



Broadcasting Decision CRTC 2010-330

PDF version

Route reference: 2010-174

Ottawa, 31 May 2010

Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.
Kelowna, Vernon, Fort St. John and Kitimat, British Columbia and Brandon, Manitoba

Applications 2009-1501-9, 2009-1502-7, 2009-1503-5, 2009-1504-3 and 2009-1505-1, received 4 November 2009

Licence renewals

*The Commission **renews** the broadcasting licences for the radio stations CILK-FM Kelowna and its transmitters CILC-FM Magna Bay and CILK-FM-1 Big White Mountain, CICF-FM Vernon and its transmitter CICF-4-FM Armstrong/Enderby, CKNL-FM Fort St. John, CKTK-FM Kitimat and CKXA-FM Brandon from 1 June 2010 to 31 August 2013. This short-term renewal will enable the Commission to review at an earlier date the licensee's compliance with its conditions of licence, including that relating to its contributions to Canadian content development.*

*The Commission **approves** the licensee's request to amend its broadcasting licence for CILK-FM Kelowna in order to delete the condition of licence relating to religious programming.*

Introduction

1. The Commission received applications by Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P. (Astral) to renew the broadcasting licences for the following radio programming undertakings: CILK-FM Kelowna and its transmitters CILC-FM Magna Bay and CILK-FM-1 Big White Mountain,¹ CICF-FM Vernon and its transmitter CICF-4-FM Armstrong/Enderby, CKNL-FM Fort St. John, CKTK-FM Kitimat and CKXA-FM Brandon. These licences expire 31 May 2010.²

¹ This transmitter was formerly called VF2329 Big White Mountain. In Broadcasting Decision 2009-76, the Commission approved an application by Astral to amend the broadcasting licence for CILK-FM in order to change the frequency of its transmitter VF2329, which resulted in changing the status of that transmitter from a low-power unprotected service to that of a regular Class A protected transmitter.

² The licences were administratively renewed from 1 January to 31 May 2010 and from 1 September to 31 December 2009 in Broadcasting Decisions 2009-785 and 2009-506.

2. In regard to the application for CILK-FM, the licensee also requested an amendment to its broadcasting licence for this station in order to delete the following condition of licence:

Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.³

3. Astral noted that it had failed to find similar religious programming to replace its previously broadcast religious program “Faith Matters,” which has ceased production, and requested the deletion of the above-noted condition of licence since it has now replaced its religious programming with music.
4. The Commission did not receive any interventions in connection with these applications.
5. In Broadcasting Notice of Consultation 2010-174, the Commission noted that the licensee may have been in non-compliance with each of the station’s transitional conditions of licence relating to their contributions to Canadian content development (CCD) for the 2008 broadcast year.

Commission’s analysis and determinations

6. After examining the application in light of applicable regulations and policies, the Commission considers that the issues to be addressed in its determination relates to the following:
 - the licensee’s non-compliance with its condition of licence relating to CCD and
 - the request to delete the condition of licence for CILK-FM relating to the broadcast of religious programming.

Non-compliance with the condition of licence relating to Canadian content development

7. In Broadcasting Decision 2009-794, the Commission approved in part an application by Astral to amend the schedule and amount of payments made for CCD, which addressed a shortfall in the licensee’s CCD contributions for all of its radio stations for the 2008 broadcast year. In that decision, the Commission noted that Astral had underpaid its CCD contribution for the 2008 broadcast year by an estimated \$659,152 and approved in part a payment plan proposed by Astral totalling \$750,000⁴ to remedy this issue. The Commission also approved Astral’s proposed allocation of this

³ This condition of licence was imposed on CILK-FM in Broadcasting Decision 2006-684.

⁴ This amount includes interest accrued on the original amount owing plus a supplementary amount.

amount, but required the licensee to complete payment immediately and in any event no later than 31 August 2010, rather than over seven consecutive broadcast years beginning 1 September 2009 as proposed by the licensee.

8. As noted in Broadcasting Decision 2009-794, the Commission's usual practice is to deal with non-compliance issues at the time of licence renewal. As set out in Circular No. 444, radio stations found in non-compliance are normally granted a short-term renewal so that the Commission can review their performance at an earlier date. In accordance with that circular, the Commission considers that it would be appropriate to grant the licensee a short-term renewal for the above-mentioned stations.
9. Nevertheless, it is the Commission's preliminary view that Astral, by coming forward of its own accord to address a mistake it made and by offering a remedy to ensure funding of its CCD initiatives at the levels required by the condition of licence applicable to its stations, has made a valid effort to rectify the above-noted shortfall. The Commission will take these factors into account, along with the present short-term renewals for radio stations that are the subject of the present decision, when it adjudicates compliance in the future for the other stations involved in the corporate non-compliance.

Request to delete the condition of licence for CILK-FM relating to the broadcast of religious programming

10. The Commission notes that the guidelines specified in the licensee's condition of licence relating to the broadcast of religious programming, as set out in Public Notice 1993-78, only apply to radio stations that broadcast such programming. As the licensee has replaced its religious programming with music and no longer broadcasts religious programming, the Commission considers that this condition of licence is no longer necessary for CILK-FM.

Conclusion

11. In light of the above, the Commission **renews** the broadcasting licences for the radio programming undertakings CILK-FM Kelowna and its transmitters CILC-FM Magna Bay and CILK-FM-1 Big White Mountain, CICF-FM Vernon and its transmitter CICF-4-FM Armstrong/Enderby, CKNL-FM Fort St. John, CKTK-FM Kitimat and CKXA-FM Brandon from 1 June 2010 until 31 August 2013, i.e. four years from the original expiry date of 31 August 2009. This short-term renewal will enable the Commission to review at an earlier date the licensee's compliance with its conditions of licence, including that relating to its CCD contributions. The licences will be subject to the **conditions** set out in Broadcasting Regulatory Policy 2009-62.
12. In addition, the Commission **approves** the licensee's request to amend its broadcasting licence for CILK-FM Kelowna in order to delete the condition of licence relating to religious programming.

Reminder

13. In Broadcasting Decision 2007-359, the Commission approved an application by Astral to acquire the assets of radio undertakings owned by Standard Radio Inc. In the context of this acquisition, a tangible benefits package was established according to the value of the transaction. The radio benefits package was comprised of CCD initiatives totalling \$10,265,000 to be paid over seven consecutive broadcast years. The Commission reminds the licensee that it must fulfill all of the benefits commitments set out in Broadcasting Decision 2007-359.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2010-174, 23 March 2010
- *Canadian content development commitments*, Broadcasting Decision CRTC 2009-794, 22 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-785, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-506, 20 August 2009
- *CILK-FM Kelowna and its transmitter VF2329 Big White Mountain – Technical changes*, Broadcasting Decision CRTC 2009-76, 18 February 2009
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Acquisition of assets*, Broadcasting Decision CRTC 2007-359, 28 September 2007, as corrected by *Erratum*, Broadcasting Decision CRTC 2007-359-1, 3 December 2007
- *CILK-FM Kelowna and its transmitters CILC-FM Magna Bay and VF2329 Big White Mountain – Acquisition of assets*, Broadcasting Decision CRTC 2006-684, 20 December 2006
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993

**This document is to be appended to each licence.*