



Broadcasting Decision CRTC 2010-410

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Route reference: 2009-786

Ottawa, 29 June 2010

TFG Communications Inc.

Saint John and Rothesay, New Brunswick

Application 2009-0767-8, received 19 May 2009

CJRP-FM Saint John and CJRP-FM-1 Rothesay – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language specialty radio station CJRP-FM Saint John and its transmitter CJRP-FM-1 Rothesay, from 1 July 2010 to 31 August 2013. This short-term licence renewal will enable the Commission to review, at an earlier date, the licensee's compliance with the Radio Regulations, 1986 and its conditions of licence.*

Introduction

1. The Commission received an application by TFG Communications Inc. (TFG) to renew the broadcasting licence for the English-language specialty radio programming undertaking CJRP-FM Saint John and its transmitter CJRP-FM-1 Rothesay, which expires 30 June 2010.¹ The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2009-786, the Commission stated that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the provision of annual returns, for the broadcast years 2006 through 2008. The Commission also stated that the licensee may have failed to comply with its condition of licence relating to contributions to Canadian talent development (CTD), for the same broadcast years.
3. Since the publication of Broadcasting Public Notice 2009-786, the Commission has determined that the licensee could be in non-compliance with its condition of licence relating to contributions to Canadian content development for 2009.

¹ The current licence was administratively renewed until 31 December 2009 in Broadcasting Decision 2009-506, until 31 May 2010 in Broadcasting Decision 2009-785, and until 30 June 2010 in Broadcasting Decision 2010-324.

Commission's analysis and determinations

4. After examining the application in light of applicable regulations and policies, the Commission considers that the issues to be addressed in its determinations relate to the following:
 - contributions to CTD, and
 - the provision of annual returns.

Contributions to Canadian talent development

5. The Commission notes that the licensee did not make its CTD contributions for the 2006 and 2007 broadcast years, and submitted the Canadian content development (CCD)² form for the 2008 broadcast year after the deadline for the submission of that form.
6. As set out in Broadcasting Information Bulletin 2009-82, the Commission approved an application by TFG for a change in its effective control.³ In a letter decision provided to TFG in this regard, the Commission stated that, as a condition of approval for the above-noted acquisition, it required the filing of a plan detailing how and when the outstanding CTD amounts totalling \$14,000 for the 2006, 2007 and 2008 broadcast years would be paid. This plan was submitted by the licensee, then approved by the Commission in a letter dated 15 January 2009.
7. In response to a deficiency question, the licensee indicated that it would continue to contribute \$2,000 to the development of local musical talent in the Saint John area every three months, as approved in its plan. The licensee stated that this would retire the entire arrears of \$14,000 over a 36-month period ending 15 January 2012. Accordingly, the Commission expects the licensee to complete payment of these CCD contributions by 15 January 2012, as approved.
8. The Commission notes that the shortfall in CCD contributions for the 2009 broadcast years amounts to \$500. The Commission reminds the licensee that the unpaid amounts must be paid no later than 31 August 2011.

Provision of annual returns

9. As set out in section 9(2) of the Regulations, licensees are required to file their annual returns for a specific broadcast year by 30 November of that same broadcast year. The Commission notes that, for the 2006, 2007 and 2008 broadcast years, the licensee's annual returns were filed after this 30 November deadline.

² As set out in Broadcasting Public Notice [2006-158](#), the Commission has replaced the expression "Canadian talent development" (CTD) with "Canadian content development" (CCD).

³ See Broadcasting Information Bulletin 2009-82, application 2008-0977-5.

10. In this regard, the licensee stated that it was unable to account for or explain the actions of the previous owners. It noted, however, that since the above-mentioned acquisition in 2008, an individual has been given the responsibility of maintaining the records submitted to the Commission.

Conclusion

11. In light of all of the above, in accordance with its practice regarding radio non-compliance set out in Circular No. 444, the Commission considers that a short-term renewal period for CJRP-FM and its transmitter would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language specialty radio programming undertaking CJRP-FM Saint John and its transmitter CJRP-FM-1 Rothesay, from 1 July 2010 to 31 August 2013, four years from the original expiry date of 31 August 2009. This short-term renewal will enable the Commission to assess, at an earlier date, the licensee's compliance with the Regulations and its conditions of licence. The licence will be subject to the **conditions** set out in the appendix to this decision.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2010-324, 28 May 2010
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2009-786, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-785, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-506, 20 August 2009
- *Applications processed pursuant to streamlined procedures*, Broadcasting Information Bulletin CRTC 2009-82, 19 February 2009
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2010-410

Conditions of licence and encouragement

Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence number 7.
2. The station shall be operated within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. The licensee shall devote more than 50% of each broadcast week to the broadcast of spoken word programming.

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.