



## Broadcasting Decision CRTC 2010-856

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Route reference: 2010-334

Ottawa, 19 November 2010

**Telephone City Broadcast Limited**  
Brantford, Ontario

*Applications 2010-0103-1 and 2010-0104-9, received 28 January 2010*

### **CKPC-FM and CKPC Brantford – Licence renewals**

*The Commission **renews** the broadcasting licences for the English-language commercial radio stations CKPC-FM and CKPC Brantford from 1 December 2010 to 31 August 2014. These short-term licence renewals 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 applications by Telephone City Broadcast Limited (Telephone City) to renew the broadcasting licences for the English-language commercial radio programming undertakings CKPC-FM and CKPC Brantford, which expire 30 November 2010.<sup>1</sup> The Commission did not receive any interventions in connection with these applications.
2. In Broadcasting Notice of Consultation 2010-334, the Commission stated that the licensee may have failed to comply with its conditions of licence relating to contributions to Canadian talent development (CTD) for the 2007-2008 broadcast year, and with section 15(2) of the *Radio Regulations, 1986* (the Regulations) relating to contributions to Canadian content development (CCD) for the 2008-2009 broadcast year.
3. The Commission also stated that the licensee may have failed to comply with section 9(2) of the Regulations regarding the provision of annual returns for the 2008-2009 broadcast year.

#### **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 determinations relate to the following:

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

- contributions to CTD and CCD; and
- the provision of annual returns.

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

5. The Commission notes that the undertakings had a shortfall in their CTD contributions for the 2007-2008 broadcast year and in their CCD contributions for the 2008-2009 broadcast year.

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

6. The Commission also notes that the undertakings' annual returns for the 2008-2009 broadcast year were submitted after the 30 November deadline. As set out in section 9(2) of the Regulations, licensees are required to file, before 30 November of each year, their annual return for the broadcast year ending the previous 31 August.
7. Telephone City indicated that the instances of non-compliance occurred before the effective control of Telephone City changed from the Estate of R.D. Buchanan to William Vasil Evanov, through the transfer of all issued and outstanding shares of Telephone City to Evanov Communications Inc.,<sup>2</sup> and that they resulted from the implementation of the new CCD regime and from confusion following the death of the previous owner. Telephone City confirmed that it has since resolved these issues.
8. The Commission reminds the licensee that it is held responsible for debts and other deficiencies that occurred under current and previous ownership.

#### **Conclusion**

9. 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 CKPC-FM and CKPC is appropriate. Accordingly, the Commission **renews** the broadcasting licences for the English-language commercial radio programming undertakings CKPC-FM and CKPC Brantford from 1 December 2010 to 31 August 2014. These short-term renewals will enable the Commission to assess the licensee's compliance with the Regulations and its conditions of licence at an earlier date. The licences will be subject to the **conditions** set out in Broadcasting Regulatory Policy 2009-62. In addition, CKPC Brantford's licence will continue to be subject to the following **condition**:

The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), in any broadcast week where at least 90% of musical selections from content category 2 that it broadcasts are selections released before 1 January 1981:

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<sup>2</sup> As set out in Broadcasting Information Bulletin 2009-634, the Commission approved the change in effective control on 28 August 2009.

- in that broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
- between 6 a.m. and 6 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

The licensee shall specify on the music lists it provides to the Commission the year of release for all musical selections broadcast.

For purposes of this condition, the terms “broadcast week”, “content category” and “musical selection” shall have the meaning set out in section 2 of the Regulations.

### **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
- *Applications processed pursuant to streamlined procedures*, Broadcasting Information Bulletin CRTC 2009-634, 8 October 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 each licence.*