



Broadcasting Decision CRTC 2008-78

Ottawa, 8 April 2008

Trust Communications Ministries

Barrie, Ontario

Application 2007-1641-7, received 20 November 2007

Broadcasting Public Notice CRTC 2007-142

21 December 2007

CJLF-FM Barrie – Licence amendment

*The Commission **denies** the application by Trust Communications Ministries to amend the broadcasting licence of its specialty radio programming undertaking CJLF-FM Barrie in order to allow it to broadcast up to eight minutes of commercial messages per hour.*

Introduction

1. The Commission received an application by Trust Communications Ministries (Trust) to amend the broadcasting licence of its specialty FM radio programming undertaking CJLF-FM Barrie. The licensee proposed to replace its current condition of licence which reads:

The licensee shall broadcast not more than six minutes of commercial messages per hour during the periods 6 a.m. to 9 a.m. and 4 p.m. to 6 p.m. and a maximum average of four minutes of commercial messages per hour during the remaining hours of the broadcast day.

with the following condition:

The licensee shall broadcast up to eight minutes of commercial messages per hour.

2. In Broadcasting Public Notice 2007-142, the Commission noted that a monitoring of the station's programming had identified the broadcasting of commercial messages in excess of the current limits set out in the licensee's condition of licence. The licensee's rationale for this proposed amendment is to enable it to satisfy an unmet demand for advertising time on CJLF-FM during peak periods and to avoid any further non-compliance relating to the broadcasting of commercial messages.
3. In its application, Trust maintained that the present advertising limit suited CJLF-FM's advertising level for about 75% of the year. Trust provided the following examples of instances where a higher maximum amount of advertising time would be helpful:

- during the months of April and May when Christian colleges launch their recruitment campaigns and Christian camps are looking for customers;
 - for “make goods” required due to administrative errors such as recording the wrong phone number;
 - for Skywords Traffic messages, for which Trust does not receive any revenue and which comprise at least 40 seconds against its local sales; and
 - to reach commuters during Barrie’s longer drive time from 4:00 p.m. to 8:00 p.m.
4. The Commission received an intervention in support of this application from Rock 95 Broadcasting Ltd., licensee of CKMB-FM Barrie.

Non-compliance

5. In a letter of 25 October 2007, the Commission informed the licensee that monitoring of CJLF-FM indicated that it may have failed to comply with its condition of licence relating to the level of commercial messages that may be broadcast every hour during peak periods and throughout the broadcast day. Accordingly, the Commission asked the licensee to provide its comments regarding the steps taken to rectify its non-compliance with the above-noted condition of licence.
6. In its reply dated 2 November 2007, Trust submitted, among other things, that commercial sponsorship for traffic and business reports provided by Skywords Traffic ought not to be included in its commercial message total. The licensee requested a ruling on the matter so that it could adjust its traffic scheduling software, if necessary. Trust further indicated that at certain times of the year it found itself in a sold-out position relative to advertising and that it would be applying for an increase in the level of advertising minutes allowed in order to ensure that the regulatory limit was no longer exceeded.
7. By letter dated 26 November 2007, the Commission informed the licensee that in its view advertising aired during the Skywords Traffic reports corresponded to the definition of commercial messages set out in the *Radio Regulations, 1986* and consequently must be included in its commercial message total. The Commission reminded the licensee that it was responsible for all material broadcast on its airwaves, whether it was provided by a third party or directly produced by the station, and that it was therefore responsible for all commercial messages included in its broadcast content, regardless of their production origin. The Commission again asked the licensee to outline the steps taken to rectify this and other instances of non-compliance with its condition of licence relating to advertising.

8. The licensee replied on 30 November 2007, indicating that it had since adjusted its traffic scheduling software to include all commercial messages broadcast, including those broadcast during the Skywords Traffic and business reports segments. Additionally, Trust indicated that it had submitted its application requesting an increase in the level of advertising minutes allowed in order to ensure future compliance in this regard.

Commission's analysis and determinations

9. The Commission notes that CJLF-FM was licensed as a non-classical Christian music specialty FM station pursuant to Decision 99-90, in which it noted the following:

In its business plan, as originally filed, the applicant indicated that it expected sponsorships to be the primary revenue source. It did not refer to advertising revenues. In later submissions regarding anticipated sources of revenues, the applicant indicated that it contemplated advertising revenues. The applicant stated that its level of advertising "will not exceed an average of four minutes per hour or a maximum of six minutes in drive periods."

10. Consistent with the applicant's commitment, a condition of licence limiting the level of advertising was set out later in Decision 99-90. The licence for CJLF-FM was most recently renewed in Broadcasting Decision 2005-456, subject to certain conditions of licence, including the condition limiting the level of commercial messages that may be broadcast.
11. This self-imposed limit on the level of advertising is common to many Christian music stations. Typically, these stations rely on listener donations as a means of generating revenue sources, as is the case with CJLF-FM. The Commission notes that Trust did not make any argument for approval based upon economic need, apart from stating that it is unable to increase its revenues by increasing its advertising rates.
12. The Commission further notes that its longstanding practice has been to deny applications for licence amendments where licensees are in non-compliance with their conditions of licences. The Commission will review CJLF-FM's compliance in the context of the station's licence renewal.
13. Accordingly, in light of all of the above, the Commission **denies** the application by Trust Communications Ministries to amend the broadcasting licence of its specialty FM radio programming undertaking CJLF-FM Barrie in order to allow it to broadcast up to eight minutes of commercial messages per hour.

Secretary General

Related documents

- Broadcasting Public Notice CRTC 2007-142, 21 December 2007
- *CJLF-FM Barrie and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2005-456, 7 September 2005
- Decision CRTC 99-90, 19 April 1999

This decision 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>.