



## Broadcasting Decision CRTC 2016-286

PDF version

References: Part 1 licence renewal applications posted on 26 January 2016

Ottawa, 22 July 2016

### Various licensees

Various locations across Canada

*The application numbers are set out in this decision.*

### Various commercial radio stations – Licence renewals

*The Commission **renews**, until 31 August 2023, the broadcasting licences for the following radio stations:*

- *CJIE-FM Winnipeg Beach, Manitoba, and its transmitter CJIE-FM-1 Arborg;*
- *CJOT-FM Ottawa-Gatineau, Ontario and Quebec;*
- *CKLJ-FM Olds, Alberta;*
- *CKHY-FM Halifax, Nova Scotia;*
- *CJGM-FM Gananoque, Ontario;*
- *CFCB Corner Brook, Newfoundland and Labrador and its transmitters; and*
- *VOCM St. John's, Newfoundland and Labrador.*

*Given the seriousness of its non-compliance with Canadian content development (CCD) requirements and the circumstances surrounding that non-compliance, the Commission requires Newcap Inc. to make additional CCD contributions for its radio stations CFCB and VCOM.*

### Applications

1. The Commission received applications from the following licensees to renew the broadcasting licences for the commercial radio stations set out below:

Licensee	Call sign, location and application number
5777152 Manitoba Ltd.	CJIE-FM Winnipeg Beach, Manitoba, and its transmitter CJIE-FM-1 Arborg 2015-0868-1
8324433 Canada Inc.	CJOT-FM Ottawa-Gatineau, Ontario and Quebec 2015-0818-6

CAB-K Broadcasting Ltd.	CKLJ-FM Olds, Alberta 2015-1001-6
HFX Broadcasting Inc.	CKHY-FM Halifax, Nova Scotia 2015-0840-0
My Broadcasting Corporation	CJGM-FM Gananoque, Ontario 2015-0578-6
Newcap Inc.	CFCB Corner Brook, Newfoundland and Labrador and its transmitters CFNN-FM St. Anthony, CFDL-FM Deer Lake and CFNW-FM Port au Choix 2015-0790-7
Newcap Inc.	VOCM St. John's, Newfoundland and Labrador 2015-0798-0

- As noted on the Commission's website, the licensees of the above-noted stations were in apparent non-compliance with requirements relating to Canadian content development (CCD) contributions, for various broadcast years.

### **Interventions**

- The Commission received an intervention commenting on several commercial radio licence renewal applications, including the above applications, from the Canadian Association of Broadcasters (CAB). Only 8324433 Canada Inc. (8324433 Canada), licensee of CJOT-FM, replied to the intervention. The public record for these applications can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the appropriate application numbers, provided in the table above.

### **Intervention by the CAB**

- In regard to the imposition of additional remedial measures, the CAB expressed concerns over the Commission's use of conditions of licence requiring the payment of additional CCD contributions. It questioned the Commission's rationale for determining the amounts to be imposed, as well as the relevance of and weight given to a station's revenues in calculating those amounts. The CAB further submitted that the Commission has failed to quantify the harm caused to the Canadian broadcasting system by the non-compliance in question, and that the connection between such harm and the imposed measure (including the monetary amount) is insufficient.
- In the CAB's view, fairness requires the Commission to seek comment from licensees on the reasonableness of the specific amounts of any additional CCD contributions in the circumstances. It added that imposing such contributions is inappropriate in cases of non-compliance where licensees have demonstrated that they have acted in good faith.

## Reply by 8324433 Canada

6. 8324433 Canada supported the comments made by the CAB. It indicated that since the instance of non-compliance regarding its CCD contribution has been fully rectified (with amounts being redirected to FACTOR), no additional CCD contributions should be imposed by condition of licence. It also requested that CJOT-FM be granted a full, seven-year licence term.

