



## Broadcasting Decision CRTC 2007-327

Ottawa, 24 August 2007

**Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership**  
Rocky Mountain House and Nordegg, Alberta

*Application 2007-0275-5, received 19 February 2007*  
*Broadcasting Public Notice CRTC 2007-59*  
*5 June 2007*

### **CHBW-FM Rocky Mountain House and CHBW-FM-1 Nordegg – Licence renewal**

*The Commission renews the broadcasting licence for the English-language commercial radio programming undertaking CHBW-FM Rocky Mountain House and its transmitter CHBW-FM-1 Nordegg from 1 September 2007 to 31 August 2011. This short-term renewal will permit the Commission to review at an earlier date the licensee's compliance with its condition of licence relating to Canadian content development.*

#### **The application**

1. The Commission received an application by Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership (Pattison), to renew the broadcasting licence for the English-language, commercial radio programming undertaking CHBW-FM Rocky Mountain House and its transmitter CHBW-FM-1 Nordegg. The current licence expires 31 August 2007.
2. In Broadcasting Public Notice 2007-59, the Commission noted that the licensee may have failed to comply with the requirements regarding the contributions to Canadian talent development (CTD) for the years 2001 and 2002.
3. The Commission received one intervention in support of this application.

#### **Non-compliance**

4. In a letter dated 10 April 2007, the Commission indicated to the licensee that CRTC records showed that it had not expended its annual CTD contribution of \$400 for the 2001 and 2002 broadcast years, as required under the Canadian Association of Broadcasters' former CTD funding plan and its current conditions of licence. The Commission asked the licensee to provide its plans towards the fulfillment of this shortfall or evidence that this shortfall had been met.

5. In reply, the licensee indicated that, as of 1 May 2007, it will contribute \$800 to the Alberta Women of Country Music Festival to make up for the shortfall.

### **Commission's analysis and determinations**

6. The Commission has reviewed the renewal application and the licensee's file. The Commission notes that the licensee has now met its overall funding commitment with respect to CTD over the current licence term. The Commission also notes that this represents Pattison's first instance of non-compliance with respect to CHBW-FM's CTD contributions. However, given that the CTD contribution specified in Pattison's condition of licence was to be disbursed on an annual basis, the Commission is of the view that it would be appropriate to renew the licence for a short term period of four years, in accordance with Circular No. 444. This short-term licence renewal will enable the Commission to review at an earlier date the licensee's compliance with its condition of licence relating to Canadian content development.
7. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CHBW-FM Rocky Mountain House and its transmitter CHBW-FM-1 Nordegg, from 1 September 2007 to 31 August 2011.
8. The licence will be subject to the **conditions** set out in Public Notice 1999-137, as well as to the **conditions of licence** set out in the appendix to this decision.

### **Canadian content development**

9. In *Commercial Radio Policy 2006* announced in Broadcasting Public Notice 2006-158, the Commission set out a new approach to the development and promotion of Canadian artists. In order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcasting Canadian resources, the Commission replaced the expression "CTD" with "Canadian content development" (CCD). Under the new policy, each radio station holding a commercial radio licence is required to make a basic annual CCD contribution based on its total broadcast revenues in the previous broadcast year. This requirement will be reflected in the *Radio Regulations, 1986* (the Regulations). Until such time, it will be implemented by a transitional condition of licence, as set out in the appendix to this decision. This condition of licence will expire upon the coming into force of the amendments to the Regulations.

### **Employment equity**

10. 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

**Related documents**

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999

*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>*

## Appendix to Broadcasting Decision CRTC 2007-327

### Conditions of licence

1. 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, with the exception of condition of licence number 5.
2.
  - a) The licensee shall make a basic annual contribution to Canadian Content Development (CCD). The amount of this contribution shall be determined in accordance with *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Broadcasting Public Notice 2006-158), as amended from time to time.
  - b) The licensee shall allocate 60% of its basic annual CCD contribution to FACTOR or MUSICACTION.
  - c) The remaining amounts of this basic annual contribution shall be allocated to eligible parties and activities as defined in Broadcasting Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.