



Broadcasting Decision CRTC 2010-831

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Route reference: 2010-334

Ottawa, 9 November 2010

Radio-Classique Montréal inc.
Montréal, Quebec

Application 2010-0198-2, received 10 February 2010

CJPX-FM Montréal – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CJPX-FM Montréal from 1 December 2010 to 31 August 2014. 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 Radio-Classique Montréal inc. to renew the broadcasting licence for the French-language commercial radio programming undertaking CJPX-FM Montréal, which expires 30 November 2010.¹
2. In Broadcasting Notice of Consultation 2010-334, 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 2007-2008 broadcast year. The Commission also stated that the licensee may have failed to comply with its condition of licence relating to Canadian talent development (CTD) contributions for the 2004-2005, 2005-2006 and 2007-2008 broadcast years.
3. As part of this process, the Commission received and considered a comment from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). The comment and the licensee's reply are available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

4. After examining the application in light of the applicable policies and regulations, and taking into account the intervention received and the licensee's reply to the intervention, the Commission considers that the issues to be addressed in its determinations relate to the following:

¹ The licence was administratively renewed from 1 September to 30 November 2010 in Broadcasting Decision 2010-635.

- contributions to CTD; and
- the provision of annual returns.

Contributions to Canadian talent development

5. The Commission notes that the licensee's CTD contributions for the 2004-2005, 2005-2006 and 2007-2008 broadcast years were incomplete, which represents a failure to comply with its condition of licence.
6. The licensee explained that it is no longer in a state of non-compliance since it paid the shortfalls for the above-mentioned three broadcast years throughout the remaining years of its licence term.
7. In this regard, the Commission reminds the licensee that, in accordance with its condition of licence and Broadcasting Public Notice 2006-158, all CTD contributions must be paid in full by the end of the broadcast year (i.e. 31 August). In addition, according to Broadcasting Information Bulletin 2009-251, if a payment is made after 31 August, the licensee will be deemed to have failed to comply with its obligation to make Canadian content development (CCD)² contributions during the applicable broadcast year. Furthermore, annual contributions required by condition of licence cannot be deferred, in whole or in part, to any subsequent broadcast year unless prior authority is sought and obtained from the Commission.
8. In its comment, ADISQ did not oppose a seven-year licence renewal for the station (unless the Commission's review should reveal additional instances of non-compliance), but did express concerns regarding CTD contributions. ADISQ also provided information on accessibility to past CCD contributions. ADISQ further added that the Commission should ensure that CTD contributions for each year of the licence term are paid in full. ADISQ finally asked that the Commission require licensees found to be in non-compliance to pay its shortfalls as soon as possible.

Provision of annual returns

9. Under section 9(2) of the Regulations, licensees are required to file, before 30 November of each year, their annual return for the broadcast year ending the previous 31 August. The Commission notes that the licensee did not fulfill this obligation for the 2007-2008 broadcast year.
10. In this regard, the licensee stated in a letter dated 31 March 2010 that it was certain that it had filed its financial statements to the Commission no later than 30 November 2008.

² In Broadcasting Public Notice 2006-158, the Commission indicated that the Canadian content development (CCD) regime would replace the Canadian talent development (CTD) regime.

Conclusion

11. In light of the above and in accordance with its practices regarding radio non-compliance set out in Circular No. 444, the Commission considers that a short-term renewal period for CJPX-FM is appropriate. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CJPX-FM Montréal from 1 December 2010 to 31 August 2014. This short-term renewal will allow 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 2010-635, 30 August 2010
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2010-334, 1 June 2010
- *Clarifications regarding Canadian content development contributions made by commercial radio stations*, Broadcasting Information Bulletin CRTC 2009-251, 5 May 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 2010-831

Conditions of licence and encouragement for the radio programming undertaking CJPX-FM Montréal

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 exception of condition of licence 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, as amended from time to time.
3. The licensee shall, in each broadcast week, devote 20% or more of its musical selections from category 3 (special interest music) to Canadian musical selections broadcast in their entirety and scheduled in a reasonable manner throughout each broadcast day.
4. The licensee may use two subsidiary communications multiplex operations (SCMO) system channels to broadcast a radio service primarily in Punjabi, Hindi, Urdu, Bengali and Sinhala on the first channel, as well as a service primarily in Portuguese with programs from Radio Club Montréal (94%) and from other sources (6%) on the second channel.

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.