## Commission's analysis

7. As set out in Broadcasting Regulatory Policy 2014-554, for a radio station that is in non-compliance with CCD requirements, the Commission, in addition to requiring that any shortfalls be rectified, may impose measures such as renewing the broadcasting licence for a short term or requiring the payment of CCD contributions over and above those required by the *Radio Regulations, 1986* (the Regulations) or existing conditions of licence. These measures are applied on a case-by-case basis, taking into account the nature and seriousness of the non-compliance.
8. Further, it is important that radio station licensees make their required contributions to CCD, given that CCD initiatives not only help to develop and advance the careers of emerging Canadian artists, but increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. The non-payment of CCD contributions therefore has the potential to cause harm to the Canadian broadcasting system.
9. It is incumbent upon licensees to provide, by the required deadlines, proof of payment to such initiatives. They must also provide sufficient documentation to support the eligibility of their contribution(s). Failure to do so may result in the Commission finding a contribution ineligible, which in turn may affect a station's compliance with regulatory obligations. Moreover, licensees must ensure that expenditures are not self-serving—that is, beneficiaries must be independent of licensees.
10. The Commission has examined the apparent non-compliance for each of the above-noted radio stations and does not consider that imposing short-term licence renewal periods is necessary. Accordingly, the Commission finds it appropriate to grant each of those stations a full, seven-year term.
11. Moreover, as set out in Broadcasting Regulatory Policy 2014-554, the Commission has the authority under the *Broadcasting Act* (the Act) to impose measures through conditions of licence, orders or other steps to address harm caused to the Canadian broadcasting system by the non-compliance.
12. The CAB and licensees of radio stations were given the opportunity to comment on the appropriateness of such measures during the proceeding that led to the issuance of Broadcasting Regulatory Policy 2014-554. The Commission remains of the view that the imposition of additional, remedial measures in cases of non-compliance with CCD contribution requirements can send a clear message that non-compliance with

such requirements is a serious matter and that the Commission will not hesitate to take measures to address the harm to the broadcasting system caused by non-compliance with regulatory obligations. In regard to the CAB's concerns regarding the calculation of the amounts to be paid, a station's revenues are not generally taken into account in the determination of this measure when it is applied to address CCD shortfalls.

13. The Commission's approach to non-compliance is flexible and takes into consideration various factors including the circumstances surrounding the non-compliance and the licensee's actions to correct the situation and ensure compliance in the future. It is in light of this flexibility that the Commission has examined each of the cases of apparent non-compliance with CCD contribution requirements and has considered the imposition of additional measures, as addressed below for each of the above-noted stations.

### **CJIE-FM Winnipeg Beach**

14. In Broadcasting Decision 2010-65, the Commission approved an application by 5777152 Manitoba Ltd. (5777152 Manitoba) for a broadcasting licence to operate a radio station to serve Winnipeg Beach, which subsequently launched as CJIE-FM. Based on a commitment by 5777152 Manitoba, the Commission imposed a condition of licence requiring the station to make annual over-and-above contributions to CCD totaling \$35,700 over its first seven years of operation (\$5,100 per broadcast year).
15. For the 2013-2014 broadcast year, 5777152 Manitoba made an over-and-above CCD contribution to 83 North Computers, a provider of computer sales and service products/services in Swan River, Manitoba, for the purchase of 500 copies of a compilation CD from Manitoba Songfest 2014. The licensee considered this an eligible initiative as it related to a talent contest prize that encouraged new artists and made their music available for broadcast. It explained that artists find several benefits in the creation of CDs; specifically, they expose listeners to artists and their music, and serve as a tool for launching or developing artists' careers. 5777152 Manitoba further indicated that all of the music on the CD and played at Manitoba Songfest 2014 was new music from emerging artists and ensured that all copies of the CD were distributed either to the artists or at the event. It added that there was no self-serving benefit to CJIE-FM from making the CD.
16. As set out in Broadcasting Public Notice 2006-158, CCD contributions must be made to independent, third-party initiatives. However, the licensee failed to provide evidence of its independence from 83 North Computers and of how the contribution was used by 83 North Computers. The Commission therefore finds that the above-noted contribution for CJIE-FM for the 2013-2014 broadcast year was made to an ineligible initiative. As a result, the licensee has incurred a CCD shortfall of \$3,880 for the 2013-2014 broadcast year.

17. The Commission therefore requires 5777152 Manitoba to rectify the above-noted CCD shortfall by making a contribution in the amount of \$3,880 to an eligible CCD initiative and to provide proof of payment of that contribution. A **condition of licence** to that effect is set out in Appendix 1.
18. In regard to the imposition of additional measures on 5777152 Manitoba, the 2013-2014 broadcast year was the only broadcast year for which the licensee was in non-compliance with its condition of licence relating to over-and-above CCD contributions. Further, the creation of CDs featuring Canadian emerging artists provides significant benefits to Canadian artists as well as to the Canadian broadcasting system. Accordingly, the Commission will not require 5777152 Manitoba to make any additional CCD contributions. The Commission reminds the licensee that it will be required to fulfill any remaining unpaid pro-rated contributions to CCD from the partial first year of operations by the end of the 2017-2018 broadcast year.

