



Broadcasting Decision CRTC 2010-583

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Route reference: 2010-138

Ottawa, 17 August 2010

Metromedia CMR Broadcasting Inc.
Montréal, Quebec

Application 2010-0234-4, received 12 February 2010
Public Hearing in the National Capital Region
10 May 2010

CFQR-FM Montréal – Licence renewal

*The Commission **renews** the broadcasting licence for the television programming undertaking CFQR-FM Montréal from 1 September 2010 to 31 August 2014. 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 Metromedia CMR Broadcasting Inc. to renew the broadcasting licence for the English-language commercial radio programming undertaking CFQR-FM Montréal, which expires 31 August 2010.
2. In Broadcasting Notice of Consultation 2010-138, the Commission noted that, during the week of 5 to 11 July 2009, the licensee may have failed to comply with subsection 2.2(3.1)(b) of the *Radio Regulations, 1986* (the Regulations), which relates to the broadcast of Canadian musical selections from content subcategory 34 (Jazz and blues). The Commission also noted that, in Broadcasting Decision 2006-597, it had previously renewed the station's broadcasting licence for a shorter term for failing to comply with the condition of licence regarding the broadcast of hits.
3. In the same notice of consultation, the Commission summoned the licensee to appear at a public hearing in order to show cause why the Commission should not issue a mandatory order requiring the licensee to comply with the Regulations in regard to the level of Canadian musical selections from content subcategory 34 that must be broadcast during each broadcast week.
4. The Commission received a comment from the Association québécoise du disque, du spectacle et de la vidéo (ADISQ). The intervention and the licensee's reply can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. 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 licensee's non-compliance with subsection 2.2(3.1)(b) of the Regulations in regard to the broadcast of Canadian musical selections from content subcategory 34.
6. A review of the programming broadcast by CFQR-FM during the week of 5 to 11 July 2009 revealed that the licensee violated subsection 2.2(3.1)(b) of the Regulations relating to the broadcast of Canadian musical selections from content subcategory 34. In a letter dated 6 November 2009, the licensee confirmed that it had not complied with that requirement.
7. The licensee specified that the non-compliance occurred during the program entitled "Chill," a new weekly three-hour "smooth jazz" program. The licensee explained that it had not been able to properly identify Canadian musical selections in this program because it had purchased a database in which the Canadian "smooth jazz" selections had not been properly labelled. The licensee added that it only became aware of the problem upon being informed of it by the Commission.
8. At the hearing, the licensee stated that it takes its responsibilities seriously and that it understands the importance of complying with its regulatory requirements. The licensee indicated that the station has now been in compliance since 1 November 2009 and that on average 25 to 30% of the musical selections broadcast by the station consist of Canadian selections from subcategory 34.
9. Further, the licensee indicated that it audits each program regularly to ensure that the level of Canadian musical selections meets the Regulations. The station staff has been instructed to never remove a Canadian musical selection from its programming for any reason, and the program directors have been advised to not make any changes to the programming without having first discussed them with the regulatory group.
10. The Commission notes that the licensee was in compliance with all of its other requirements during its current licence term (the provision of annual reports, contributions to Canadian content development, and the broadcast of Canadian content from category 2). The Commission therefore considers that it is not necessary to issue a mandatory order pursuant to section 12(2) of the *Broadcasting Act*.
11. When a station fails a second time to comply with the Regulations, the Commission usually renews its licence for a two-year term. However, the Commission notes that the licensee has taken the appropriate measures to comply at all times with its conditions of licence and with the requirements set out in the Regulations. Under these circumstances, the Commission considers itself justified in deviating from its standard practices, and that a four-year licence renewal term is appropriate for this station.

Conclusion

12. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFQR-FM Montréal for a period of four years, from 1 September 2010 to 31 August 2014. This short-term renewal will enable the Commission to review, at an earlier date, the licensee's compliance with the Regulations. The terms and **conditions of licence** are set out in the appendix to this decision.

Employment equity

13. Because the licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the department of Human Resources and Skills Development Canada, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Notice of Hearing*, Broadcasting Notice of Consultation CRTC 2010-138, 10 March 2010
- *CFQR-FM Montréal – Licence renewal*, Broadcasting Decision CRTC 2006-597, 16 October 2006

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

Appendix to Broadcasting Decision CRTC 2010-583

Terms and conditions of licence for the English-language commercial radio programming undertaking CFQR-FM Montréal

Terms

The licence expires 31 August 2014.

Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence number 6.
2. The licensee is authorized to use a Subsidiary Communications Multiplex Operation (SCMO) channel to distribute ethnic programming in the Portuguese language. The Commission reminds the licensee that, as stated in section 3(1)(h) of the *Broadcasting Act*, the licensee is responsible for the programs that it broadcasts. The licensee is therefore expected to ensure that its SCMO service is operated in a responsible manner and to adhere to the guidelines regarding the provision of SCMO services set out in Appendix A to *Services using the vertical blanking interval (television) or subsidiary communications multiplex operation (FM)*, Public Notice CRTC 1989-23, 23 March 1989.
3. The licensee shall not broadcast more than 20 minutes of paid commercial messages in any broadcast day on the Subsidiary Communications Multiplex Operation channel.