



Broadcasting Decision CRTC 2006-395

Ottawa, 23 August 2006

Rogers Broadcasting Limited
Toronto, Ontario

Application 2005-1429-1
Broadcasting Public Notice CRTC 2006-62
15 May 2006

CJAQ-FM Toronto – Licence renewal

The Commission renews the broadcasting licence for the commercial radio programming undertaking CJAQ-FM Toronto, from 1 September 2006 to 31 August 2010. This short-term licence renewal will allow the Commission to review, at an earlier date, the licensee's compliance with the Radio Regulations, 1986.

The application

1. The Commission received an application by Rogers Broadcasting Limited (Rogers) to renew the broadcasting licence for the English-language commercial radio programming undertaking CJAQ-FM Toronto.¹ The licence expires 31 August 2006.

Non-compliance

2. On 15 October 2003, the Commission asked the licensee to provide it with logger tapes and other material relating to the programming broadcast by CJAQ-FM Toronto during the week of 5 to 11 October 2003.
3. On 6 November 2003, the licensee provided the Commission with the material requested and noted that it may have failed to comply with the *Radio Regulations, 1986* (the Regulations) with respect to the percentage of Canadian musical selections from content category 2 broadcast between 6:00 a.m. and 6:00 p.m., Monday to Friday. The licensee also indicated the measures taken to correct the situation and specified that CJAQ-FM was now operating in full compliance with the requirements of the Regulations and its conditions of licence.

¹ Formerly CISS-FM Toronto

4. After reviewing the logger tapes and playlists provided by the licensee for the week of 5 to 11 October 2003, the Commission determined that the licensee had devoted 34% of its category 2 musical selections broadcast between 6:00 a.m. and 6:00 p.m., Monday to Friday, to Canadian musical selections. In a letter dated 22 March 2004, the Commission advised the licensee that this constituted an apparent failure to comply with subsection 2.2(9) of the Regulations, which stipulates:

2.2(9) Except as otherwise provided under a licensee's condition of licence, and subject to subsection (6), an A.M. or F.M. licensee licensed to operate a commercial station shall, between 6:00 a.m. and 6:00 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, devote 35% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

Intervention

5. The Commission received one opposing intervention from the Canadian Independent Record Production Association (CIRPA). CIRPA indicated that it was unsatisfied with the licensee's explanations as to how the non-compliance with the Regulations occurred. CIRPA stated that the licensee could have avoided this situation by programming a higher percentage of Canadian content such as the 40% that CJAQ-FM is required, by condition of licence, to broadcast over the broadcast week.
6. Rogers did not reply to this intervention.

Commission's analysis and determination

7. The Commission notes that the licensee has confirmed that it has already taken the measures required to remedy its non-compliance with subsection 2.2(9) of the Regulations. The Commission reminds the licensee that it must comply with the provisions of the Regulations at all times. The Commission further reminds the licensee that the 35% level noted in the Regulations is a minimum and that the licensee should aim to exceed that level at all times.
8. The Commission has reviewed the application for licence renewal and the licensee's past performance. Given that this is the first such infraction by the licensee and that the licensee has already implemented the necessary remedial action to conform with the Regulations, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CJAQ-FM Toronto from 1 September 2006 to 31 August 2010. This short-term renewal will allow the Commission to assess, at an earlier date, the licensee's compliance with the Regulations.

9. The licence will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, as well as to the following **condition of licence**:

The licensee shall, in any broadcast week, devote 40% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

10. With respect to local programming, the Commission reminds Rogers that it should include daily coverage of news, sports and events of particular relevance to the communities CJAQ-FM is licensed to serve.

Employment equity

11. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>