



Broadcasting Decision CRTC 2018-276

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Reference: Part 1 licence renewal application posted on 23 February 2018

Ottawa, 8 August 2018

Sound of Faith Broadcasting
Kitchener, Ontario

Public record for this application: 2017-0487-5

CJTW-FM Kitchener – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial specialty (Christian music) radio station CJTW-FM Kitchener from 1 September 2018 to 31 August 2023. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Sound of Faith Broadcasting (Sound of Faith) filed an application to renew the broadcasting licence for the English-language commercial specialty (Christian music) radio station CJTW-FM Kitchener, Ontario, which expires 31 August 2018. The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decision 2010-441, the Commission renewed CJTW-FM's licence on a short-term basis. The short-term licence renewal was due to the licensee's non-compliance with respect to the filing of annual returns for the 2005-2006 through 2007-2008 broadcast years and Canadian talent development contributions for the 2003-2004, 2004-2005 and 2006-2007 broadcast years. In Broadcasting Decision 2013-706, the Commission again renewed the licence on a short-term basis, this time for non-compliance with respect to the filing of annual returns for the 2009-2010 broadcast year.

Non-compliance

Canadian musical selections

3. Sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations) provide that a licensee shall, in any broadcast week and between 6 a.m. and 6 p.m. in any period beginning on a Monday and ending on the Friday of that week, devote at least 35% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

4. During the broadcast week of 16 to 22 October 2016, the licensee broadcast 14 selections that Commission staff determined were hits and therefore fell into content category 2. None of these selections were Canadian.
5. The licensee stated that it was not aware that one of the songs was a hit because it had crossed over to a secular chart. With respect to other selections that were considered hits, the licensee submitted that those had slipped through the cracks in the music selection process. Since that time, the licensee has been monitoring the charts more carefully to ensure that it is aware when a selection falls into content category 2.
6. The licensee also noted that, as a not-for-profit corporation, Sound of Faith is not subject to requirements related to Canadian content development (CCD). Accordingly, the licensee submitted that it should not be required to make contributions to CCD because of the non-compliance.
7. In light of the above, the Commission finds the licensee in non-compliance with sections 2.2(8) and 2.2(9) of the Regulations for the broadcast week of 16 to 22 October 2016.

Regulatory measures

8. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
9. The Commission notes that non-compliance with respect to Canadian category 2 selections related to relatively few selections. As a Christian music station, the vast majority of music that CJTW-FM plays falls into content category 3, and the licensee exceeded the required level of Canadian selections for that category. The licensee has acknowledged the non-compliance and demonstrated an understanding of its regulatory obligations. The Commission is satisfied with the corrective actions taken by the licensee. It further considers that the non-compliance had very little impact on the broadcasting system given that CJTW-FM exceeded the required levels of Canadian music in category 3. Accordingly the Commission is of the view that additional measures such as the imposition of Canadian content development contributions are not necessary. The Commission notes, however, that this is the third consecutive licence term in which the licensee has been in non-compliance with its regulatory obligations.
10. Accordingly, in light of the recurring nature of the non-compliance, the Commission considers it appropriate to grant the station a short-term licence renewal of five years. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

11. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial specialty (Christian music) radio programming undertaking CJTW-FM Kitchener, Ontario, from 1 September 2018 to 31 August 2023. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

12. Should the licensee continue to be in non-compliance with its regulatory requirements, the Commission may consider recourse to additional measures as part of the next licence renewal process, including the issuance of a mandatory order or the revocation or non-renewal of the licence.
13. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry lapse.

Secretary General

Related documents

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *CJTW-FM – Licence renewal*, Broadcasting Decision CRTC 2013-706, 17 December 2013
- *CJTW-FM Kitchener – Licence renewal*, Broadcasting Decision CRTC 2010-441, 30 June 2010.

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2018-276

Terms, conditions of licence, and encouragement for the English-language commercial specialty (Christian music) radio programming undertaking CJTW-FM Kitchener, Ontario

Terms

The licence will expire 31 August 2023.

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 7, as well as the conditions set out in the licence for the undertaking.
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, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. During each broadcast week, the licensee shall ensure that at least 95% of all musical selections broadcast are drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
4. The licensee shall ensure that not less than 15% of all content category 3 (Special Interest Music) musical selections broadcast during each broadcast week are Canadian selections.
5. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming.

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

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.