

October 2, 2012

Filed Via Access Key

Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

**Attention: John Traversy,
Secretary General**

Dear Mr. Traversy:

**Re: Broadcasting Notice of Consultation CRTC 2012-461
Licence Renewal Application 2011-0115-4 by Westwave Broadcasting Inc. of
CKAY-FM in Sechelt, British Columbia**

1. The Jim Pattison Broadcast Group Limited Partnership (Pattison) files this intervention regarding the above-noted licence renewal application by Westwave Broadcasting Inc. (Westwave) based on Pattison's concerns outlined below. Pattison requests that the Commission issue a clarification to the owners of CKAY-FM by imposing a condition of licence that they operate in accordance with the original licence issued by the Commission in 2005 as a local Sechelt, British Columbia radio station. Since 2009, CKAY-FM has been increasingly positioning itself as a Nanaimo radio station establishing studios, a morning show and significant sales presence in Nanaimo, British Columbia. These steps are contrary to commitments made by CKAY-FM in previous proceedings before the Commission and Pattison submits that the conditions of licence should result in removal of the studios, morning show, and sales presence in Nanaimo as CKAY-FM is not licenced to serve that market.
2. Pattison is a Western based radio and television company which operates 29 radio stations and three television stations in British Columbia and Alberta. These stations are primarily located in very small and medium-sized markets which include CHWF-FM and CKWV-FM in Nanaimo, British Columbia as well as smaller stations in Port Alberni, Courtenay and Parksville Beach, British Columbia which are individual licences. Pattison operates each of these stations as local stations consistent with the original licences issued by the Commission. Pattison is simply asking that Westwave be obligated to do the same.

3. On April 20, 2005 in Broadcasting Decision CRTC 2005-167, the Commission granted Westwave an English-language FM commercial radio station to serve Sechelt and the Sunshine Coast in British Columbia. A copy of the Broadcasting Decision is attached as Schedule A to this letter. A clear issue in that Decision was that the licence was to service Sechelt, not Nanaimo. The Applicant confirmed that commitment during the Application process in 2005. As set out at page 6 of the Decision, paragraph 13 states:

13. In reply to Island's concerns respecting potential impact on advertising revenues, Westwave submitted an economic planning study conducted by the Regional District of Nanaimo which projects steady economic growth. In addition, Westwave indicated that its intention was not to serve the Nanaimo market nor to sell advertising to Nanaimo businesses.

4. In 2007 when Westwave applied to amend its licence to add a rebroadcaster to service Powell River in Application No. 2007-0924-8, Westwave further confirmed its commitment not to solicit advertising outside of its licenced area. Westwave stated in response to Commission staff questions in that proceeding:

- 4.1 Indicate to which of the communities the station's principle marketing activities will be directed. Westwave Broadcasting's current marketing efforts for CKAY-FM are restricted to the lower Sunshine Coast area of B.C. This area includes the communities of Gibson, Sechelt, Langdale, Pender Harbour, and Egmont. No additional communities will be added to the station's marketing activities should this application be approved. An increase in our overall coverage may translate into a slight increase in our national and regional advertising content however, **Westwave Broadcasting commits that it will not solicit or accept advertising outside of the area where its principle marketing activities are currently directed.**

- 5.1 Provide a short narrative explaining the expected impact on the market (effect on your station and other stations that are in the market) that the approval of your proposal would have. The addition of a transmitter for CKAY-FM at Texada Island will have little or no effect on existing broadcasting stations. **The applicant will not solicit or accept local advertising outside of the current approved market area of CKAY-FM which consists of the lower Sunshine Coast of B.C. including the Sunshine Coast Regional District, the Town of Gibsons, and Municipality of Sechelt.** Westwave Broadcasting will refrain from soliciting local advertising in any of the areas of increased coverage provided through the operation of the proposed transmitter.

Pattison submits that Westwave clearly has not honoured those commitments.