### **CJOT-FM Ottawa-Gatineau**

19. In Broadcasting Decision 2008-222 (as confirmed in Broadcasting Decision 2009-481), the Commission approved an application by Astral Media Radio inc. (Astral) for a broadcasting licence to operate a radio station to serve Ottawa, Ontario, and Gatineau, Quebec, which subsequently launched as CJOT-FM.<sup>1</sup> Based on a commitment by Astral, the Commission imposed a condition of licence requiring the station to make annual over-and-above CCD contributions totaling \$5,866,866 over its first seven years of operation.
20. In Broadcasting Decision 2013-310, the Commission directed BCE Inc. (BCE) to divest itself of CJOT-FM, among other radio stations, following the change in effective control of Astral Media inc.'s broadcasting undertakings to BCE. In Broadcasting Decision 2014-23, the Commission approved an application for authority to effect a change in CJOT-FM's ownership to 8324433 Canada so that control of the station would be exercised by Corus Entertainment Inc. (Corus), of which 8324433 Canada is a subsidiary.
21. For the 2013-2014 broadcast year, the licensee of CJOT-FM made a contribution of \$16,500 to the University of Ottawa's Astral Scholarships. However, whereas eligible CCD initiatives must be made to support, promote, train and develop Canadian musical and spoken word talent, the scholarship was granted to international, non-Canadian students for the broadcast year in question. As such, the contribution of \$16,500 was made to an ineligible initiative.
22. Upon learning of the ineligibility of the initiative, Corus immediately rectified the non-compliance by making a payment of \$16,500 to FACTOR and provided proof of payment. It stated that the error in awarding the scholarship to international, non-Canadian students was the result of a misunderstanding by the University of

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<sup>1</sup> See Broadcasting Decision 2014-23.

Ottawa of the rules regarding recipients. The licensee noted that it has since amended the terms of reference with the University of Ottawa to strictly specify that only Canadian students be awarded scholarships in the future.

23. In the Commission's view, the licensee of CJOT-FM (8324433 Canada) acted in good faith. Further, given that the \$16,500 CCD shortfall was quickly rectified, this instance of non-compliance has not resulted in any harm to the broadcasting system. Finally, the measures taken by the licensee should ensure that future granting of scholarships through its CCD contributions will not lead to further non-compliance. Accordingly, the Commission will not require 8324433 Canada to make any additional CCD contributions. CJOT-FM's **conditions of licence** are set out in Appendix 2.

### **CKLJ-FM Olds**

24. In Broadcasting Decision 2010-322, the Commission renewed the broadcasting licence for CKLJ-FM until 31 August 2016. In that decision, it imposed a condition of licence requiring the licensee, CAB-K Broadcasting Ltd. (CAB-K Broadcasting), to make, in addition to the required basic annual contribution set out in the Regulations, an over-and-above CCD contribution of \$3,500 in 2010 and, beginning in 2011, an annual over-and-above CCD contribution of \$3,000.
25. For the 2011-2012 broadcast year, CAB-K Broadcasting made a contribution to the Radio Starmaker Fund, an initiative that, as noted in Broadcasting Public Notice 2006-158, is eligible for CCD funding only in the context of applications to transfer the ownership or control of radio stations, thus contributing to a basic CCD shortfall of \$700. The licensee indicated that the non-compliance resulted from a misunderstanding on its part of the eligibility criteria for this initiative, and subsequently removed this contribution from its payable system and immediately paid the shortfalls, redirecting the funds to the Olds High School music program for the purchase of band equipment. In CAB-K Broadcasting's view, since it took immediate action to rectify the non-compliance issue, it acted in good faith and should not be subject to any sanctions as a result of the non-compliance. It nevertheless indicated that it would commit, by condition of licence, to spend at least \$3,000 per year over and above the required basic annual CCD contribution in the next licence term.
26. In regard to the imposition of additional measures on CAB-K Broadcasting, the Commission notes that the \$700 CCD shortfall was quickly rectified, and that the licensee has over-contributed each broadcast year to CCD and has committed to make annual over-and-above contributions to CCD over the next licence term. Accordingly, the Commission will not require CAB-K Broadcasting to make any additional CCD contributions. CKLJ-FM's **conditions of licence** are set out in Appendix 3.

