



Broadcasting Notice of Consultation CRTC 2009-793

Ottawa, 21 December 2009

Notice of applications received

Various locations

Deadline for submission of interventions/comments: 20 January 2010

The Commission has received the following applications:

[\[Broadcasting interventions/comments form\]](#)

Applicant and locality

1. **RNC Media Inc.**
Montréal, Quebec
Application No. 2009-1374-0
 2. **Diffusion Laval inc.**
Laval, Quebec
Application No. 2008-1686-1
 3. **Sound of Faith Broadcasting**
London, Ontario
Application No. 2009-0026-8
 4. **Robert G. Hopkins**
Tagish, Yukon
Application No. 2009-0499-7
 5. **Way of Life Broadcasting**
Dryden, Ontario
Application No. 2009-0021-8
 6. **Rogers Broadcasting Limited**
Kitchener, Ontario
Application No. 2009-0825-4
 7. **Newcap Inc.**
Winnipeg, Manitoba
Application No. 2009-0425-2
1. **Montréal, Quebec**
Application No. 2009-1374-0

Application by **RNC Media Inc.** to renew the broadcasting licence for the commercial French-language specialty radio programming undertaking CKLX-FM Montréal expiring 31 May 2010.

It appears to the Commission that the licensee may have failed to comply with its condition of licence relating to Canadian talent development (CTD) contributions for the 2005, 2006, 2007, 2008 and 2009 broadcast years by not respecting the payment timeline.

The Commission notes that it imposed the following condition of licence in *Commercial French-language specialty FM radio station in Montréal*, Broadcasting Decision CRTC 2003-192, 2 July 2003:

The licensee shall contribute \$200,000 per year over seven years in direct expenditures to Canadian talent development.

The Commission notes that two CTD payments are outstanding for a total value of \$400,000.

Since the station is experiencing financial problems, the licensee proposes to allocate the payment of the \$400,000 contribution over the seven years of the next licence term, at a rate of \$57,143 per year. The licensee thus proposes the following condition of licence:

The licensee shall contribute \$57,143 per year over seven years (total of \$400,000) in direct expenditures to Canadian talent development.

In the interim, the licensee is seeking an exception to section 15 of the *Radio Regulations, 1986* relating to Canadian content development until such time as its total CTD contribution in the amount of \$400,000 has been allocated.

Licensee's address:

1, Place Ville Marie - Suite 1523
Montréal, Quebec
H3B 2B5
Fax: 514-866-8777

E-mail: rbriere@rnc.ca

Examination of application:

At the licensee's address

2. Laval, Quebec

Application No. 2008-1686-1

Application by **Diffusion Laval inc.** to renew the broadcasting licence for the French-language commercial radio programming undertaking CFAV Laval expiring 31 May 2010.

It appears to the Commission that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* relating to the filing of annual returns for the 2004 and 2005 broadcast years. It also appears to the Commission that the licensee may have

failed to comply with its condition of licence relating to Canadian talent development (CTD) contributions for the 2004, 2005 and 2006 broadcast years.

The licensee proposes to delete the following condition of licence:

(2) The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986*, in any broadcast week where at least 90% of musical selections from content category 2 that it broadcasts are selections released before 1 January 1981:

- a) in that broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
- b) between 6 a.m. and 6 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

Licensee's address:

2040 Highway 440
Laval, Quebec
H7S 2M9
Fax: 450-680-1598
E-mail: radio@boomer1570.ca

Examination of application:

At the licensee's address

3. London, Ontario **Application No. 2009-0026-8**

Application by **Sound of Faith Broadcasting** to renew the broadcasting licence for the English-language commercial specialty FM radio programming undertaking CHJX-FM London expiring 31 May 2010.

It appears to the Commission that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* relating to the filing of annual returns for the broadcast years 2006, 2007 and 2008. It also appears to the Commission that the licensee may have failed to comply with its condition of licence relating to Canadian talent development (CTD) contributions for the 2007 and 2008 broadcast years. In a letter dated 28 September 2009, the licensee also indicated that it had incurred a CTD expenditure shortfall for the 2009 broadcast year, which represents an apparent non-compliance with its CTD condition of licence.