5. Pattison submits that not only has Westwave not followed its intention, to the contrary it has actively attempted to evolve into a Nanaimo based radio station. Pattison submits that this change should be dealt with by the Commission through a condition of licence requiring Westwave to cease operating, marketing and programming in the Nanaimo market.
6. As demonstrated by the Google Map attached as Schedule B to this letter, Sechelt, Gibsons and the Sunshine Coast are not located on Vancouver Island. Nanaimo is located on Vancouver Island. The licence issued to CKAY-FM in 2005 attached as Schedule A clearly states that it will serve Sechelt, Langdale, Gibsons, Roberts Creek and Pender Harbour. Nanaimo is not included in the communities to be served as it was never intended to be licenced as a Nanaimo station.
7. Since 2009, Westwave has slowly been marketing themselves as a Nanaimo radio station. This began in early 2009 when Westwave sent an email letter to all Greater Nanaimo Chamber of Commerce members advising on the expansion of CKAY-FM into Nanaimo by expanding into the balance of their prime coverage area and their plan to broadcast from downtown Nanaimo. Soon after, Westwave leased office space in Nanaimo, British Columbia, opened a studio and has since commenced a “local” radio show broadcasting from Nanaimo.
8. Later in 2009, advertisements appeared on bus benches in Nanaimo stating that “We’re Here, Broadcasting from Studios in Downtown Nanaimo”. Westwave was then featured in a newspaper article which stated their intentions to fully expand Nanaimo operation, employ about a dozen people and positioning themselves as a Nanaimo station. Westwave now has a few regular Nanaimo businesses advertising on their station. Westwave has since tried advertising in newspapers, through contests, on vehicles and at various venues and events in and around Nanaimo.
9. In May 2012, Vista Radio announced their intention to purchase CKAY-FM and the Commission approved this sale by administrative approval in CRTC Decision 2012-0828-1 dated September 7, 2012. Subsequent to that announcement, Vista recently advertised the need for sales representatives for the Nanaimo station 91.7 FM which is presently owned by Westwave. A copy of the advertisement is attached as Schedule C to this letter. It would appear Westwave has sold a station licenced to serve the Sunshine Coast as a station which is increasingly focussed on serving Nanaimo, a market it is not licenced to serve. This should not be allowed by the Commission as it, in effect, makes a mockery of the licencing process.
10. Westwave has been asserting that they are a Nanaimo radio station when they have been licenced to service the areas of Sechelt and the Sunshine Coast. This assertion is contrary to the representations made to the Commission in their radio licence application in 2005 and as set out in Broadcasting Decision CRTC 2005-167.
11. Pattison submits that it is contrary to the public interest and integrity of the licencing process that Westwave be permitted to continue to advertise CKAY-FM as a Nanaimo

radio station when their original application was to operate an English-language FM radio programming undertaking in Sechelt, British Columbia.

12. Accordingly, Pattison submits that while they do not object to Westwave's radio licence renewal, the Commission should impose as a condition of a licence renewal that CKAY-FM broadcast to the audience it had originally intended, that of Sechelt, Gibsons and the Sunshine Coast and not Nanaimo on Vancouver Island. The result should be the removal of studios, its morning show and its sales presence in Nanaimo, a market it is not licenced to serve. This is consistent with the objectives set out *Broadcasting Act* and the Commission's licencing policies.

Sincerely,

A handwritten signature in blue ink that reads "R. W. Arnish". The signature is written in a cursive, flowing style.

Rick Arnish, Chairman
Jim Pattison Broadcast Group Limited Partnership

cc: Robert Morris, CKAY-FM

SCHEDULE A

(i) Broadcasting Decision CRTC 2005-167

Ottawa, 20 April 2005

Westwave Broadcasting Inc.
Sechelt, British Columbia

*Application 2004-0170-4
Public Hearing at Vancouver, British Columbia
28 February 2005*

English-language FM commercial radio station in Sechelt

*The Commission **approves** an application by Westwave Broadcasting Inc. to operate an English-language FM radio programming undertaking in Sechelt.*

The application

1. The Commission received an application by Westwave Broadcasting Inc. (Westwave) for a broadcasting licence to operate a new English-language FM commercial radio programming undertaking in Sechelt, British Columbia. The proposed service would also serve the communities of Langdale, Gibsons, Robert Creek and Pender Harbour.
2. The new station would operate in a "pop adult" music format which would consist predominately of music from the 60's, 70's and 80's, and would offer 126 hours of local programming each week, of which 5 hours and 55 minutes would be devoted to local news.
3. The applicant originally proposed to operate at 93.1 MHz (channel 226C) with an average effective radiated power (ERP) of 11,300 watts, but subsequently filed an amendment to its application, proposing instead the use of 91.7 MHz (channel 219C1) with an effective radiated power of 600 watts.

