



Broadcasting Decision CRTC 2012-586

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Route reference: 2012-224

Ottawa, 22 October 2012

Rogers Broadcasting Limited

Chilliwack, Abbotsford and Vancouver, British Columbia

Application 2012-0029-5, received 9 January 2012

Public hearing in the National Capital Region

19 June 2012

CFUN-FM Chilliwack and its transmitters CFUN-FM-1 Abbotsford and CFUN-FM-2 Vancouver – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CFUN-FM Chilliwack and its transmitters CFUN-FM-1 Abbotsford and CFUN-FM-2 Vancouver from 1 December 2012 to 31 August 2019. The terms and **conditions of licence** are set out in appendix to this decision.*

*The Commission **denies** the licensee's request to amend its condition of licence relating to local coverage.*

*The Commission **approves** the licensee's request to amend its condition of licence relating to station identification.*

The application

1. The Commission received an application by Rogers Broadcasting Limited (Rogers) to renew the broadcasting licence for the English-language commercial radio programming undertaking CFUN-FM Chilliwack and its transmitters CFUN-FM-1 Abbotsford and CFUN-FM-2 Vancouver. The licence expires 30 November 2012.¹ The Commission received interventions in support of the application.
2. As part of its application, the licensee proposed to amend its condition of licence requiring it to broadcast station identifications every half hour. Instead, the licensee proposed to broadcast such identifications every hour. The licensee also proposed to amend its condition of licence relating to the broadcast of local news, sports and events by deleting the words "each day." The licensee committed to broadcast coverage of local news, sports and events of direct and particular relevance to its licensed area on a regular basis from Monday to Friday.

¹ The Commission renewed the licence administratively until 30 November 2012 in Broadcasting Decision 2012-341.

3. The licensee indicated that the proposed amendments were necessary to provide the flexibility needed to reflect operational realities, while maintaining the station's focus on locally oriented programming. Specifically, the licensee acknowledged the importance of broadcasting station identifications on a regular basis but argued that broadcasting them every half hour was difficult given the length of musical segments, especially when they are aired back to back. Further, as regards the condition of licence related to local news programming, Rogers submitted that the condition was overly onerous and that to reflect listeners' tuning habits and interests, few music stations include news programming on weekends. The licensee further submitted that the Commission's original intention in imposing this condition of licence was to ensure the local orientation of CFUN-FM's news and information programming, not the level or frequency of such programming.
4. Finally, the licensee acknowledged its past instances of non-compliance and submitted that it had fully addressed these issues through corrective measures.

Commission's analysis and decisions

5. In Broadcasting Decision 2007-148, CFUN-FM was granted a short-term licence renewal due to its lack of locally relevant programming for the Chilliwack and Fraser Valley areas it is licensed to serve. At that time, the Commission also imposed four conditions of licence relating to local programming for the Chilliwack and Fraser Valley areas so as to ensure that the station was not operated with exclusive orientation to Vancouver.
6. In Broadcasting Decision 2011-539 and Broadcasting Orders 2011-540, 2011-541, 2011-542 and 2011-543, in light of the licensee's non-compliance with the above-noted conditions, the Commission issued mandatory orders requiring the licensee to comply with the previously imposed local programming requirements. The Commission also renewed the station for a short, one-year term based on its failure to comply with these conditions, as well as its failure to make the required contributions to Canadian content development for the 2008-2009 and 2009-2010 broadcast years.
7. The Commission is satisfied that the licensee is currently in compliance with the *Radio Regulations, 1986*, its conditions of licence and Broadcasting Orders 2011-540, 2011-541, 2011-542 and 2011-543.
8. With respect to the requested amendments, the Commission notes that it imposed the local programming conditions of licence and mandatory orders based on past behaviour and the severity of repeated non-compliance to ensure that CFUN-FM focused its service on the communities it is licensed to serve. The Commission further notes the licensee's rationale for requesting the change to its condition of licence relating to the broadcast of station identifications. The Commission considers that as currently formulated this condition may negatively affect the licensee's flexibility to broadcast longer music segments. The Department of Industry sets out the requirement that a licensee identify the broadcasting station at least once every hour on the hour or within 10 minutes thereof or at the beginning and end of a program if

the program lasts longer than one hour.² The Commission finds it reasonable therefore to require Rogers to comply with this minimum requirement. Moreover, the Commission accepts Rogers' arguments regarding the scheduling of its music segments. However, the Commission will maintain the requirement that Rogers include specific reference to the frequency and location of the Chilliwack transmitter in its station identification. A **condition of licence** to this effect is set out in the appendix to this decision.

