



Broadcasting Decision CRTC 2010-429

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Route reference: 2009-786

Ottawa, 30 June 2010

Radio CJFP (1986) Itée
Trois-Pistoles, Quebec

Application 2009-0014-3, received 6 January 2009

CIEL-FM-4 Trois-Pistoles – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CIEL-FM-4 Trois-Pistoles 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.*

Introduction

1. The Commission received an application by Radio CJFP (1986) Itée to renew the broadcasting licence for the French-language commercial radio programming undertaking CIEL-FM-4 Trois-Pistoles, which expires 30 June 2010.¹
2. Over the course of this proceeding, the Commission received and examined an intervention by l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). L'ADISQ noted in particular its concerns in regard to the content and accessibility of reports on the results of the compliance assessment for applications that necessitate a public notice, as well as Canadian content development (CCD) contributions, Canadian content, French-language vocal music, and emerging artists. L'ADISQ also generally commented on CIEL-FM-4's licence renewal. The applicant did not reply to the intervention. The intervention can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. L'ADISQ noted the licensee's comments stating that [translation] "CIEL-FM is a first service, 50% predominantly spoken word station" and, as such, it is "not subject to contributions to Canadian talent development." L'ADISQ requested that the Commission inform the licensee of the provisions of the *Radio Regulations, 1986* (the Regulations),

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.

which states that private, commercial radio station licensees must make annual financial contributions to CCD regardless of the format in which they operate.

4. In Broadcasting Notice of Consultation 2009-786, the Commission stated that the licensee may have failed to comply with section 9(2) of the Regulations, which relates to the provision of annual returns, for the 2002 and 2003 broadcast years. However, the Commission notes that the licensee is in compliance with its filing of those annual returns.
5. Rather, the non-compliance issue is with respect to the licensee's condition of licence regarding Canadian talent development (CTD) contributions. The Commission notes that the CTD contributions were made late, i.e. after 31 August of each of those broadcast years.

Commission analysis and determinations

6. After examining the application in light of applicable regulations and policies, as well as the intervention received, the Commission considers that the issue to be addressed in its determinations relates to the licensee's contributions to CTD.

Contributions to Canadian talent development

7. In a letter dated 25 September 2009, the licensee indicated that CIEL-FM-4 was not subject to CTD contributions since the station was a first service, 50 % spoken word station.
8. The Commission reminds the licensee, however, that in Decision 2001-406, the licence was renewed subject to the conditions set out in Public Notice 1999-137. In that notice, condition of licence 5 reads as follows:

[...] the licensee is required, by condition of licence, to make payments to third parties involved in Canadian talent development at the level identified for it in the Canadian Association of Broadcasters' (CAB) Distribution Guidelines for Canadian Talent Development, as set out in Public Notice CRTC 1995-196 as amended from time to time and approved by the Commission, and to report the names of the third parties associated with Canadian talent development, together with the amounts paid to each, concurrently with its annual return. [...]

9. Accordingly, the Commission reminds the licensee that it was subject to CTD contributions for the 2002 and 2003 broadcast years, and consequently, that it is in non-compliance with its condition of licence related to the payment of CTD contributions for those broadcast years.

Conclusion

10. 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 CIEL-FM-4 would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CIEL-FM-4

Trois-Pistoles 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 Broadcasting Regulatory Policy 2009-62.

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
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Licence renewal for CIEL-FM-4*, Decision CRTC 2001-406, 19 July 2001
- *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

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