### **CKHY-FM Halifax**

27. In Broadcasting Decision 2009-631, the Commission granted HFX Broadcasting Inc. (HFX Broadcasting), through a competitive process, a broadcasting licence to operate a radio station to serve Halifax, which subsequently launched as CKHY-FM. Based on a commitment by HFX Broadcasting, the Commission imposed a condition of licence requiring the station to make annual over-and-above contributions to CCD totaling \$2,075,325 over its first seven years of operation.
28. For the 2011-2012 broadcast year, the licensee made a contribution of \$4,800 in support of bursaries offered by the [National Congress of Italian Canadians](#), which identifies itself as a “non-profit, apolitical organization founded in 1972 which unifies the numerous Italian Associations and groups of Québec.” Whereas the licensee provided sufficient proof of eligibility of other initiatives that it has funded through CCD contributions, it did not provide sufficient proof in regard to the above contribution. Upon examination, the Commission considers that those bursaries targeted leadership development and were not awarded to students enrolled in a journalism, broadcasting and/or music program, as required by the Commission’s CCD policy. Consequently, those bursaries did not qualify as initiatives eligible for CCD funding.
29. In light of the above, the Commission considers it appropriate to require HFX Broadcasting to rectify the above-noted CCD shortfall by making a contribution in the amount of \$4,800 to an eligible CCD initiative and to provide proof of payment of that contribution. A **condition of licence** to that effect is set out in Appendix 4.
30. The above-noted CCD shortfall by HFX Broadcasting represents only 1.6% of the station’s total required over-and-above contributions to CCD and is the only instance of non-compliance identified for CKHY-FM. Accordingly, the Commission will not require HFX Broadcasting to make any additional CCD contributions.

### **CJGM-FM Gananoque**

31. In Broadcasting Decision 2010-404, the Commission granted My Broadcasting Corporation (My Broadcasting) a broadcasting licence to operate a radio station to serve Gananoque, which subsequently launched as CJGM-FM. Based on a commitment by My Broadcasting, the Commission imposed a condition of licence requiring the station to make annual over-and-above contributions to CCD totaling \$3,500 over its first seven years of operation.
32. For the 2011-2012 broadcast year, My Broadcasting failed to make the required CCD contribution. The licensee explained that the non-compliance was the result of a misinterpretation of its obligations regarding CCD contributions. As no basic CCD contributions are required from licensees during the first year of operation, the licensee considered that it was also exempted from making over-and-above CCD contributions for the 2011-2012 broadcast year. It stated, however, that it would accept a condition of licence requiring it to rectify the shortfall.

33. In light of the above, the Commission finds it appropriate to require My Broadcasting to rectify the above-noted CCD shortfall by making a contribution in the amount of \$500 to an eligible CCD initiative and to provide proof of payment of that contribution. A **condition of licence** to that effect is set out in Appendix 5.
34. In regard to the imposition of additional measures on My Broadcasting, the Commission considers that the non-compliance was based on the licensee's misunderstanding of the nuances of the Commission's policy regarding CCD contributions and that the licensee acted in good faith. Further, this is the first and only instance of non-compliance by the licensee in regard to CJGM-FM. Accordingly, the Commission will not require My Broadcasting to make any additional CCD contributions.

