



Broadcasting Decision CRTC 2005-522

Ottawa, 21 October 2005

Dennis M. Dyck, on behalf of a corporation to be incorporated
Yorkton, Saskatchewan

Application 2005-0069-6
Public Hearing in the National Capital Region
15 August 2005

Christian music FM radio station

*The Commission **approves** an application for a low-power English-language specialty FM radio station in Yorkton that will broadcast Christian music.*

The application

1. The Commission received an application by Dennis M. Dyck, on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language specialty low-power FM radio programming undertaking that would provide a Christian music service to listeners in Yorkton. The proposed station would operate at 100.5 MHz (channel 263LP) with an effective radiated power (ERP) of 44.8 watts.
2. The applicant indicated that a minimum of 95% of all musical selections aired in each broadcast week would be drawn from subcategory 35 (Non-classic religious). A minimum of 10% of musical selections drawn from category 3 (Special interest music) broadcast during each broadcast week would be Canadian selections. The spoken word programming would make up 35% of the station's programming on a weekly basis, and would include approximately 27 hours of acquired religious programming, as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993 (the Religious Policy).
3. The applicant indicated that the locally-produced spoken word programs aired by the station in each broadcast week would include two hours focusing on the local Aboriginal community as well as programming devoted to the local Ukrainian community. The local programming would also cover teen issues and local sports events.
4. The applicant stated that it would not participate in the Canadian talent development plan established by the Canadian Association of Broadcasters. Instead, the applicant made a commitment to promote Canadian talent by contributing \$400 in each broadcast year towards the cost of the production of an annual concert featuring a local Canadian artist performing musical selections drawn from category 35. The applicant agreed to accept a condition of licence requiring adherence to this commitment.

Interventions

5. The Commission received numerous interventions to this application, the majority of which were in support.
6. Yorkton Broadcasting Company Limited & Walsh Investments Inc., partners in a general partnership known as GX Radio Partnership (GX Radio), is the licensee of the two commercial radio stations currently licensed to serve Yorkton: CJGX and CFGW-FM. GX Radio expressed concern that the applicant's proposed religious format could diminish the revenues generated by the religious and gospel music programs that have been broadcast by CJGX on Sunday mornings for many years. In addition, GX Radio questioned whether the applicant would fulfil its commitment to provide local programming targeted to the local Aboriginal and Ukrainian communities.
7. GX Radio alleged that the applicant's business plan was unrealistic, but nevertheless claimed that, if the applicant were able to carry out its plan, the new entrant in the Yorkton radio market would have an undue negative impact on the two incumbent commercial radio stations. In this regard, the intervener argued that the new signals in the Yorkton radio market from community and low-power radio stations are eroding listenership and advertising revenues from CJGX and CFGW-FM, and that the addition of another signal will only further fragment listenership in the market.
8. Radio CJVR Ltd., the licensee of CKJH and CJVR-FM Melfort, Saskatchewan submitted that local commercial radio stations have always played a vital role in small communities. In the intervener's view, however, too many radio stations have been licensed in recent years with the result that community support for local commercial radio stations is declining. It also argued that the introduction of low-power radio stations offering niche formats has fragmented audiences and diminished the level of service that the incumbent local commercial radio stations have provided for years.
9. Dauphin Broadcasting Company Limited, the licensee of CKDM Dauphin, Saskatchewan also expressed concern that the proposed radio station could have a negative impact on existing radio stations in the area.

Applicant's replies

10. In response, the applicant submitted that, in offering a substantial amount of spoken word programming, the proposed station would increase the diversity of the programming available in the Yorkton radio market. The applicant also noted that the local Aboriginal and Ukrainian communities have agreed to provide diverse local programming for broadcast on the proposed station.
11. The applicant maintained that the proposed station would generate advertising revenues from new sources and would, therefore, not have an undue negative impact on the incumbent radio broadcaster in Yorkton. It added that Yorkton has enjoyed steady economic growth over the past 30 years and that there is optimism for future growth in the community's economy.

Commission's analysis and determination

12. The Commission has considered the concerns expressed by the opposing interveners regarding the potential negative impact that the applicant's proposed station could have on the existing commercial radio stations in Yorkton. The Commission notes that the Yorkton radio market is financially healthy. In addition, the Commission considers that the low-power niche programming service proposed by the applicant will have little economic impact upon the two mainstream full-power radio stations currently licensed to serve Yorkton.
13. The Commission is satisfied that the addition of the proposed station will increase the diversity of radio services available in the Yorkton market without unduly negatively impacting upon incumbent radio stations in the market.
14. In light of all of the above, the Commission **approves** the application by Dennis M. Dyck, on behalf of a corporation to be incorporated, for a broadcasting licence to operate an English-language specialty low-power FM radio programming undertaking to provide a Christian music service at 100.5 MHz (channel 263LP) with an ERP of 44.8 watts.
15. The Commission notes that the applicant indicated that, in each broadcast week, it would broadcast approximately 27 hours of acquired religious programming, as defined in the Religious Policy. The Commission considers that, when the applicant offers religious programming as defined in the Religious Policy, it must adhere to the guidelines set out in that policy with respect to the provision of balance (section III.B.2.a)) and ethics (section IV.). The Commission is therefore imposing a **condition of licence**, as set out in the appendix to this decision, requiring that, when the applicant does broadcast such religious programming, it must adhere to these guidelines.
16. The licence will expire 31 August 2012 and will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of conditions 5 and 8. The licence will also be subject to the **conditions** set out in the appendix to this decision.

Issuance of the licence

17. The Department of Industry (the Department) has advised the Commission that, while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.
18. The Commission reminds the licensee that, 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.

19. Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission also reminds the licensee that it will have to select another frequency if the Department so requires.
20. The Commission will only issue the licence once it has received documentation confirming that:
 - an eligible Canadian corporation has been incorporated in accordance with the application in all material respects.
 - the licensee 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 21 October 2007. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Employment equity

21. 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.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Decision CRTC 2005-522

Conditions of licence

1. The licence shall be subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of conditions 5 and 8.
2. The station shall be operated within the Specialty format as defined in *A Review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. A minimum of 95% of all musical selections broadcast during each broadcast week shall be devoted to selections drawn from subcategory 35 (Non-classic religious), as set out in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000.
4. The licensee shall, as an exception to the percentage of Canadian musical selections set out in section 2.2(3) of the *Radio Regulations, 1986*, in any broadcast week, devote in that broadcast week a minimum of 10% of its musical selections from category 3 (Special interest music) to Canadian selections.

For the purposes of this condition, the terms “broadcast week”, “Canadian selection”, “content category” and “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

5. Where the licensee broadcasts religious programming as defined in the *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV. of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.
6. Upon commencement of operation, the licensee shall make direct expenditures of at least \$400 in each broadcast year to support Canadian talent development. The applicant shall allocate its expenditures to the production of an annual concert featuring a local Canadian artist performing musical selections drawn from subcategory 35 (Non-classic religious).

The Commission reminds the licensee that all direct cost expenditures related to Canadian talent development must comply with the criteria set out in *An FM policy for the nineties*, Public Notice CRTC 1990-111, 17 December 1990, which describes initiatives generally accepted by the Commission.