



## Broadcasting Decision CRTC 2010-762

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Route reference: 2010-295

Ottawa, 14 October 2010

**5777152 Manitoba Ltd.**  
Virден, Manitoba

*Application 2010-0106-5, received 28 January 2010*  
*Public Hearing in the National Capital Region*  
*19 July 2010*

### English-language FM radio station in Virден

1. The Commission **approves** the application by 5777152 Manitoba Ltd. for a broadcasting licence to operate an English-language commercial FM radio programming undertaking in Virден. The terms and **conditions of licence** are set out in the appendix to this decision.
2. 5777152 Manitoba Ltd. is wholly owned and controlled by Mr. William Gade.
3. The new station will operate at 103.3 MHz (channel 277A) with an effective radiated power of 3,440 watts (non-directional antenna with an effective height of antenna above average terrain of 38 metres). It will offer a musical format including various category 2 (Popular Music) genres, such as Country, Rock, Pop and Oldies.
4. The station will operate in a single-station market as defined in Public Notice 1993-121. Accordingly, it is not subject to the requirement that one third of its programming be local in order to solicit or accept local advertising. The Commission notes, however, that the applicant committed to providing a minimum of 75 hours of local programming per broadcast week, of which 8 hours will be devoted to pure news. The applicant committed to a total spoken word level of 18 hours, which will include news, sports, weather, surveillance, debates, interviews and events. The applicant also stated that it intended to frequently broadcast a higher level of local programming.
5. The Commission received an intervention in opposition to the application by Riding Mountain Broadcasting Ltd. (Riding Mountain) expressing concern over the potential impact of a new Virден station on the viability of its stations in western Manitoba. Specifically, Riding Mountain noted that Virден is part of the Brandon central area as defined by BBM Canada and that the proposed coverage area exceeds Virден's geographical boundaries. The intervener further noted that Brandon is a small market

as defined by the Commission in Public Notice 1993-121 and that such markets are vulnerable to the impact of new competition.

6. However, although Virden is located within the Brandon central area as defined by BBM Canada, the Commission notes that neither the 3 mV/m nor the 0.5 mV/m service contours of the new Virden station enter the city of Brandon. Furthermore, given the distance that exists between Virden and Brandon and the modest size of the population within the new station's coverage area, the Commission considers the potential impact of the new Virden station on existing stations in the Brandon market minimal.

### **Canadian content development**

7. The Commission reminds the applicant that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time. The Commission notes the applicant's commitment to exceed the minimum required contribution. Specifically, the applicant committed to devote, by condition of licence, \$100 in each of the first seven years of operation over and above the required basic annual contribution to CCD. Of this amount, 20% will be devoted to FACTOR or MUSICACTION, with the remainder to be directed to eligible initiatives, including local band programs and local events. A **condition of licence** in this regard is set out in the appendix to this decision.
8. The Commission reminds the applicant that any development initiatives that have not been allocated to specific parties by condition of licence must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Broadcasting Public Notice 2006-158.

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 2010-762

### Terms, conditions of licence and encouragement

#### Terms

##### Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Virden, Manitoba

The licence will expire 31 August 2017.

The station will operate at 103.3 MHz (channel 277A) with an effective radiated power of 3,440 watts (non-directional antenna with an effective height of antenna above average terrain of 38 metres).

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.

The Commission reminds the applicant 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.

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 14 October 2012. 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 licence shall be subject 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.
2. In addition to the basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall, upon commencement of operations, make an annual contribution of \$100 (\$700 over seven consecutive broadcast years) to the promotion and development of Canadian content. Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR or MUSICACTION. The remainder of this additional CCD contribution shall be allocated to parties and initiatives fulfilling the

definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

## **Encouragement**

### **Employment equity**

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.