### **CFCB Corner Brook**

35. As set out in the Regulations, radio station licensees are required to make a basic CCD contribution each broadcast year, the precise amount based on the licensee's total annual revenues for that broadcast year. For the 2013-2014 broadcast year, Newcap Inc. (Newcap) incurred a basic CCD shortfall of \$874 for CFCB.
36. In a letter dated 16 November 2015, Newcap stated that the shortfall resulted from an error on its part. However, it considered the shortfall to be minor compared to its total CCD expenditures for all of its radio stations. It indicated that it would immediately rectify the shortfall by making payments to various initiatives eligible for CCD funding. Newcap added that it has implemented a highly-effective formal CCD structure for ensuring compliance and, therefore, that no other sanctions are necessary. The shortfall amount of \$874 was paid in November 2015.
37. In a letter dated 27 April 2016, Newcap was questioned on the possibility of requiring an additional CCD contribution in the amount of the above-noted shortfall to address the harm to the broadcasting system that may have been caused by the licensee's non-compliance. In a reply letter dated 29 April 2016, the licensee reiterated that the outstanding amount was nominal and resulted from an oversight on its part, noting that it paid the shortfall immediately upon learning of the error. Newcap also disagreed with the principle of requiring additional contributions to CCD when outstanding amounts have already been repaid. As such, it considered that an additional CCD contribution was neither necessary nor appropriate.
38. The 2013-2014 broadcast year was the only broadcast year for which the licensee was in non-compliance with CFCB's basic CCD requirements. Nevertheless, it is the responsibility of each radio station licensee to ensure compliance with its regulatory requirements. As a major player in the broadcasting system, Newcap should be fully aware of its regulatory obligations and have in place efficient mechanisms to ensure that all of its stations are operating in compliance at all times. In the Commission's view, Newcap did not provide satisfactory justification for the above-noted non-compliance.

39. Further, basic CCD contributions are based on revenues of each individual licensee, and not on the corporate revenues of a parent company that may control multiple licensees. As such, the shortfall amount for CFCB was significant. Moreover, since the basic CCD contribution was made approximately one year later than required, the broadcasting system was deprived of these funds at that time. These funds help to develop and advance the careers of emerging artists in each year and increase the supply of Canadian music in a variety of genres.
40. In light of the above, and pursuant to Broadcasting Regulatory Policy 2014-554, the Commission finds it appropriate to require Newcap to make an additional contribution to CCD, for one broadcast year, equivalent to the amount of the above-noted shortfall (i.e., \$874). A **condition of licence** to that effect is set out in Appendix 6.

### **VOCM St. John's**

41. In regard to its basic annual CCD contribution for VOCM, Newcap directed \$5,671 to the Atlantic Journalism Awards (AJA) for the 2013-2014 broadcast year. It considered this initiative to be eligible for CCD funding since this organization provides journalism students awards and scholarships, and hosts professional development workshops for journalists. However, supporting documentation provided by the licensee showed that the contribution was in effect a contractual agreement for sponsorship of an event, in exchange for which the licensee received tickets to a gala dinner and luncheons. Only when it was asked to provide proof that the payments were related to scholarships and/or workshops did Newcap indicate that there were no workshops, but that the fees were used to cover the conference fees of a guest speaker at the 2015 AJA and the registration fee for 20 journalism students at the gala, as the speech was considered equivalent to a workshop. As set out in the Commission's CCD policy (see Broadcasting Public Notice 2006-158), initiatives not targeting the development of Canadian audio content do not qualify for contributions by radio broadcasters. That policy further specifies that broadcasters' fees for attendance at conferences are also not eligible for CCD funding.<sup>2</sup> In light of the above, the Commission finds that the funds were allocated to an ineligible initiative and that Newcap incurred a basic CCD shortfall of \$5,671 for VOCM for the 2013-2014 broadcast year.
42. In a letter dated 27 April 2016, Newcap was questioned on the possibility of requiring the licensee to make an additional CCD contribution (in addition to rectifying the shortfall) as a remedial measure to address the harm to the broadcasting system that may have been caused by the non-compliance. In a letter dated 29 April 2016, Newcap replied that the noted instance of non-compliance for VOCM is clearly an exception for this licensee and does not indicate a general deficiency in its processes. It stated that the ineligible contribution was made in good faith and that the shortfall would have to be rectified, but also argued that requiring

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<sup>2</sup> See paragraphs 98 and 108 of Broadcasting Public Notice 2006-158.

any further payment would be punitive, excessive and inappropriate since rectifying the shortfall would fully address any harm to the broadcasting system caused by the non-compliance. Newcap also disagreed with the principle of requiring additional contributions to CCD when outstanding amounts have already been repaid.

