



Broadcasting Decision CRTC 2010-432

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Route reference: 2009-786

Ottawa, 30 June

9174-8004 Québec inc.
Sainte-Marie de Beauce, Quebec

Application 2009-1197-6, received 25 August 2009

CHEQ-FM Sainte-Marie de Beauce – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CHEQ-FM Sainte-Marie de Beauce 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 9174-8004 Québec inc. to renew the broadcasting licence for the French-language commercial radio programming undertaking CHEQ-FM Sainte-Marie de Beauce, 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 CHEQ-FM'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. 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 2007 and 2008 broadcast years. 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 2006, 2007 and 2008 broadcast years.

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 analysis and determinations

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

Contributions to Canadian talent development

5. The Commission notes that the payments for the 2006, 2007 and 2008 broadcast years have been made late, i.e. after 31 August of each year. Consequently, the licensee is in non-compliance with its condition of licence related to CTD contributions for those three years.
6. The licensee indicated that it had changed its accountant and that, while there have been some minor mistakes since that change, corrections been made quickly.

Provision of annual returns

7. The Commission also notes that the licensee is in non-compliance in regard to the filing of annual returns for the 2007 and 2008 broadcast years.
8. When asked to comment on the matter, the licensee indicated that the station's owner had changed in 2007 and that it lacked some of the information needed to complete the form. Concerning the 2008 broadcast year, the licensee noted that, since its fiscal year ended on 31 August 2008, it didn't get its final financial statements until 1 December. Consequently, it asked the accounting firm producing its financial statements to provide them halfway through November, at the latest.

Conclusion

9. 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 CHEQ-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CHEQ-FM Sainte-Marie de Beauce 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 de licence propres aux stations de radio commerciale AM et FM*, politique réglementaire de radiodiffusion CRTC 2009-62, 11 février 2009
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

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