatchewan

*Public record for this application: 2019-0024-1*  
*Public hearing in the National Capital Region*  
*5 September 2019*

### Low-power commercial radio station in Nipawin

*The Commission **approves** an application by CJNE FM Radio Inc. for a broadcasting licence to operate a low-power, English-language commercial FM radio station in Nipawin, Saskatchewan.*

#### The application

1. CJNE FM Radio Inc. (CJNE) filed an application for a broadcasting licence to operate a low-power, English-language commercial FM radio station in Nipawin, Saskatchewan.
2. CJNE is owned by Norman H.J. Rudock and Treana J. Rudock, and controlled by Ms. Rudock, the majority shareholder.
3. The station would operate on frequency 89.5 MHz (channel 208LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 49.3 metres).
4. The applicant indicated that the station would broadcast 126 hours of local programming each broadcast week, of which 12 hours would be devoted to spoken-word programming.
5. In each broadcast week, one hour and 46 minutes of spoken word programming would be devoted to news, with 95% of newscasts devoted to local and regional news and 5% devoted to national and international news. The applicant stated that it intends to broadcast the same content for news, weather, sports and community events for both of its stations in Nipawin, CJNE-FM and the proposed station, as it is a small community. Each station's remaining spoken-word content would be independent of that of the other station.

6. CJNE submitted that it requires a second station in the community with a Country music format in order to reach listeners whom it does not currently reach with the programming of its existing station.
7. In regard to the music programming to be broadcast, 1.2% would be devoted to Canadian emerging artists per broadcast week, which is the equivalent of three plays per day.
8. The applicant has not proposed any over-and-above Canadian content development (CCD) contributions.

### **Interventions and reply**

9. The Commission received an intervention in opposition to this application from Jim Pattison Broadcast Group Limited Partnership (Pattison), which owns radio stations in neighbouring communities, outside of the Nipawin market. Pattison stated that the market is shrinking and that there will be a 40% decrease in advertising revenues as the community of Nipawin cannot provide additional advertising opportunities to support new stations. In its reply, CJNE submitted that Pattison is trying to manipulate the figures to the detriment of CJNE. It noted that with its new Country music format, the new station will be able to reach more people.
10. Pattison expressed the concern that CJNE will submit a request to secure an additional rebroadcasting transmitter within the intervener's coverage area, even though CJNE stated in its application that it would not do so.
11. The Commission also received a joint intervention in support of this application, which included numerous letters filed by individuals, local business owners, a Member of the Legislative Assembly of Saskatchewan, and the Premier of Saskatchewan.

### **Commission's analysis and decision**

12. The proposed commercial station would be the first Country music service for the Nipawin community, and would serve a population of 170 in its primary service contour and a population of 4,966 in its secondary service contour.
13. CJNE is currently the only licensed commercial station serving the Nipawin radio market. Pattison operates stations serving the neighbouring community of Melfort with transmitters in Dafoe, Waskesiu Lake and Carrot River, Saskatchewan, all of which are outside of Nipawin's market.
14. In regard to Pattison's concerns that Nipawin cannot support an additional station, the Commission does not have any concerns regarding undue economic impact on stations operating in the market given that CJNE is the only commercial operator in Nipawin.

15. In regard to Pattison's concern regarding a possible future attempt from CJNE to expand the proposed station's contours into the markets Pattison is licensed to serve, the Commission notes that there is currently no overlap between the primary contour of the proposed station and those of stations in adjacent markets. Should CJNE apply to expand coverage in the future, any such application would be evaluated based on the evidence submitted at that time.
16. In regard to CCD contributions, given that Nipawin is a small market and based on CJNE's financial projections, the proposed station would not be required to make an annual basic CCD contribution.<sup>1</sup>

## **Conclusion**

17. In light of the above, the Commission **approves** the application by CJNE FM Radio Inc. for a broadcasting licence to operate a low-power, English-language commercial FM radio programming undertaking in Nipawin, Saskatchewan. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

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

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<sup>1</sup> As set out in *Amendments to the Radio Regulations, 1986 concerning basic Canadian content development contributions and the addition of a definition of the Community Radio Fund of Canada*, Broadcasting Regulatory Policy CRTC 2013-476, 6 September 2013, licensees of commercial radio stations with total revenues of \$1,250,000 or less are relieved of the requirement to make basic CCD contributions.



## Appendix to Broadcasting Decision CRTC 2020-38

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

#### Terms

The licence will expire 31 August 2026.

The station will operate at 89.5 MHz (channel 208LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 49.3 metres).

Pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry (the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

The Department of Industry'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 that is 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.

Furthermore, the licence for this undertaking will be issued 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 **30 January 2022**. 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 of licence 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.