



Broadcasting Decision CRTC 2007-274

Ottawa, 3 August 2007

Burlingham Communications Inc.
Hamilton/Burlington, Ontario

Application 2005-1590-1, received 22 December 2005
Broadcasting Public Notice CRTC 2007-55
22 May 2007

CIWV-FM Hamilton/Burlington – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial FM radio programming undertaking CIWV-FM Hamilton/Burlington, from 1 September 2007 to 31 August 2014.*

Background

1. In Broadcasting Decision 2000-142, the Commission approved an application by Burlingham Communications Inc. (Burlingham) for a broadcasting licence to operate a New Adult Contemporary/Smooth Jazz FM station in Hamilton/Burlington. The licence was to expire 31 August 2006. During the initial stages of the current licence renewal process, extensive consultations were held between the licensee and Commission staff on issues surrounding Canadian talent development (CTD) and music classification. As a consequence, the licence for CIWV-FM was twice administratively renewed, once in Broadcasting Decision 2006-305 and again in Broadcasting Decision 2007-114. The current licence expires 31 August 2007.
2. In view of the two administrative licence renewals, the Commission wishes to take this opportunity to clarify that Burlingham has met all of its CTD obligations, as set out in Broadcasting Decision 2000-142, up to and including the broadcast year ending 31 August 2006. Further, for the current broadcast year ending 31 August 2007, the Commission notes the licensee's commitment in its renewal application to allocate a minimum of \$8,000 annually to CTD, as per the Canadian Association of Broadcasters' former CTD plan.

Licence renewal

3. The Commission **renews** the broadcasting licence for the English-language commercial FM radio programming undertaking CIWV-FM Hamilton/Burlington, from 1 September 2007 to 31 August 2014. The licence will be subject to the **conditions** set out in Public Notice 1999-137, with the exception of condition of licence number 5, as well as to the **conditions** set out in the appendix to this decision.

4. The Commission received several interventions in support of this application.
5. The Commission notes that the licensee proposes to operate CIWV-FM as a conventional, non-Specialty FM radio programming undertaking. Based on the discussions held between Commission staff and Burlingham regarding the classification of certain music genres in relation to Public Notice 2000-14, the Commission considers that adjustments to the licensee's music mix may be required to ensure compliance.

Canadian content development

6. In its *Commercial Radio Policy 2006* (Broadcasting Public Notice 2006-158), the Commission set out a new approach to the development and promotion of Canadian artists. In order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcast using Canadian resources, the Commission replaced the expression "Canadian talent development" (CTD) with "Canadian content development" (CCD). Under the new policy, each radio station holding a commercial radio licence is required to make a basic annual CCD contribution based on its total broadcast revenues in the previous broadcast year. No less than 60% of this basic annual CCD contribution must be allocated to the Foundation Assisting Canadian Talent on Recordings (FACTOR) or MUSICACTION. The remainder must be allocated to parties and initiatives fulfilling the definition of eligible initiatives in Broadcasting Public Notice 2006-158. This requirement will be reflected in the *Radio Regulations, 1986* (the Regulations). Until such time, it will be implemented by a transitional condition of licence, as set out in the appendix to this decision. This condition of licence will expire upon the coming into force of the amendments to the Regulations.

Secretary General

Related documents

- *Administrative renewal*, Broadcasting Decision CRTC 2007-114, 19 April 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Administrative renewal*, Broadcasting Decision CRTC 2006-305, 19 July 2006
- "*New adult contemporary/smooth jazz*" FM station in Hamilton, Decision CRTC 2000-142, 5 May 2000
- *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000

- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999

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 2007-275

Conditions of licence and encouragement

Conditions of licence

1. The licence 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 condition of licence number 5.
2. The licensee shall, upon commencement of operations, make a basic annual contribution to Canadian content development (CCD). The amount of the contribution shall be determined in accordance with the policy set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Public Notice 2006-158), as amended from time to time.

The licensee shall allocate 60% of this basic annual CCD contribution to FACTOR or MUSICACTION.

The remainder of the annual basic contribution to CCD shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives in Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

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.