The Commission notes that in *Licensing of new radio stations to serve London, Ontario*, Broadcasting Decision CRTC 2009-39, 2 February 2009, it approved the application by

Sound of Faith Broadcasting for a broadcasting licence to operate a new FM radio station in London to replace the low-power station CHJX-FM, subject to the Commission's notification of the acceptability of the following documentation to be submitted:

- proof of CHJX-FM's payments made to various Canadian talent development (CTD) initiatives, as required in *Low-power Christian music FM radio station in London*, Broadcasting Decision CRTC 2002-416, 9 December 2002; and
- a breakdown of CHJX-FM's payments made and a detailed description of the initiatives sponsored with those payments, so as to allow the Commission to determine the eligibility of the initiatives.

These documents were submitted to the Commission on 29 April 2009, and the Commission's determination on the licensee's fulfillment of CHJX-FM's past CTD shortfall will form part of the assessment of the station's renewal application.

Licensee's address:

254 Adelaide Street South
London, Ontario
N5Z 3L1
Fax: 519-679-2459
E-mail: dale@gracefm.ca

Examination of application:

At the licensee's address

4. Tagish, Yukon
Application No. 2009-0499-7

Application by **Robert G. Hopkins** to renew the broadcasting licence for the English-language commercial low-power radio programming undertaking CFET-FM Tagish expiring 31 May 2010.

It appears to the Commission that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* relating to the provision of annual returns for the broadcast years 2003, 2004, 2005, 2006, 2007 and 2008. It also appears to the Commission that the licensee may have failed to comply with its condition of licence relating to Canadian talent development (CTD) contributions for the same broadcast years. In a letter dated 21 October 2009, the licensee also indicated that its 2009 CTD contribution was paid following the 2009 broadcast year, which represents an apparent non-compliance with its CTD condition of licence.

The Commission notes that as set out in *New low-power FM station in Tagish*, Broadcasting Decision CRTC 2002-273, 5 September 2002, the licensee was authorized to operate a local programming service with 44 hours of local programming in each broadcast week. However, it appears that the licensee has not broadcast any local

programming since April 2006. Instead, CFET-FM has rebroadcast exclusively the programming of the English-language commercial radio station CFMI-FM New Westminster, British Columbia.

The Commission intends to review the licensee's plans related to locally produced programming.

Licensee's address:

General Delivery
Box 87
Tagish, Yukon
Y0B 1T0
Fax: 867-399-3012
E-mail: radiator@openbroadcaster.com

Examination of application:

Tagish Post Office
Km 22, Tagish Road
Highway 8

5. Dryden, Ontario

Application No. 2009-0021-8

Application by **Way of Life Broadcasting** to renew the broadcasting licence for the English-language commercial radio programming undertaking CJIV-FM Dryden expiring 31 May 2010.

It appears to the Commission that the licensee may have failed to comply with its condition of licence relating to its Canadian talent development contribution for the 2004 broadcast year.

In its licence renewal application, the licensee proposes to broadcast 1 hour and 30 minutes of local programming each week.

The licensee has indicated that other than weather and community bulletin board announcements, no programming is produced locally and exclusively for CJIV-FM.

The Commission intends to review the licensee's plans relating to the production of local programming.

Licensee's address:

P.O. Box 112
Dryden, Ontario
P8N 2Y7
E-mail: cjivradio.jacob@gmail.com

Examination of application:

16640 – Highway #17 West
Dryden, Ontario

6. Kitchener, Ontario
Application No. 2009-0825-4

Application by **Rogers Broadcasting Limited** to renew the broadcasting licence for the commercial radio programming undertaking CIKZ-FM Kitchener expiring 31 May 2010.

It appears to the Commission that the licensee may have failed to comply with the *Radio Regulations, 1986* (the Regulations) relating to contributions to Canadian content development for the 2007 and 2008 broadcast years.

The licensee proposes to continue to devote, as an exception to section 2.2(8) of the Regulations, a minimum of 40% of its selections from content category 2 (Popular Music) over the broadcast week to Canadian musical selections broadcast in their entirety.

