



Broadcasting Decision CRTC 2007-336

Ottawa, 29 August 2007

The Haliburton Broadcasting Group Inc.

Timmins, Ontario

Application 2007-0266-4, received 19 February 2007

Broadcasting Public Notice CRTC 2007-63

12 June 2007

CHMT-FM Timmins – Licence renewal

The Commission renews the broadcasting licence for the English-language, commercial radio programming undertaking CHMT-FM Timmins, 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 conditions of licence relating to contributions to the development of Canadian talent and content.

The application

1. The Commission received an application by The Haliburton Broadcasting Group Inc. (Haliburton) to renew the broadcasting licence for the English-language, commercial radio programming undertaking CHMT-FM Timmins. The current licence expires 31 August 2007.
2. In Broadcasting Public Notice 2007-63, the Commission noted that the licensee may have failed to comply with the requirements regarding its contributions to Canadian talent development (CTD) for the broadcast years 2001, 2002 and 2003.
3. The Commission did not receive any interventions in connection with this application.

Non-compliance

4. In a letter dated 23 March 2007, the Commission advised Haliburton that, for the broadcast years 2001, 2002 and 2003, the licensee was in apparent non-compliance with its condition of licence relating to its annual \$5,000 contribution to the Canadian Association of Broadcasters' (CAB's) former CTD plan. The Commission notes that this is the first time that Haliburton has been found in non-compliance with respect to CHMT-FM's required CTD contributions.
5. In its letter of reply dated 26 March 2007, Haliburton indicated that a contribution in the amount of the shortfall was made on 23 March 2007, which has been confirmed by the Commission.

Commission's analysis and determinations

6. The Commission has reviewed the renewal application and the licensee's file. The Commission notes that this represents Haliburton's first non-compliance with respect to CHMT-FM's required CTD contributions and that the licensee has indicated that it has put in place measures necessary to solve the problem brought about by the apparent non-compliance. However, given that the CTD contributions specified in the applicable condition of licence were to be disbursed on an annual basis, the Commission determines that it is appropriate to renew the licence for a short-term period of four years, in accordance with Circular No. 444. This short-term renewal will enable the Commission to assess, at an earlier date, the licensee's compliance with its condition of licence relating to its outstanding contributions to Canadian talent development, as well as with its condition of licence relating to its upcoming contributions to Canadian content development, which are discussed below.
7. Accordingly, the Commission **renews** the broadcasting licence for the English-language, commercial radio programming undertaking CHMT-FM Timmins, 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 terms and **conditions of licence** set out in the appendix to this decision.

Canadian content development

9. In its *Commercial Radio Policy 2006* (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 broadcast using Canadian resources, the Commission replaced the expression "Canadian talent development" (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.

Secretary General

Related documents

- Broadcasting Public Notice CRTC 2007-63, 12 June 2007
- *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 English-language FM radio station at Timmins*, Decision CRTC 2001-48, 9 February 2001
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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 2007-336

Terms, conditions of licence and encouragement

Terms

The licence will take effect on 1 September 2007 and will expire on 31 August 2011.

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. In the broadcast year ending 31 August 2008, the licensee shall expend a minimum of \$5,000 to support the development of Canadian talent.
3. In regard to Canadian content development (CCD):
 - a) The licensee shall make a basic annual contribution to CCD. The amount of this contribution shall be determined in accordance with the *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.

Amounts required under the condition of licence relating to Canadian talent development initiatives may be deducted from the amounts that will be required under the new basic CCD contribution.

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

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