43. In regard to the present case, the outstanding amount has yet to be paid to an eligible initiative, which means that the broadcasting system has been deprived of required funds for over a year.
44. Further, it was necessary for the Commission to send three clarification letters to the licensee to have enough information to determine the eligibility of the AJA initiative. The delays incurred for the filing of required, complete and accurate information, along with the failure to acknowledge the ineligibility of the initiative, compounded the harm to the broadcasting system caused by an ineligible contribution being left uncorrected.
45. Moreover, it is important that radio station licensees make their required contributions to CCD, given that CCD initiatives not only help to develop and advance the careers of emerging Canadian artists, but increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. It is also important that licensees provide, by the required deadlines, proof of payment to such initiatives so that the Commission may verify licensees' compliance with regulatory requirements and conditions of licence relating to CCD. Since the Commission is charged with the supervision and regulation of the Canadian broadcasting system, a licensee that does not file requested material in a timely manner, or does not file such material at all, affects the ability of the Commission to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.
46. In light of the above, and pursuant to Broadcasting Regulatory Policy 2014-554, the Commission considers it appropriate to require the licensee, in addition to rectifying the above-noted basic CCD shortfall, to make an additional contribution to CCD equivalent to the amount of the shortfall (i.e., \$5,671). A **condition of licence** to that effect is set out in Appendix 7.

## **Conclusion**

47. In light of all of the above, the Commission **renews** the broadcasting licences for the above-noted radio programming undertakings from 1 September 2016 until 31 August 2023. The licensees shall adhere to the **conditions of licence** set out in the appropriate appendices to this decision and to the **conditions** set out in the broadcasting licence for each undertaking.

## Reminders

48. Pursuant to section 22 of the Act, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.
49. The Commission reminds 8324433 Canada that it must fulfill, by 31 August 2020, all of the commitments relating to tangible benefits set out in Broadcasting Decision 2014-23.

## Cultural diversity

50. The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment equity practices.

## Employment equity

51. Because 8324433 Canada and Newcap are subject to the *Employment Equity Act* and file reports concerning employment equity with the Department of Employment and Social Development, their employment equity practices are not examined by the Commission.
52. In accordance with Public Notice 1992-59, the Commission encourages the remaining licensees to consider employment equity issues in their hiring practices and in all other aspects of their management of human resources.

Secretary General

## Related documents

- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *CKQB-FM Ottawa and its transmitter CKQB-FM-1 Pembroke and CJOT-FM Ottawa – Change of effective control*, Broadcasting Decision CRTC 2014-23, 24 January 2014
- *Astral broadcasting undertakings – Change in effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013
- *English-language FM radio station in Gananoque*, Broadcasting Decision CRTC 2010-404, 23 June 2010
- *Licence renewals*, Broadcasting Decision CRTC 2010-322, 28 May 2010
- *Licensing of new radio stations to serve Gimli and Winnipeg Beach and new transmitter in Arborg*, Broadcasting Decision CRTC 2010-65, 10 February 2010

- *Licensing of new radio stations in Halifax*, Broadcasting Decision CRTC 2009-631, 7 October 2009
- *Reconsideration of Broadcasting Decision 2008-222 pursuant to Orders in Council P.C. 2008-1769 and P.C. 2008-1770*, Broadcasting Decision CRTC 2009-481, 11 August 2009
- *Licensing of new radio stations to serve Ottawa and Gatineau*, Broadcasting Decision CRTC 2008-222, 26 August 2008
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

*\*This decision and the appropriate appendix are to be appended to each licence.*

## Appendix 1 to Broadcasting Decision CRTC 2016-286

### Conditions of licence for the English-language commercial radio programming undertaking CJIE-FM Winnipeg Beach, Manitoba, and its transmitter CJIE-FM-1 Arborg

#### Conditions of licence

1. The licensee shall adhere 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, and to the conditions set out in the broadcasting licence for the undertaking.
2. As an exception to the percentage of Canadian musical selections set out in sections 2.2(3), 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall:
  - a) devote, in each broadcast week, a minimum of 42% of its musical selections from each of content categories 2 (Popular Music) and 3 (Special Interest Music) to Canadian selections broadcast in their entirety; and
  - b) devote, between 6 a.m. and 6 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, a minimum of 42% of its musical selections from each of content categories 2 and 3 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the Regulations.

3. To fulfill its outstanding commitments to Canadian content development (CCD) set out in Appendix 1 to *Licensing of new radio stations to serve Gimli and Winnipeg Beach and new transmitter in Arborg*, Broadcasting Decision CRTC 2010-65, 10 February 2010, the licensee shall make a \$5,100 contribution to CCD by the end of the 2016-2017 broadcast year (i.e., 31 August).