Canadian talent development

4. Under the Canadian talent development (CTD) funding plan developed by the Canadian Association of Broadcasters (CAB) a radio licensee adhering to the plan and serving a market the size of Sechelt would be expected to contribute a minimum of \$400 in each broadcast year to eligible third parties for the development of Canadian musical and other artistic talent.
5. Westwave proposed to spend a total of \$39,000 on CTD, over a seven-year licence term, including the contribution specified under the CAB plan. This amount would be distributed as follows:

Coast Cultural Alliance - \$16,500 for the support of a variety of local artists, distributed as follows:

- \$1,500 contribution in each of the first, second and third years of operation.
- \$2,000 contribution in each of the fourth and fifth years of operation.
- \$4,000 contribution in each of the sixth and seventh years of operation

Sun Coast Star Search - \$12,500, distributed as follows:

- \$1,500 contribution in each of the first, second and third years of operation.
- \$2,000 contribution in each subsequent year of operation.

Foundation to Assist Canadian Talent on Record (FACTOR) - \$10,000, distributed as follows:

- \$2,000 contribution in each of the fourth and fifth years of operation.
- \$3,000 contribution in each of the sixth and seventh years of operation.

6. A **condition of licence** is set out in the appendix to this decision requiring the applicant to adhere to its financial commitments to CTD. The Commission considers that the minimum amount of the budget allocation is to be made over the seven consecutive broadcast years following the commencement of operations.

Interventions

7. The Commission received numerous interventions in support of this application, as well as interventions in opposition filed by Central Island Broadcasting Ltd., now known as Island Radio Ltd. (Island), and by the Canadian Broadcasting Corporation (CBC).

8. Island opposed the application on technical grounds, stating that the use of frequency 93.1 MHz would be mutually exclusive with Island's application to establish a new FM service in Port Alberni, and that the proposed signal would intrude into the markets of Nanaimo and Parksville, British Columbia.
9. The CBC also opposed the applicant's original proposal to use 93.1 MHz on technical grounds, indicating that 93.1 MHz would be mutually exclusive with a proposal by the CBC to use channel 226C to improve Radio One reception and make it available on the FM band for audiences in Vancouver.
10. As noted above, Westwave subsequently filed an amendment to its application, proposing the use of 91.7 MHz (channel 219C1).
11. In response to Westwave's amendment, Island filed a second intervention in which it expressed concern that approval of the applicant's proposal would have a significant impact on Island's Nanaimo and Parksville stations. The intervener suggested that the quality of Westwave's proposed signal in Nanaimo would prove attractive to some local advertisers attempting to reach residents of the Sunshine Coast area.
12. Island further indicated that the proposed use of 91.7 MHz in close proximity to Nanaimo might cause interference to the signal of its station CKWV-FM Nanaimo, which uses the frequency 102.3 MHz.

The licensee's reply

13. In reply to Island's concerns respecting potential impact on advertising revenues, Westwave submitted an economic planning study conducted by the Regional District of Nanaimo which projects steady economic growth. In addition, Westwave indicated that its intention was not to serve the Nanaimo market nor to sell advertising to Nanaimo businesses.
14. In response to Island's concern regarding interference to the signal of CKWV-FM Nanaimo, Westwave committed to solve any such problems in Nanaimo, in the unlikely case that they should occur.
15. With respect to the CBC intervention, the applicant noted that the CBC's objection was based on Westwave's proposed use of 93.1 MHz. The applicant stated that the CBC did not file an intervention opposing Westwave's proposal to use 91.7 MHz.

The Commission's analysis and determination

16. The Commission has examined the economic impact issues raised by Island and is satisfied with the licensee's response.
17. With respect to the CBC intervention, the Commission notes that the CBC's intervention was in opposition only to the applicant's use of 93.1 MHz, and not to the applicant's

subsequent proposal to use 91.7 MHz.