The licensee no longer wishes to continue with its exception to the percentage of Canadian musical selections established in section 2.2(9) of the Regulations but rather to respect this requirement, whereby a licensee must devote, between 6 a.m. and 6 p.m. from Monday to Friday, at least 35% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

Licensee's address:

333 Bloor Street East
Toronto, Ontario
M4W 1G9
Fax : 416-935-8203
E-mail: susan.wheeler@rci.rogers.com

Examination of application:

490 Dutton Drive
Unit C2
Waterloo, Ontario

7. Winnipeg, Manitoba
Application No. 2009-0425-2

Application by **Newcap Inc.** (Newcap) to renew the broadcasting licence for the commercial specialty radio programming undertaking CHNK-FM Winnipeg expiring 31 May 2010.

The licensee has requested to delete the following conditions of licence:

1. The licensee shall operate the station within the specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-6, 21 April 1995, as amended in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
2. The licensee shall ensure that no more than 60% of all musical selections broadcast during each broadcast week are selections drawn from category 2 (Popular Music).
3. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986*:
 - a) in those periods of category 2 music consisting exclusively of music composed before 1956, devote a weekly average of 2% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety. The licensee shall identify those programming periods and the dates of composition of the music selections broadcast during those periods when requested by the Commission.
 - b) in those periods of category 2 music consisting of 90% or more but not exclusively, of music composed before 1956, devote a weekly average of 10% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety. The licensee shall identify those programming periods and the dates of composition of the music selections broadcast during those periods when requested by the Commission.

It appears to the Commission that the licensee may have failed to comply with the condition of licence 2 above by having broadcast 60.6% category 2 musical selections for the broadcast week of 17-23 June 2007.

The Commission also notes that it has discussed at length with the licensee the reasonable distribution of its category 3 musical selections.

As well, a monitoring of the above broadcast week revealed that the logger tapes sent to the Commission were incomplete, missing a total of 8 hours of programming, namely the hours of 11 p.m. to midnight of each day of the week examined as well as the hour of 1 p.m. to 2 p.m. for 22 June 2007. The Commission therefore notes that the licensee may have failed to comply with sections 8(5) and 8(6) of the *Radio Regulations, 1986*.

The Commission also notes that it granted the licence for the station to CKNV Radiolink System Inc. in *Application for a nostalgia radio station to serve Winnipeg*, Broadcasting Decision CRTC 2002-225, 8 August 2002, and that it imposed a condition of licence requiring it to devote \$77,000 over seven consecutive broadcast years to Canadian talent development (CTD). The Commission notes that following the transaction authorized in *Transfer of effective control*, Broadcasting Decision CRTC 2005-554,

24 November 2005, Newcap became the licensee of CHNK-FM. The Commission notes that both licensees would have failed to allocate certain CTD contributions required by condition of licence, the value of which amounts to \$16,965. It therefore appears that the licensee may have failed to comply with its condition of licence relating to contributions to CTD for the 2003, 2004, 2005 and 2006 broadcast years.

Licensee's address:

745 Windmill Road,
Dartmouth, Nova Scotia
B3B 1C2
Fax: 902-468-5661
E-mail: dmurray@ncc.ca

Examination of application:

520 Corydon Avenue
Winnipeg, Manitoba

Public Participation

Deadline for interventions/comments

20 January 2010

The intervention must be received by the Commission and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays and will not notify a party whose intervention is received after the deadline date. The intervention will not be considered by the Commission and will not be part of the public file.

Interventions will be considered by the Commission and will form part of the public record of the proceeding without further notification to intervening parties, provided the procedure set out below has been followed. Parties will be contacted only if their submissions raise procedural questions.

Written interventions should be submitted to the Secretary General of the Commission in **only one** of the following formats:

by using the
[\[Broadcasting interventions/comments form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy must be sent to the applicant, and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Interventions should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Important notice

All information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own

search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their interventions/comments.

Examination of documents

An electronic version of the application is available from the Commission's website by selecting the application number within this notice.

A list of all interventions will also be available on the Commission's website. An electronic version of all interventions submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's website.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with this application, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière

Central Building
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Secretary General

This document 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>.