Of this amount, the licensee shall allocate no less than 20% to FACTOR. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

For the 2016-2017 broadcast year, the licensee shall file, by 30 November following the end of that broadcast year, and in a form deemed acceptable by the Commission, all proof of payment regarding the above-noted required CCD contribution.

4. The licensee shall file, by 30 November 2016 and in a form deemed acceptable by the Commission, all proof of payment regarding its required contribution to Canadian content development (CCD) of \$8,980 (i.e., the required CCD

contribution of \$5,100 for the 2015-2016 broadcast year plus the shortfall amount of \$3,880 from the 2013-2014 broadcast year) to be made by 31 August 2016.

Of this amount, the licensee shall allocate no less than 20% to FACTOR. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

## Appendix 2 to Broadcasting Decision CRTC 2016-286

### Conditions of licence for the English-language commercial radio programming undertaking CJOT-FM Ottawa-Gatineau, Ontario and Quebec

#### Conditions of licence

1. The licensee shall adhere 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, and to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), in each broadcast week:
  - a) devote a minimum of 40% of its musical selections drawn from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
  - b) devote, between 6:00 a.m. and 6:00 p.m., in the period from Monday to Friday of the same broadcast week, a minimum of 40% of its musical selections drawn from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the Regulations.

3. The licensee shall provide commercially reasonable access to advertising availabilities to unrelated operators of broadcasting undertakings and telecommunications service providers.
4. The licensee shall file, by 30 November 2016 and in a form deemed acceptable by the Commission, all proof of payment regarding the required contribution for the 2015-2016 broadcast year to la Radio de la communauté francophone d’Ottawa, as required by condition of licence 4 of Appendix 2 to *Reconsideration of Broadcasting Decision 2008-222 pursuant to Orders in Council P.C. 2008-1769 and P.C. 2008-1770*, Broadcasting Decision CRTC 2009-481, 11 August 2009.
5. The licensee shall fulfill, by no later than the end of the 2016-2017 broadcast year, any outstanding commitments to Canadian content development as set out in condition of licence 3 of Appendix 2 to *Reconsideration of Broadcasting Decision 2008-222 pursuant to Orders in Council P.C. 2008-1769 and P.C. 2008-1770*, Broadcasting Decision CRTC 2009-481, 11 August 2009.

## **Appendix 3 to Broadcasting Decision CRTC 2016-286**

### **Conditions of licence for the English-language commercial radio programming undertaking CKLJ-FM Olds, Alberta**

#### **Conditions of licence**

1. The licensee shall adhere 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 8 relating to the solicitation of local advertising, and to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to *Policy regarding open-line programming*, Public Notice CRTC 1988-213, 23 December 1988.

## Appendix 4 to Broadcasting Decision CRTC 2016-286

### Conditions of licence for the English-language commercial radio programming undertaking CKHY-FM Halifax, Nova Scotia

#### Conditions of licence

1. The licensee shall adhere 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, and to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in section 2.2(8) of the *Radio Regulations, 1986* (the Regulations), as amended from time to time, in any broadcast week, devote, in that broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections and schedule them in a reasonable manner throughout each broadcast day.

For the purposes of this condition, the terms “broadcast week,” “broadcast day,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the Regulations.

3. The licensee shall, in any broadcast week, devote a minimum of 10% of all musical selections broadcast to musical selections drawn from content category 3 (Special Interest Music).

For the purposes of this condition, the terms “broadcast week,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*.

4. To fulfill its outstanding commitments to Canadian content development (CCD) set out in Appendix 2 to *Licensing of new radio stations in Halifax*, Broadcasting Decision CRTC 2009-631, 7 October 2009, the licensee shall make a \$293,110 contribution to CCD by the end of the 2016-2017 broadcast year (i.e., 31 August).

Of this amount, the licensee shall allocate no less than 20% to FACTOR. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

For the 2016-2017 broadcast year, the licensee shall file, by 30 November following the end of that broadcast year, and in a form deemed acceptable by the Commission, all proof of payment regarding the above-noted required CCD contribution.

