



Broadcasting Decision CRTC 2013-712

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Route reference: 2013-325

Ottawa, 18 December 2013

Newfoundland Broadcasting Company Limited

St. John's, Newfoundland and Labrador

Application 2013-0173-8, received 25 January 2013

CHOZ-FM St. John's and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CHOZ-FM St. John's, Newfoundland and Labrador, and its transmitters from 1 January 2014 to 31 August 2018. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.*

Introduction

1. Newfoundland Broadcasting Company Limited filed an application to renew the broadcasting licence for the commercial radio station CHOZ-FM St. John's, Newfoundland and Labrador, and its transmitters CFOZ-FM Argentia, CIOZ-FM Marystown, CJOZ-FM Elliston (Bonavista), CKMY-FM Rattling Brook (Norris Arm), CKOZ-FM Corner Brook, CJMY-FM Clarenville and the new transmitter in Stephenville, which expires 31 December 2013.¹ The Commission did not receive any interventions regarding this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with section 15 of the *Radio Regulations, 1986* (the Regulations), relating to Canadian content development (CCD) contributions, for each of the 2010-2011 and 2011-2012 broadcast years.
3. The licensee explained that it miscalculated the CCD payment for the 2010-2011 broadcast year thus incurring a shortfall. With respect to 2011-2012, the licensee stated that it was unaware that a payment to the Community Radio Fund was required starting that year. In both instances, the licensee promptly paid the shortfalls. The combined shortfalls totalled \$1,790.

¹ The original expiry date of the broadcasting licence for CHOZ-FM was 31 August 2013. The licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

4. In light of the above, the Commission finds the licensee in non-compliance with section 15 of the Regulations, relating to CCD contributions, for the 2010-2011 and 2011-2012 broadcast years.
5. In Broadcasting Decision 2010-436, the Commission renewed CHOZ-FM's broadcasting licence for a short-term period, given the station's non-compliance with the Regulations, as they relate to devoting at least 35% of musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

Regulatory measures

6. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
7. The Commission considers that initiatives relating to the development of Canadian content and talent not only help to develop and advance the careers of emerging Canadian artists but to increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions to the development of Canadian content and talent.
8. The Commission has reviewed the record for this application and is satisfied with the licensee's explanations and measures it has put in place to address the non-compliance. However, given the nature and extent of the non-compliance, and given that this is the second consecutive licence term in which the licensee has been in non-compliance, the Commission considers that a short-term renewal for CHOZ-FM is appropriate.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CHOZ-FM St. John's, Newfoundland and Labrador, and its transmitters CFOZ-FM Argentia, CIOZ-FM Marystown, CJOZ-FM Elliston (Bonavista), CKMY-FM Rattling Brook (Norris Arm), CKOZ-FM Corner Brook, CJMY-FM Clarendville and the new transmitter in Stephenville, from 1 January 2014 to 31 August 2018. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.
10. The Commission emphasizes the importance it places on a licensee's compliance with its regulatory requirements. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Reminder

11. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Employment equity

12. In accordance with Public Notice 1992-59, 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.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-325, 5 July 2013
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CHOZ-FM St. John's and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2010-436, 30 June 2010
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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