



Broadcasting Decision CRTC 2023-258

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References: 2023-6, 2023-6-1, 2023-6-2 and 2023-6-3

Ottawa, 18 August 2023

Sound of Faith Broadcasting

Woodstock, Ontario

Public record: 2022-0832-1

Public hearing in the National Capital Region

3 May 2023

CJFH-FM Woodstock – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the English-language commercial specialty (Religious music) radio station CJFH-FM Woodstock, Ontario, from 1 September 2023 to 31 August 2026. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Application

1. The Commission has the authority, pursuant to subsections 9(1) and 9.1(1) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*.
2. On 10 June 2022, the Commission issued Broadcasting Notice of Consultation 2022-152,¹ which listed radio stations for which the broadcasting licences would expire 31 August 2023 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those stations submit renewal applications for their broadcasting licences.
3. In response, Sound of Faith Broadcasting (Sound of Faith) filed an application to renew the broadcasting licence for the English-language commercial specialty (Religious music) radio station CJFH-FM Woodstock, Ontario, which expires

¹ As corrected in Broadcasting Notice of Consultation 2022-152-1.

31 August 2023.² The Commission did not receive any interventions in regard to this application.

Background

4. In Broadcasting Decision 2003-146, the Commission approved Sound of Faith's application for a broadcasting licence and authorized it to operate the FM radio station now known as CJFH-FM until 31 August 2009.³ The Commission thrice renewed the licence for CJFH-FM, each time for a short-term period to allow for an earlier review of the licensee's compliance with its regulatory requirements.
5. In Broadcasting Decision 2010-411, the Commission found the licensee in non-compliance with subsection 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns and with its condition of licence relating to Canadian talent development (CTD) contributions (specifically, condition of licence 5 set out in the appendix to Broadcasting Decision 2003-146). In that decision, the Commission directed the licensee to make its remaining CTD contributions and submit proof of payment, and also renewed the licence for CJFH-FM until 31 August 2013.⁴
6. In Broadcasting Decision 2013-703, the Commission found the licensee in non-compliance with the above-mentioned condition 5 relating to CTD contributions and with subsection 9(2) of the Regulations relating to the filing of annual returns. In that decision, the Commission renewed the licence for CJFH-FM until 31 August 2017.
7. In Broadcasting Decision 2017-314, the Commission found the licensee in non-compliance with paragraph 9(3)(b) of the Regulations relating to the filing of music lists. In that decision, the Commission renewed the licence for CJFH-FM until 31 August 2021 (and the licence, as noted in footnote 2, was later administratively renewed until 31 August 2023).

² The original licence expiry date for the station was 31 August 2021. The licence was administratively renewed until 31 August 2022 as a result of Broadcasting Decision 2020-381 and until 31 August 2023 as a result of Broadcasting Decision 2021-298.

³ The licence was administratively renewed until 31 December 2009 as a result of Broadcasting Decision 2009-506, until 31 May 2010 as a result of Broadcasting Decision 2009-785 and until 30 June 2010 as a result of Broadcasting Decision 2010-324.

⁴ The licence was administratively renewed until 31 December 2013 as a result of Broadcasting Decision 2013-418.

Non-compliance

8. In Broadcasting Notice of Consultation 2023-6, the Commission stated that the licensee was in apparent non-compliance with the following:
- paragraph 9(3)(a) of the Regulations relating to the requirement to provide an accurate self-assessment report for the broadcast week of 3 to 9 October 2021; and
 - paragraph 9(3)(b) of the Regulations relating to the requirement to provide a complete and accurate music list for the broadcast week of 3 to 9 October 2021.

