



## Broadcasting Decision CRTC 2010-770

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Route reference: 2010-334

Ottawa, 19 October 2010

**R.B. Communications Ltd.**  
Welland, Ontario

*Application 2010-0149-5, received 5 February 2010*

### **CIXL-FM Welland – Licence renewal**

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CIXL-FM Welland from 1 December 2010 to 31 August 2014. This short-term licence renewal will enable the Commission to review the licensee's compliance with the Radio Regulations, 1986 and its conditions of licence at an earlier date.*

### **Introduction**

1. The Commission received an application by R.B. Communications Ltd. (R.B. Communications) to renew the broadcasting licence for the English-language commercial radio programming undertaking CIXL-FM Welland, which expires 30 November 2010.<sup>1</sup> The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2010-334, 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 the 2003-2004 to 2008-2009 broadcast years. The Commission also stated that the licensee may have failed to comply with its condition of licence relating to contributions to Canadian talent development (CTD) for the 2003-2004 to 2007-2008 broadcast years, and to Canadian content development (CCD) for the 2008-2009 broadcast year.

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

3. After examining the application in light of applicable regulations and policies, the Commission considers that the issues to be addressed in its determinations relate to the following:
  - the provision of annual returns; and
  - contributions to CTD and CCD.

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<sup>1</sup> The licence was administratively renewed from 1 September 2010 to 30 November 2010 in Broadcasting Decision 2010-635.

### **Provision of annual returns**

4. As set out in section 9(2) of the Regulations, licensees are required to file their annual returns for a specific broadcast year by 30 November of that same broadcast year. The Commission notes that for the 2003-2004 to 2008-2009 broadcast years, the licensee's annual returns were filed after this 30 November deadline.
5. The licensee explained that it was in a state of non-compliance because its internal procedures were flawed and the small accounting firm that it employs missed the deadline for the aforementioned broadcast years. The licensee indicated that it has corrected its internal procedures and that the accounting firm has agreed to provide the annual returns by the deadline in the future.

### **Contributions to Canadian talent development and Canadian content development**

6. The Commission notes that R.B. Communications paid its CTD contributions for the 2003-2004 to 2007-2008 broadcast years and its CCD contributions for the 2008-2009 broadcast year after the 31 August deadline.
7. The licensee indicated that it has amended its internal procedures to ensure that all payments are made within the correct broadcast year.

### **Conclusion**

8. In light of the above and 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 CIXL-FM is appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CIXL-FM Welland from 1 December 2010 to 31 August 2014. This short-term renewal will enable the Commission to assess the licensee's compliance with the Regulations and its conditions of licence at an earlier date. The licence will be subject to the **conditions** set out in Broadcasting Regulatory Policy 2009-62.

### **Remaining benefits**

9. The Commission reminds the licensee that pursuant to the tangible benefits related to the transfer of shares approved in a letter dated 4 March 2004, remaining benefits totalling \$180,000 are scheduled to be spent by 31 August 2011.

### **Employment equity**

10. 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 2010-635, 30 August 2010
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2010-334, 1 June 2010
- *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*