



Broadcasting Decision CRTC 2010-436

PDF version

Route reference: 2009-786

Ottawa, 30 June 2010

Newfoundland Broadcasting Company Limited

St. John's, Argentia, Rattling Brook, Stephenville, Marystown, Elliston, Corner Brook, Red Rocks and Clarenville, Newfoundland and Labrador

Application 2009-0269-4, received 4 February 2009

CHOZ-FM St. John's and its transmitters – Licence renewal

The Commission renews the broadcasting licence for the English-language commercial radio station CHOZ-FM St. John's and its transmitters, from 1 July 2010 to 31 August 2013. This short-term licence renewal will enable the Commission to review, at an earlier date, the licensee's compliance with the Radio Regulations, 1986.

Introduction

1. The Commission received an application by Newfoundland Broadcasting Company Limited (NBCL) to renew the broadcasting licence for the English-language commercial radio programming undertaking CHOZ-FM St. John's and its transmitters CFOZ-FM Argentia, CKMY-FM Rattling Brook, CIOS-FM Stephenville, CIOZ-FM Marystown, CJOZ-FM Elliston, CKOZ-FM Corner Brook, CKSS-FM Red Rocks and CJMY-FM Clarenville, which expires 30 June 2010.¹ The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2009-786, the Commission stated that the licensee may have failed to comply with the *Radio Regulations, 1986* (the Regulations) as they relate to devoting at least 35% or more of musical selections from content category 2 (Popular music) to Canadian selections broadcast in their entirety for the week of 15 to 21 April 2007.

Commission's analysis and determinations

3. After examining the application in light of applicable regulations and policies, the Commission considers that the issue to be addressed in its determinations relates to the broadcast of Canadian musical selections. Specifically, for the week of 15 to 21 April

¹ The current licence was administratively renewed until 31 December 2009 in Broadcasting Decision 2009-506, until 31 May 2010 in Broadcasting Decision 2009-785, and until 30 June 2010 in Broadcasting Decision 2010-324.

2007, the licensee devoted 34.2%, instead of at least 35%, of CHOZ-FM's musical selections from content category 2 to Canadian selections broadcast in their entirety.

4. In a letter dated 22 August 2007, NBCL noted that the deficiency appeared to be caused by the weekend syndicated countdown programming, of which the music selections are not tracked by its music scheduling software. To compensate, the licensee stated that the station will add approximately eight additional minutes per day of Canadian category 2 music throughout the broadcast week.

Conclusion

5. In light of all of the above, in accordance with its practice regarding radio non-compliance, set out in Circular No. 444, the Commission considers that a short-term renewal period for CHOZ-FM and its transmitters would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CHOZ-FM St. John's and its transmitters CFOZ-FM Argentia, CKMY-FM Rattling Brook, CIOS-FM Stephenville, CIOZ-FM Marystown, CJOZ-FM Elliston, CKOZ-FM Corner Brook, CKSS-FM Red Rocks and CJMY-FM Clarenville from 1 July 2010 to 31 August 2013, four years from the original expiry date of 31 August 2009. This short-term renewal will enable the Commission to assess, at an earlier date, the licensee's compliance with the Regulations. The licence will be subject to the **conditions** set out in Broadcasting Regulatory Policy 2009-62.

Encouragement

6. In accordance with Public Notice 1992-59, 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.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2010-324, 28 May 2010
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2009-786, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-785, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-506, 20 August 2009
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

**This decision is to be appended to the licence.*