18. The Commission notes that technical matters such as potential for frequency interference are within the jurisdiction of the Department of Industry (the Department), and that it has advised the Commission that the Westwave application for the use of 91.7 MHz is conditionally technically acceptable. While the Department noted the potential for interference to the signal of CKWV-FM Nanaimo, it stated that it is unlikely to be a problem in this case, and confirmed that Westwave has made a commitment to remedy any such interference.
19. Accordingly, the Commission **approves** the application by Westwave Broadcasting Inc. for a broadcasting licence to operate an English-language FM commercial radio programming undertaking in Sechelt, British Columbia, on 91.7 MHz (channel 219C1) with an average effective radiated power of 600 watts.
20. The licence will expire 31 August 2011 and will be subject to the conditions of licences set out in *New licence form for commercial radio stations*, Public Notice CRTC [1999-137](#), 24 August 1999, as well as to the **conditions of licence** set out in the appendix to this decision.

Issuance of the licence

21. 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.
22. 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.
23. 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 20 April 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.

Cultural diversity

24. In its *Commercial Radio Policy 1998*, Public Notice [1998-41](#), 30 April 1998, the Commission encouraged broadcasters to reflect the cultural diversity of Canada in their programming and employment practices, especially with respect to news, music and promotion of Canadian artists. The Commission expects

Westwave to reflect the cultural diversity of Canada in its programming and employment practices.

