



Broadcasting Decision CRTC 2010-441

PDF version

Route reference: 2009-786

Ottawa, 30 June 2010

Sound of Faith Broadcasting
Kitchener-Waterloo, Ontario

Application 2009-0027-6, received 8 January 2009

CJTW-FM Kitchener – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language specialty radio station CJTW-FM Kitchener 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 Sound of Faith Broadcasting (Sound of Faith) to renew the broadcasting licence for the English-language specialty FM radio programming undertaking CJTW-FM Kitchener, 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 2006 through 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 2004, 2005 and 2007 broadcast years.

Commission's analysis and determinations

3. 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.

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.

Contributions to Canadian talent development

4. The Commission notes that the licensee had a shortfall of \$1,542.38 in its CTD contributions for the 2004, 2005 and 2007 broadcast years.
5. The licensee stated that it was not in compliance with its payments towards CTD because it is a not-for-profit organisation and has little or no surplus. It further acknowledged that it has not yet made up for the shortfall in its CTD contributions for the above-noted broadcast years.
6. The Commission directs Sound of Faith to fulfill the above-noted shortfall by no later than 31 August 2010.
7. In its application, the licensee stated its intention to adhere to the requirements relating to Canadian content development (CCD) set out in section 15 of the Regulations. The Commission notes that Sound of Faith, as a not-for-profit organization, is not subject to the requirements relating to CCD.

Provision of annual returns

8. As set out in section 9(2) of the Regulations, licensees are required to file their annual returns for a given broadcast year by 30 November of that same broadcast year. The Commission notes that, for the broadcast years 2006 through 2008, the licensee's annual returns were filed after this 30 November deadline.
9. The licensee acknowledged that the filing of the annual returns was overlooked, but assured that they would be filed on time from now on.

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 CJTW-FM would be appropriate. The Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CJTW-FM Kitchener 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
- *Christian music radio station in Kitchener-Waterloo*, Broadcasting Decision CRTC 2003-154, 14 May 2003
- *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 2010-441

Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for commercial 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 ensure that, during each broadcast week, no less than 95% of all musical selections broadcast are drawn from subcategory 35 (Non-classic religious).
4. In each broadcast week, the licensee shall devote to the broadcast of Canadian selections no less than 15% of all Category 3 (Special interest) musical selections.
5. The licensee shall adhere to the guidelines on ethics in religious programming as set out in section IV of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as amended from time to time.