



Broadcasting Decision CRTC 2008-346

Ottawa, 5 December 2008

1486781 Ontario Limited
Brantford, Ontario

Application 2008-0353-7, received 4 March 2008
Broadcasting Public Notice CRTC 2008-47
27 May 2008

CFWC-FM Brantford – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language specialty commercial radio station CFWC-FM Brantford, from 1 January 2009 to 31 August 2012.*

Introduction

1. The Commission received an application by 1486781 Ontario Limited (1486781 Ontario) to renew the broadcasting licence for the English-language specialty commercial radio programming undertaking CFWC-FM Brantford. The licence expires 31 December 2008.¹
2. The Commission received a comment from the Canadian Independent Record Production Association (CIRPA). The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

3. The Commission notes that CIRPA expressed its concern over the failure of 1486781 Ontario to fulfill its obligations relating to its financial contributions to Canadian talent development (CTD).

Non-compliance

4. The Commission notes that the licensee failed to comply with its obligation, by condition of licence, to make CTD contributions for the broadcast years 2002 and 2003. Specifically, the licensee did not make the required contribution of \$2,600 for 2002; further, there was a shortfall of \$200 in the required 2003 CTD contribution. The combined shortfall regarding required CTD contributions for 2002 and 2003 is thus \$2,800. The Commission reminds 1486781 Ontario that it must fulfill all of its commitments to CTD set out in Decision 2001-642. Consequently, the Commission requires 1486781 Ontario, by no later than 31 August 2009, to make all of its outstanding contributions to CTD. A **condition of licence** to this effect is set out in the appendix to this decision.

¹ In Broadcasting Decision 2008-245, the Commission administratively renewed the broadcasting licence for CFWC-FM from 1 September 2008 to 31 December 2008.

5. The Commission reminds 1486781 Ontario that the above-noted shortfall amount is separate from the licensee's required CTD contribution of \$3,200 for 2008.

Conclusion

6. Given that this is the first time that this licensee has been found to be in non-compliance, the Commission determines that it is appropriate to renew the licence for CFWC-FM 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 the *Radio Regulations, 1986* (the Regulations) and with CFWC-FM's conditions of licence.
7. The Commission reminds the licensee that it is required to adhere to the requirements relating to contributions to Canadian content development set out in section 15 of the Regulations.
8. In light of the above, the Commission **renews** the broadcasting licence for the English-language specialty commercial radio programming undertaking CFWC-FM Brantford, from 1 January 2009 to 31 August 2012. The licence will be subject to the **conditions** set out in the appendix to this decision.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2008-245, 29 August 2008
- *New Christian music FM radio station*, Decision CRTC 2001-642, 11 October 2001
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

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 2008-346

Conditions of licence and encouragement

Conditions of licence

1. The licence will be subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice 1999-137, 24 August 1999, with the exception of conditions of licence 1, 5 and 8.
2. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee is required to fulfill all of its commitments in regard to Canadian talent development (CTD) set out in *New Christian music FM radio station*, Decision CRTC 2001-642, 11 October 2001 (Decision 2001-642). Consequently, in the broadcast year ending 31 August 2009, the licensee shall expend a minimum of \$2,800 to support the development of Canadian talent. In accordance with Decision 2001-642, the licensee shall direct its CTD expenditures to an annual local Christian music talent contest.

The Commission reminds the licensee that, since 1 September 2008, it is required to adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986* (the Regulations), as amended by *Regulations Amending the Radio Regulations, 1986*, SOR/2008-177, 28 May 2008, announced in *Amendments to the Radio Regulations, 1986 – Implementation of the Commercial Radio Policy 2006 and the Digital Radio Policy – Regulatory policy*, Broadcasting Public Notice CRTC 2008-67, 23 July 2008. As set out in paragraphs 10 and 11 of that public notice, as a transitional measure, the Regulations allow licensees to reduce the basic annual amount contributable to CCD under the Regulations by the amount to be contributed to the development of Canadian content or Canadian talent under conditions of licence imposed prior to 1 June 2007, the date after which all decisions were made in accordance with the new policy. Licensees entitled to deduct their CTD commitments from the required basic annual CCD contribution must first respect their condition of licence. If the amount contributable under their condition of licence is less than the required basic annual CCD contribution under the new basic regime, they are required to make an additional contribution above the amount prescribed in their condition of licence.

4. A minimum of 95% of all musical selections broadcast during each broadcast week shall be devoted to selections drawn from subcategory 35 (Non-classic religious).
5. The licensee shall ensure that a minimum of 15% of musical selections from category 3 (Special interest music) broadcast during each broadcast week are Canadian selections.
6. The licensee shall broadcast, in any broadcast week, no more than 20% hit material as defined in *Revised Policy on the Use of Hits by English-Language FM Radio Stations*, Public Notice CRTC 1997-42, 23 April 1997.

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.