Employment equity

25. 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:
www.crtc.gc.ca*

Appendix to Broadcasting Decision CRTC 2005-167

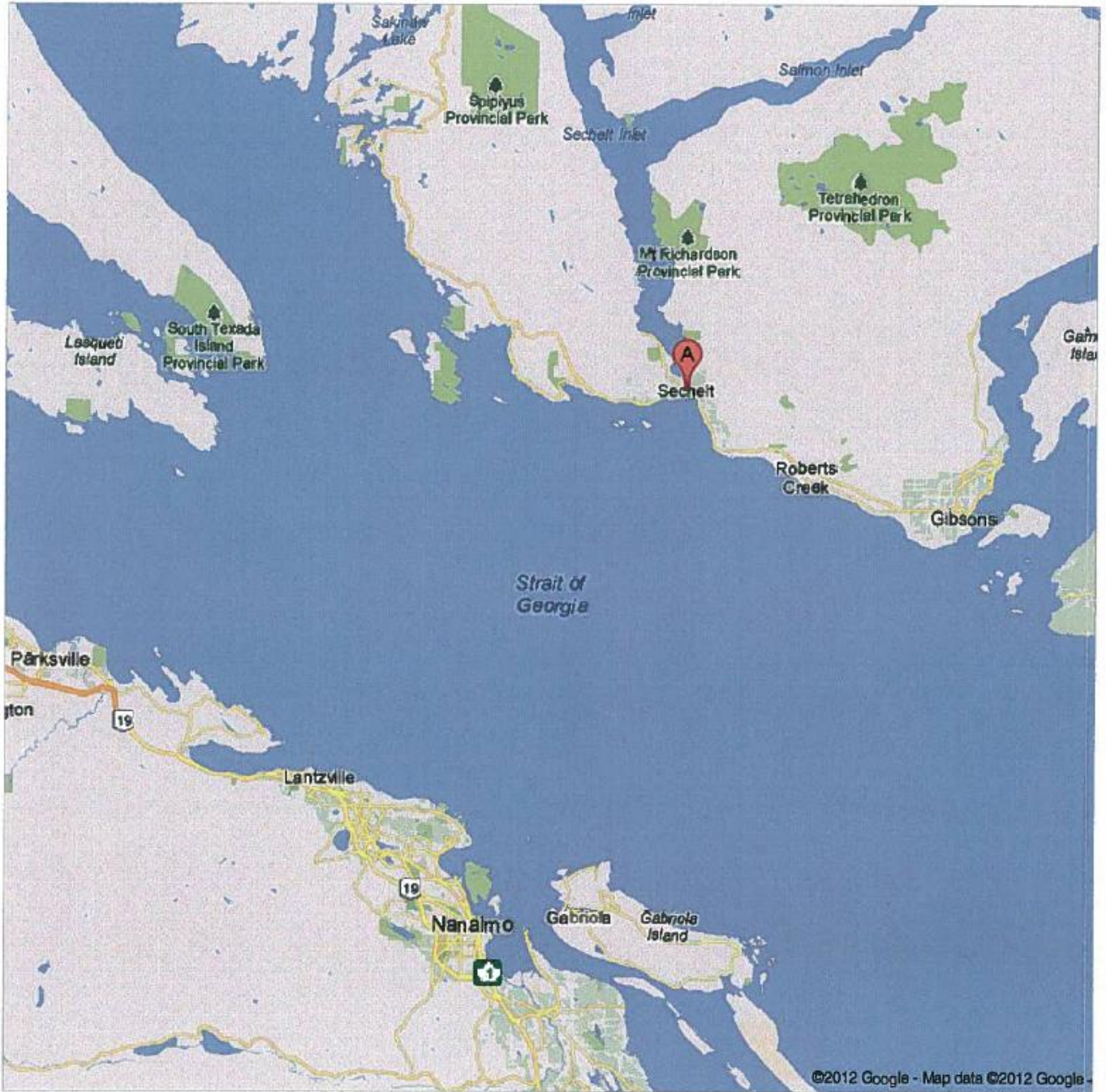
Conditions of licence

1. The licence is subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC [1999-137](#), 24 August 1999, as well as to the following:
2. The licensee shall devote a total of \$39,000 in direct expenditures over the licence term, to support the development of Canadian talent, in accordance with the following minimum annual budgets:

Years 1, 2 and 3:	\$3,000 each year
Years 4 and 5:	\$6,000 each year
Years 6 and 7:	\$9,000 each year

Date Modified: 2005-04-20

SCHEDULE B



SCHEDULE C



Account Executive Nanaimo BC

We believe in striving for ever greater heights.
We believe in pushing boundaries.
We believe that everyone has within them the ability to be truly great.

Competition 0623: Account Executive

Job Details Closing date: September 22, 2012
Location: Nanaimo 91.7 The Coast
Job Area: Sales
Job Term: Full-Time Permanent
Job Term (additional info) Only those selected for an interview will be contacted
Job Salary: TBD
Reports to: GSM/Director – Sales, Vista West/VP - Sales

Job Summary

- Meet and exceed monthly/quarterly/yearly radio and web revenue targets
- Develop new revenue streams from unassigned accounts
- Provide on-going support to ensure optimal client service
- Ability to coordinate creative from initial sales meetings through to preparation of ads for client approval
- Ongoing awareness of our clients' day to day challenges
- Receivables control

Job Requirements

- Minimum 2 years sales experience-plus an understanding of a commission structure business plan
- Radio sales experience preferred but not necessary
- Education in sales and marketing preferred
- High level of initiative/self-motivation-goal oriented
- Strong written and verbal communication skills
- Strong Presentation Skills
- Strong Computer Skills
- Strong organizational and interpersonal skills
- Exceptional Prospecting and Networking skills
- Conceptual, creative thinker and problem solver
- Must enjoy a fast-paced work environment that is based on team & individual effort
- A valid driver's license and reliable automobile
- A positive, friendly manner and customer service approach
- Proven track record in business development

How To Apply

Apply by faxing your resume to (250) 334-9540 Attn: HR Administrator. On your resume, please clearly state the job title and the posting number of the position you are applying for.

Vista Radio connects people to people, products and services that enhance the quality of their lives. We have a positive, team-oriented work environment offering competitive compensation, a comprehensive benefits package and more fun than a barrel of monkeys. As an equal-opportunity employer, we encourage applications from all qualified individuals.

Vista Radio - Connect with us.

Please let this client know that you saw this ad @ MilkmanUnLimited. Thank you.

©2012 Milkman UnLimited. Unauthorized duplication or republication of this or any ad on this site, in whole or in part, without first receiving the express, written permission of the advertiser(s) and MilkmanUnLimited.com is prohibited by law and is a violation of the terms of use of this site as printed above. All rights reserved.