9. As regards the licensee's request to amend its condition of licence relating to local coverage, the Commission notes that this requirement was initially imposed following years of concern to ensure that CFUN-FM respected its primary mandate to serve the residents of Chilliwack and the Fraser Valley, as well as to ensure that it did not direct its programming exclusively to Vancouver.
10. The Commission further notes that in Broadcasting Decision 2011-539, the licensee was found in non-compliance with its condition of licence respecting local coverage. Specifically, the Commission found that on one day during the monitored period, no coverage of any sports or other local events of direct and particular relevance to Chilliwack or the Fraser Valley area other than an entertainment event taking place in Langley was broadcast. Furthermore, the monitoring revealed that while one local item relating to Abbotsford was broadcast during each of the five weekly morning news bulletins, no such news was broadcast during the weekend.
11. Also in Broadcasting Decision 2011-539, the Commission considered the licensee's request to amend the condition of licence relating to local coverage by deleting the words "each day." At the time, the licensee argued that the condition as written was ambiguous. It further argued, as it does in its present licence renewal application, that the condition of licence targets the level or frequency of news and information programming and therefore does not properly reflect the Commission's intention of ensuring local reflection. However, the Commission denied the requested amendment on the basis that the condition is clear and reflects the concerns about local coverage raised in Broadcasting Decision 2007-148.
12. As noted above, the Commission considers that the licensee has complied with its condition of licence relating to local coverage over the past licence term. The Commission wishes to emphasize, however, the importance of ensuring that the residents of Chilliwack and the Fraser Valley receive daily local coverage of relevance to their community. Further, the Commission continues to be of the view that the condition of licence properly reflects its original intention and considers that the obligation to broadcast local programming on a regular basis each day should not hinder the operational realities of the station. Accordingly, the Commission **denies** the licensee's request to amend condition of licence 4 relating to local coverage.

² *BETS-11 – Technical Requirements Respecting the Identification of Broadcasting Stations*, section 2.1.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFUN-FM Chilliwack and its transmitters CFUN-FM-1 Abbotsford and CFUN-FM-2 Vancouver from 1 December 2012 to 31 August 2019. The terms and **conditions of licence** are set out in the appendix to this decision.

Employment equity

14. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2012-341, 22 June 2012
- *CFUN-FM Chilliwack and its transmitters CFUN-FM-1 Abbotsford and CFUN-FM-2 Vancouver – Licence renewal and amendment and issuance of mandatory orders*, Broadcasting Decision CRTC 2011-539 and Broadcasting Orders CRTC 2011-540, 2011-541, 2011-542 and 2011-543, 31 August 2011
- *CKCL-FM Chilliwack and its transmitters CKCL-FM-1 Abbotsford and CKCL-FM-2 Vancouver – Licence renewal*, Broadcasting Decision CRTC 2007-148, 22 May 2007

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

Appendix 1 to Broadcasting Decision CRTC 2012-586

Terms and conditions of licence

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. The licensee shall adhere to the standard conditions of licence set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
2. The licensee shall broadcast at least once every hour a station identification which includes specific reference to the frequency and location of the Chilliwack transmitter.
3. The licensee shall refrain from identifying CFUN-FM and its transmitters on a basis that includes exclusive reference to Vancouver.
4. The licensee shall include in the programming broadcast on CFUN-FM and its transmitters on a regular basis each day coverage of local news, sports and events of direct and particular relevance to the Fraser Valley, in particular Chilliwack.
5. The licensee shall include in each traffic report and each weather report broadcast on CFUN-FM and its transmitters a specific reference to the areas CFUN-FM is licensed to serve, including Chilliwack and the Fraser Valley.
6. For the purposes of condition of licence 8 set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, the definition of local programming shall be as set out above in conditions of licence 2 through 5, which add requirements for CFUN-FM as regards local programming, as well as that set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, as follows:

Local programming includes programming that originates with the station or is produced separately and exclusively for the station. It does not include programming received from another station and rebroadcast simultaneously or at a later time; nor does it include network or syndicated programming that is five minutes or longer unless it is produced either by the station or in the local community by arrangement with the station.

In their local programming, licensees must incorporate spoken word material of direct and particular relevance to the community served. This must include local news, weather, sports coverage and the promotion of local events and activities.