



Broadcasting Decision CRTC 2014-301

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Route reference: 2014-59

Ottawa, 6 June 2014

176100 Canada Inc.
Plessisville and Victoriaville, Quebec

Application 2013-1547-4, received 8 November 2013

CKYQ-FM Plessisville and its transmitter CKYQ-FM-1 Victoriaville – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CKYQ-FM Plessisville and its transmitter CKYQ-FM-1 Victoriaville from 1 September 2014 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements, including those relating to the broadcast of montages.*

Introduction

1. 176100 Canada Inc. filed an application to renew the broadcasting licence for the French-language commercial radio station CKYQ-FM Plessisville, Quebec, and its transmitter CKYQ-FM-1 Victoriaville, which expires 31 August 2014.
2. The Commission received a comment from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) regarding the renewal of the licences for certain French-language commercial radio stations, including CKYQ-FM Plessisville. Specifically, ADISQ argued that the Commission should impose a condition de licence on the licensee limiting the broadcast of montages by the station to 10 % of its programming. Further, ADISQ expressed disappointment over the fact that the Commission's programming analysis relating to the broadcast of montages focussed only on the number of montages broadcast and their percentage of overall programming. The public record for this application can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.

Non-compliance

3. As noted in Broadcasting Notice of Consultation 2014-59, the programming analysis for CKYQ-FM from 5 to 11 May 2013 reveals that the station complied with the regulatory requirements for the broadcast of Canadian content and French-language vocal music (FVM). However, the Commission specified in that notice that the station had devoted 11.87% of that broadcast week to montages,

while the maximum level set out in Broadcasting Information Bulletin 2011-728 is 10%. The Commission added that the licensee did not appear to be meeting the regulatory objectives and the intent of the policy on montages and that it could impose a condition of licence limiting the use of montages by the station to 10% of all programming broadcast each broadcast week.

4. The licensee stated that when the programming analysis was conducted, it was not aware of the existence of Broadcasting Information Bulletin 2011-728 and the Commission's limit on the broadcast of montages. It added that it was definitely not its intention to circumvent the objectives of the regulatory framework or the intent of the policy on montages. The licensee noted that of the 107 montages broadcast during the week examined, 75 were "duplicates" that were not originally counted as montages. It also explained that the "duplicates" were made up of only two musical selections and that nearly half had been broadcast outside of peak listening hours (Monday to Friday between 6 a.m. and 6 p.m.).
5. The licensee also noted the fact that the Commission's analysis revealed that the station exceeded the levels of Canadian content and FVM required under the *Radio Regulations, 1986* by 18% and almost 4% respectively. According to the licensee, it is clear that the station's music programming strategy is not intended to contravene regulatory requirements or the intent of the policy on montages.
6. The licensee pointed out that CKYQ-FM's management had revised its policy on music montage programming by reducing the programming devoted to montages by approximately three hours each week and ensuring that "duplicates" were considered as montages when calculating the 10% limit.
7. Further, as noted in Broadcasting Decision 2010-878, CKYQ-FM was in non-compliance in its previous licence term with its requirements regarding Canadian content development contributions.

Regulatory measures

8. 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.
9. In Broadcasting Information Bulletin 2011-728, the Commission indicated that any broadcaster devoting more than 10% of its programming over the broadcast week to montages could be failing to meet the objectives of the regulatory framework and the intent of the policy on montages. Moreover, the Commission could impose specific measures or any other measures deemed necessary if it finds that a broadcaster is using montages improperly. In general, the Commission finds that the

use of montages is improper when it serves to circumvent the requirements of the regulations for the broadcast of Canadian content and FVM. The Commission also specified that when it examines a station's musical programming, it looks at all of its components to determine if the licensee is meeting its obligations.

10. The Commission notes the licensee's explanations and more particularly the fact that it had not counted the "duplicates" as montages, which caused the level of montages broadcast to exceed 10%. In addition, the Commission notes that CKYQ-FM greatly exceeded the regulatory requirements for the broadcast of Canadian content and FVM during the broadcast week examined.
11. In light of the licensee's explanations and the measures it has implemented to address the situation and ensure future compliance, the Commission considers that the licensee did not use montages improperly and consequently that it meets the objectives of the regulatory framework and the intent of the policy on montages. Accordingly, the Commission does not consider it necessary at this time to impose specific measures, such as a condition of licence limiting the use of montages.
12. However, given that CKYQ-FM is currently being operated under a short-term licence and that the station exceeded the 10% limit for the broadcast of montages, the Commission finds that a short-term licence renewal for CKYQ-FM is appropriate.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CKYQ-FM Plessisville and its transmitter CKYQ-FM-1 Victoriaville from 1 September 2014 to 31 August 2019. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.
14. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements. The licensee is responsible for ensuring that it is aware of and adheres to its regulatory requirements at all times. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with its regulatory requirements, including those relating to the broadcast of montages.

Reminder

15. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Employment equity

16. 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

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-59, 13 February 2014
- *Requirements for the broadcast of radio montages*, Broadcasting Information Bulletin CRTC 2011-728, 24 November 2011
- *CKYQ-FM Plessisville and its transmitter CKYQ-FM-1 Victoriaville – Licence renewal*, Broadcasting Decision CRTC 2010-878, 26 November 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.*