Self-assessment report

9. Paragraph 10(1)(i) of the old *Broadcasting Act*, which was in effect while the licensee's application was being considered, granted the Commission the authority, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.
10. Pursuant to this authority, the Commission made paragraph 9(3)(a) of the Regulations, which specifies that a licensee shall submit the information required by the station self-assessment report when requested by the Commission.
11. Subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, stipulates that any regulation made pursuant to paragraph 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. Accordingly, paragraph 9(3)(a) of the Regulations is considered to be a condition of service pursuant to paragraph 9.1(1)(o) of the new *Broadcasting Act*, and licensees continue to be subject to this requirement.
12. According to Commission records, the licensee included 298 Canadian musical selections in the music list for the broadcast week of 3 to 9 October 2021 but listed only 290 of these selections in the station's self assessment report, which represents a discrepancy of 8 selections (2.7%).
13. Sound of Faith indicated that this discrepancy was due to the limitations of its outdated broadcast automation system and an error in a Microsoft Excel formula. The limitations of the aforementioned system made it necessary for the station manager to manually enter data in a spreadsheet in order to prepare the station's self-assessment report, and the formula used in that spreadsheet to calculate the total number of Canadian musical selections omitted certain cells that contained relevant data.
14. The licensee added that it planned to replace its outdated automation system with a new software suite that would allow it to generate accurate reports, and that the

transition to this new system had been scheduled to take place over the course of the next few months.

15. In light of the above, the Commission finds the licensee in non-compliance with paragraph 9(3)(a) of the Regulations relating to the provision of an accurate self-assessment report for the broadcast week of 3 to 9 October 2021.

Music lists

16. Pursuant to the authority granted by paragraph 10(1)(i) of the old *Broadcasting Act*, the Commission made paragraph 9(3)(b) of the Regulations, which sets out the requirements regarding the information on musical selections that licensees must include in their lists of musical selections for any period specified by the Commission.
17. According to Commission records, 13 musical selections were identified by the Commission as having been aired but not listed for the broadcast week of 3 to 9 October 2021.
18. Sound of Faith indicated that this discrepancy was due in part to its broadcast automation system, which logged multiple aired musical selections as one selection. The licensee also indicated that it was not aware that certain spoken word programs included the airing of musical selections.
19. Sound of Faith indicated that it has since put in place a requirement that a music log be supplied whenever a spoken word program includes the airing of any musical selections. It has also discouraged the inclusion of such selections in any spoken word programs and reduced its broadcast of programs originating from external sources.
20. In light of the above, the Commission finds the licensee in non-compliance with paragraph 9(3)(b) of the Regulations relating to the provision of a complete and accurate music list for the broadcast week of 3 to 9 October 2021.

Regulatory measures

21. 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 number, recurrence and seriousness of the instances of 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.
22. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, and depending on the nature of the non-compliance, the Commission may apply, on a case-by-case basis, measures such as renewing the licence for a short term; imposing additional conditions of licence (conditions of service); calling the licensee to a public hearing to respond to and discuss apparent non-compliance;

issuing a mandatory order requiring the licensee to comply with regulatory requirements; or suspending, not renewing, or revoking the licence.

23. In regard to CJFH-FM and the licensee's non-compliance with the Regulations, the Commission notes that the licensee has, since 2020, made changes to its board of directors, hired a new executive director (general manager), and hired a new program manager. As previously mentioned, it is also transitioning to a new broadcast automation system.
24. Sound of Faith also stated that it is in the process of centralizing its reporting, its programming guidelines and its policies to ensure that its stations (i.e., CHJX-FM London, CJFH-FM Woodstock and CJTW-FM Kitchener) are operated with excellence and integrity. Sound of Faith added that, to ensure full compliance in future, self-assessment reports and music lists for CJFH-FM will be supplied by its station manager and reviewed by its program director as well as its executive director (general manager).
25. The Commission considers that the changes to the station's management, procedures and broadcast automation system should help the licensee to comply with its requirements from now on. In addition, although any non-compliance with these paragraphs of the Regulations impacts the Commission's ability to monitor the licensee's compliance, such non-compliance does not result in direct harm either to the audience served by the station or to the broadcasting system.
26. Nonetheless, this is the fourth consecutive licence term during which the licensee has been found in non-compliance with regulatory requirements. Moreover, although this is the first licence term during which the licensee has been found in non-compliance with paragraph 9(3)(a) of the Regulations, this is the second consecutive licence term during which it has been found in non-compliance with paragraph 9(3)(b) of the Regulations, and this recurrent non-compliance is again due, at least in part, to the station manager not being aware that certain programs included music.⁵
27. The Commission has examined the public record for this application and notes the licensee's willingness to ensure the station's compliance with regulatory requirements. However, given the seriousness of the various instances of non-compliance along with the recurrence of the licensee's non-compliance with paragraph 9(3)(b) of the Regulations, the Commission finds that it would be appropriate to renew the broadcasting licence for CJFH-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

⁵ See paragraph 4 in Broadcasting Decision 2017-314.

