



Broadcasting Decision CRTC 2009-754

Route reference: 2009-470

Additional reference: 2009-470-1

Ottawa, 3 December 2009

Clear Sky Radio Inc.
Lethbridge, Alberta

Application 2009-1000-5, received 7 July 2009

CJOC-FM Lethbridge – Licence amendment

*The Commission **approves** an application by Clear Sky Radio Inc. to amend the broadcasting licence for CJOC-FM Lethbridge by replacing the condition of licence relating to Canadian content development contributions.*

Introduction

1. The Commission received an application by Clear Sky Radio Inc. (Clear Sky) to amend the broadcasting licence for the English-language commercial radio programming undertaking CJOC-FM Lethbridge, Alberta. Specifically, the licensee proposed to replace the condition of licence relating to over-and-above Canadian talent development (CTD) contributions,¹ which reads as follows:

Including the amount required under condition of licence number 5 set out in Public Notice 1999-137, the licensee shall contribute an annual minimum of \$18,500 to the development and promotion of Canadian talent, as follows:

- \$2,500 to the Journalism Education Bursary;
- \$2,500 to the Music Education Bursary;
- \$1,500 to the Lethbridge and District Kiwanis Music and Speech Arts Festival;
- \$1,500 to the Instruments in Schools program;
- \$2,000 to the Foundation to Assist Canadian Talent on Records (FACTOR);
- \$8,500 to the Original Song Competition.

with the following condition of licence relating to over-and-above Canadian content development (CCD) contributions:

The licensee shall make direct Canadian content development expenditures of at least \$18,500 in each broadcast year to eligible initiatives as defined in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

¹ This condition of licence is set out in Broadcasting Decision 2006-328.

2. As an alternative, the licensee proposed to allocate its over-and-above annual CCD contribution as follows:
 - \$4,500 to FACTOR;
 - \$4,000 to the Journalism Education Bursary (specifically, to the Journalism Program at Lethbridge College);
 - \$4,000 to the Music Education Bursary (specifically, to the Music Degree Program at the University of Lethbridge);
 - \$3,000 to the Lethbridge and District Kiwanis Music and Speech Arts Festival; and
 - \$3,000 to the Instruments in Schools program (specifically, to schools within Lethbridge school district #51).
3. The Commission did not receive any interventions in connection with this application.
4. Clear Sky stated that the local recording studio with which it has worked to date on its Original Song Competition is unable to participate this year and that there are a number of other eligible Lethbridge initiatives that are currently experiencing challenges in their fundraising.

Commission's analysis and determinations

5. Commitments to promote CCD are one of the standard criteria against which applications for new broadcasting licences are assessed, and form the basis for conditions of licence. Clear Sky's original application to operate an FM radio station in Lethbridge was approved in Broadcasting Decision 2006-328. This followed a competitive licensing process during which interventions in support were submitted by local parties to which the licensee made commitments through its proposed CTD initiatives and corresponding expenditures.
6. The Commission considers that changes to conditions of licence should only be requested in the most exceptional cases, particularly during the first licence term. In the present case, the Commission considers that Clear Sky's argument regarding the circumstances leading to its request to redirect CCD funding originally slated for the Original Song Competition to other initiatives is well founded. However, in regard to the licensee's proposal to allocate CCD contributions to random parties and initiatives fulfilling the definition of eligible initiatives as set out in paragraph 108 of Broadcasting Public Notice 2006-158, the Commission is of the view that the licensee should maintain its responsibilities relating to the allocation of CCD funding to the specific local initiatives to which it made commitments in its initial licensing decision.
7. In light of the above, the Commission **approves** the application by Clear Sky Radio Inc. to amend the broadcasting licence for the English-language commercial radio programming undertaking CJOC-FM Lethbridge by replacing the condition of licence relating to over-and above CTD contributions. This **condition of licence** shall now read as follows:

The licensee shall make an annual minimum contribution of \$18,500 to Canadian content development, to be allocated as follows:

- \$4,500 to FACTOR;
- \$4,000 to the Journalism Education Bursary (specifically, to the Journalism Program at Lethbridge College);
- \$4,000 to the Music Education Library (specifically, to the Music Degree Program at the University of Lethbridge);
- \$3,000 to the Lethbridge and District Kiwanis Music and Speech Arts Festival; and
- \$3,000 to the Instruments in School program (specifically, to schools within Lethbridge school district #51).

Secretary General

Related documents

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *English-language FM radio station in Lethbridge*, Broadcasting Decision CRTC 2006-328, 2 August 2006
- *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>.