5. The licensee shall file, by 30 November 2016 and in a form deemed acceptable by the Commission, all proof of payment regarding its required contribution to Canadian content development (CCD) of \$298,670 (i.e., the required CCD contribution of \$293,870 for the 2015-2016 broadcast year plus the shortfall amount of \$4,800 from the 2011-2012 broadcast year) to be made by 31 August 2016.

Of this amount, the licensee shall allocate no less than 20% to FACTOR. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

## Appendix 5 to Broadcasting Decision CRTC 2016-286

### Conditions of licence for the English-language commercial radio programming undertaking CJGM-FM Gananoque, Ontario

#### Conditions of licence

1. The licensee shall adhere 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, and to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations) in any broadcast week:
  - a) devote, in that broadcast week, a minimum of 38% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
  - b) devote, between 6 a.m. and 6 p.m., in the period from Monday to Friday of the same broadcast week, a minimum of 38% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the Regulations.

3. To fulfill its outstanding commitments to Canadian content development (CCD) set out in the appendix to *English-language FM radio station in Gananoque*, Broadcasting Decision CRTC 2010-404, 23 June 2010, the licensee shall make the following contributions to CCD by the end of each broadcast year (i.e., 31 August):
  - \$500 in the 2016-2017 broadcast year; and
  - \$500 in the 2017-2018 broadcast year.

Of these amounts, the licensee shall allocate no less than 20% per broadcast year to FACTOR. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

For each of those broadcast years, the licensee shall file, by 30 November following the end of each broadcast year, and in a form deemed acceptable by the Commission, all proof of payment regarding the above-noted required CCD contributions.

4. The licensee shall file, by 30 November 2016 and in a form deemed acceptable by the Commission, all proof of payment regarding its required contribution to Canadian content development (CCD) of \$1,000 (i.e., the required CCD contribution of \$500 for the 2015-2016 broadcast year plus the shortfall amount of \$500 from the 2011-2012 broadcast year) to be made by 31 August 2016.

Of this amount, the licensee shall allocate no less than 20% to FACTOR. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

## Appendix 6 to Broadcasting Decision CRTC 2016-286

### Conditions of licence for the English-language commercial radio programming undertaking CFCB Corner Brook, Newfoundland and Labrador and its transmitters CFNN-FM St. Anthony, CFDL-FM Deer Lake and CFNW-FM Port au Choix

#### Conditions of licence

1. The licensee shall adhere 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, and to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall, by no later than 31 August 2017, make a \$874 contribution to Canadian content development (CCD) that is over and above the CCD contributions currently required pursuant to the *Radio Regulations, 1986* or by condition of licence. The contribution shall be allocated as follows:
  - 45% to FACTOR or MUSICACTION;
  - 15% to the Community Radio Fund of Canada (CRFC); and
  - 40% to discretionary eligible initiatives as set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

The licensee shall file, by 30 November 2017 and in a form deemed acceptable by the Commission, all proof of payment regarding the above-noted required CCD contribution, as well as supporting documentation for the eligibility of the portion of the contribution not made in whole or in part to FACTOR, MUSICACTION or the CRFC.

## Appendix 7 to Broadcasting Decision CRTC 2016-286

### Conditions of licence for the English-language commercial radio programming undertaking VOCM St. John's, Newfoundland and Labrador

#### Conditions of licence

1. The licensee shall adhere 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, and to the conditions set out in the broadcasting licence for the undertaking.
2. In addition to its basic contributions to Canadian content development (CCD) required pursuant to section 15 of the *Radio Regulations, 1986*, the licensee shall, by no later than 31 August 2017, make a contribution to CCD in the amount of \$11,342 (i.e., the additional CCD contribution of \$5,671 for the 2016-2017 broadcast year plus the basic CCD shortfall amount of \$5,671 from the 2013-2014 broadcast year). Of this amount, \$5,671 shall be allocated as follows:
  - 45% to FACTOR or MUSICACTION;
  - 15% to the Community Radio Fund of Canada (CRFC); and
  - 40% to discretionary eligible initiatives as set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

The licensee shall devote the remaining contribution to FACTOR, MUSICACTION or discretionary eligible initiatives as set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

The licensee shall file, by 30 November 2017 and in a form deemed acceptable by the Commission, proof of payment regarding these additional contributions to CCD, as well as supporting documentation for the eligibility of the contribution if it is not made in whole or in part to FACTOR, MUSICACTION or the CRFC.