



## Broadcasting Decision CRTC 2010-440

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Route reference: 2009-786

Ottawa, 30 June 2010

**3885275 Canada Inc.**  
Toronto, Ontario

*Application 2009-0609-2, received 15 April 2009*

### **CJSA-FM Toronto – Licence renewal**

*The Commission **renews** the broadcasting licence for the commercial ethnic radio programming undertaking CJSA-FM Toronto 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 and its conditions of licence.*

### **Introduction**

1. The Commission received an application by 3885275 Canada Inc. (3885275 Canada) to renew the broadcasting licence for the commercial ethnic radio programming undertaking CJSA-FM Toronto, which expires 30 June 2010.<sup>1</sup>
2. As part of this process, the Commission received and considered several interventions in support of the application, as well as an intervention in opposition from the Canadian Multicultural Alliance (CMA). The interventions and the licensee's reply to the intervention by the CMA can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
3. In Broadcasting Notice of Consultation 2009-786, the Commission stated that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the provision of annual returns, for broadcast years 2005 through 2008.

### **Commission's analysis and determinations**

4. 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 provision of annual returns, and

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<sup>1</sup> 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.

- contributions to Canadian content development (CCD).

#### **Provision of annual returns**

5. As set out in section 9(2) of the Regulations, licensees are required to file their annual returns for a given broadcast year by 30 November of that same broadcast year. The Commission notes that, for the broadcast years 2005 through 2008, the licensee's annual returns were filed after the 30 November deadline. The Commission further notes that, when these annual returns were submitted, supporting documentation relating to Canadian talent development (CTD) contributions was missing, and that this documentation has now been provided to the Commission.
6. The licensee acknowledged its delinquency in its filing of annual returns for the 2005 through 2008 broadcast years and expressed its regret that this occurred. It noted that the late filing of the annual returns was an oversight due to various factors that they experienced during their initial term.

#### **Contributions to Canadian content development**

7. In regard to the eligibility of 3885275 Canada's CCD contributions, the CMA submitted that Global Media Marketing is operating out of the same offices as the licensee and raised the question as to whether this is simply a case of shuffling money between various elements of the licensee's organization.
8. The Commission is satisfied that Global Media Marketing is a separate entity from 3885275 Canada, and notes that the licensee has provided proof that payments were made to individual artists through Global Media Marketing, a practice that the Commission finds acceptable. Accordingly, the Commission considers that the licensee's CTD contributions were directed to eligible initiatives.

#### **Conclusion**

9. 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 CJSA-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the ethnic commercial radio programming undertaking CJSA-FM Toronto 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 and with its conditions of licence. The licence will be subject to the **conditions** set out in the appendix to this decision.

#### **Other matters**

10. The Commission notes that the licensee is required, as part of its original licensing requirements set out in Broadcasting Decision 2003-194, to contribute \$3,000 annually to the Canadian Association of Ethnic Broadcasters (CAEB) catalogue of ethnic recordings. Although in the past it has accepted such contributions as an eligible CTD initiative, the Commission considers that the CAEB catalogue, in its present state, does not effectively support or promote Canadian ethnic artists. Accordingly, the CAEB catalogue can no

longer be considered an eligible recipient of CTD funding (or CCD funding, as these initiatives are currently known), pursuant to Broadcasting Public Notice 2006-158. The Commission therefore directs the licensee to reallocate this annual \$3,000 contribution to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of Broadcasting Public Notice 2006-158 for its remaining commitments in this regard, so as to fulfill its original licensing requirements relating to CTD set out in Broadcasting Decision 2003-115.

11. The Commission reminds the licensee that it must adhere to the requirements relating to contributions to CCD set out in section 15 of the Regulations. Most commercial radio licensees must allocate 60% of their minimum required CCD contributions to FACTOR or MUSICACTION. However, as an ethnic broadcaster, 3885275 Canada may instead direct 60% of its minimum required CCD contributions to any eligible initiative that supports the creation of ethnic programs.

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
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *3885275 Canada Inc. 'Canadian Multicultural Radio', Ethnic FM radio station in Toronto*, Broadcasting Decision CRTC 2003-115, 17 April 2003
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

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

# Appendix to Broadcasting Decision CRTC 2010-440

## Conditions of licence and encouragement

### Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence number 7.
2. The station shall be operated within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. The licensee shall devote a minimum of 90% of the programming broadcast during each broadcast week to ethnic programs, as defined in the *Radio Regulations, 1986*.
4. The licensee shall devote at least 48% of all ethnic programs broadcast during each broadcast week to programs in the Tamil, Hindi and Filipino languages.
5. The licensee shall devote a minimum of 80% of the programming broadcast during each broadcast week to third language programs, as defined in the *Radio Regulations, 1986*.
6. The licensee shall offer, on a weekly basis, programming directed to a minimum of 16 cultural groups in a minimum of 22 languages.
7. The licensee shall ensure that at least 10% of the musical selections broadcast during ethnic programming periods during each broadcast week are Canadian selections.

### 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.