Conclusion

28. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial specialty (Religious music) radio programming undertaking CJFH-FM Woodstock, Ontario, from 1 September 2023 to 31 August 2026.
29. Pursuant to subsections 49(1) and 50(2) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*, or subsection 11.1(2) in the case of expenditure requirements. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee. For ease of reference, the **conditions of service** for this licensee are set out in the appendix to this decision. Further, the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.

Reminders

30. The Commission reminds the licensee that it must comply at all times with the requirements set out in the *Broadcasting Act*, the Regulations, its licence and its conditions of service. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures, including the issuance of a mandatory order, or the revocation, non-renewal or suspension of the licence pursuant to sections 9 and 24 of the *Broadcasting Act*.

Radio monitoring materials

31. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with the Regulations and conditions of service. The retention of these radio monitoring materials makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file the requested material in a timely manner, files material that is incomplete or does not file the material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to its regulatory obligations. 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.

Local news

32. Radio stations are an important daily source of local news and information for communities. Carrying on a broadcasting undertaking comes with conditions,

regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.

33. Although Broadcasting Regulatory Policy 2022-332 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that regulatory policy, the Commission reminds the licensee that its station, in its local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

Force and effect of broadcasting licences

34. 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 (also known as Innovation, Science and Economic Development Canada) lapse.

Practical guide for radio licence renewals

35. To learn more about the Commission's review of compliance with requirements relating to radio licences, and about the radio renewal process, please consult the Commission's [Practical guide to radio licence renewals](#).

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2023-6, 10 January 2023, as corrected by Broadcasting Notice of Consultation CRTC 2023-6-1, 27 January 2023, Broadcasting Notice of Consultation CRTC 2023-6-2, 10 February 2023, and Broadcasting Notice of Consultation CRTC 2023-6-3, 2 May 2023
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Call for licence renewal applications – Submission of renewal applications for broadcasting licences of radio stations expiring on 31 August 2023 – Regular renewal process*, Broadcasting Notice of Consultation CRTC 2022-152, 10 June 2022, as corrected by Broadcasting Notice of Consultation CRTC 2022-152-1, 18 August 2022

- *Various radio and audio programming undertakings and network – Administrative renewals*, Broadcasting Decision CRTC 2021-298, 30 August 2021
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-381, 27 November 2020
- *CJFH-FM Woodstock – Licence renewal*, Broadcasting Decision CRTC 2017-314, 30 August 2017
- *Update on the Commission’s approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *CJFH-FM Woodstock – Licence renewal*, Broadcasting Decision CRTC 2013-703, 16 December 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *CJFH-FM Woodstock – Licence renewal*, Broadcasting Decision CRTC 2010-411, 29 June 2010
- *Administrative renewals*, Broadcasting Decision CRTC 2010-324, 28 May 2010
- *Administrative renewals*, Broadcasting Decision CRTC 2009-785, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-506, 20 August 2009
- *Low-power Christian music FM radio station in Woodstock*, Broadcasting Decision CRTC 2003-146, 7 May 2003

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-258

Terms, conditions of service, expectations and encouragement for the English-language commercial specialty (Religious music) radio programming undertaking CJFH-FM Woodstock, Ontario

Terms

The licence will expire 31 August 2026.

Conditions of service

1. The licensee shall adhere to the conditions of service set out in *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022, with the exception of condition 7. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.⁶
3. 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, in conjunction with *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022.
4. The licensee shall devote at least 90% of all musical selections broadcast during each broadcast week to selections drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022.
5. The licensee shall ensure that at least 10% of all content category 3 (Special Interest Music) musical selections broadcast during each broadcast week are Canadian selections.
6. 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.

⁶ Pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*.

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

Expectations

Cultural diversity

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

Canadian emerging artists

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station’s musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of “Canadian emerging artist” is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station’s playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of “Indigenous-Canadian musical selection” set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

Encouragement

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 in its hiring practices and in all other aspects of its management of human resources.