



Broadcasting Decision CRTC 2007-323

Ottawa, 22 August 2007

3819914 Canada inc.
Saint-Pamphile, Quebec

*Application 2007-0218-5, received 12 February 2007
Broadcasting Public Notice CRTC 2007-65
19 June 2007*

CJDS-FM Saint-Pamphile – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language, low-power commercial FM radio programming undertaking CJDS-FM Saint-Pamphile from 1 September 2007 to 31 August 2011. This short-term licence renewal will permit the Commission to review at an earlier date the licensee's compliance with the Radio Regulations, 1986.*

The application

1. The Commission received an application by 3819914 Canada inc. to renew the broadcasting licence of the French-language, low-power commercial FM radio programming undertaking CJDS-FM Saint-Pamphile. The licence expires 31 August 2007.
2. The Commission did not receive any interventions in connection with this application.

Non-compliance

3. On 14 April 2005, the Commission requested that 3819914 Canada inc. provide the logger tapes and the documents relating to programming broadcast by CJDS-FM Saint-Pamphile during the week of 3 to 9 April 2005.
4. On 4 May 2005, the Commission received a portion of the documents requested, accompanied by a letter in which the licensee indicated that it was unable to provide the logger tapes for the above-mentioned week. The licensee explained that its data storage program prevented it from appropriately responding to the Commission's request. The licensee also indicated that it had made the necessary changes to rectify this situation.
5. Accordingly, the Commission notified the licensee, in a letter dated 29 June 2005, of its apparent non-compliance with subsections 8(5) and 8(6) of the *Radio Regulations, 1986* (the Regulations), which read as follows:

8(5) A licensee shall retain a clear and intelligible tape recording or other exact copy of all matter broadcast

a) for four weeks from the date of the broadcast; or

b) where the Commission receives a complaint from any person regarding the matter broadcast or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of the broadcast.

8(6) Where, before the expiry of the applicable period referred to in subsection (5), the Commission requests from the licensee a clear and intelligible tape recording or other exact copy of matter broadcast, the licensee shall furnish it to the Commission forthwith.

6. On 27 March 2007, the Commission reminded the licensee that it was required, as a condition of its licence, to make payments to third-party organizations dedicated to the promotion of Canadian artists in the proportions indicated in the Canadian Association of Broadcasters' (CAB) guidelines regarding the contribution of funds to Canadian talent development, as set out in Public Notice 1995-196. In accordance with these guidelines, the licensee was required to make contributions of \$400 for each of the fiscal years ending 31 August 2002 and 2003. In reply, in its letter of 27 March 2007, the licensee indicated that it did not recall having promised to contribute an annual cash amount to the promotion of Canadian artists, but that following a notice from the Commission's auditor in January 2005, it had immediately made a contribution of \$400. This contribution has since been made annually.
7. On 28 March 2007, the licensee confirmed that the unpaid contributions for 2002 and 2003 would be made during the current fiscal year.

Commission's analysis and determinations

8. The Commission has considered the licence renewal application and the licensee's file. Given that these were the first violations by 3819914 Canada inc., and given that the licensee indicated that it had taken measures to address the problem leading to its non-compliance, the Commission considers it appropriate to renew the license for a short-term period of four years, in accordance with Circular No. 444. This short-term licence renewal will permit the Commission to review at an earlier date the licensee's compliance with the Regulations and the conditions of the station's licence.
9. Accordingly, the Commission **renews** the broadcasting licence of the French-language, low-power commercial FM radio programming undertaking CJDS-FM Saint-Pamphile from 1 September 2007 to 31 August 2011. The licence will be subject to the **conditions** set out in the appendix to this decision.

Canadian content development

10. 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. This requirement will be reflected in 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

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995

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 2007-323

Conditions of licence and encouragement

Conditions of licence

1. The licence will be subject to the conditions set out in the *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of conditions of licence numbers 5 and 9.
2. The licensee shall make a basic annual contribution to Canadian content development (CCD). The amount of this contribution shall be determined in accordance with *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Broadcasting Public Notice 2006-158), as amended from time to time.

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

The remaining amounts of the basic annual contribution shall be allocated to eligible parties and activities as defined in Broadcasting 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

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.