



Broadcasting Decision CRTC 2010-878

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Route reference: 2010-334

Ottawa, 26 November 2010

176100 Canada Inc.
Plessisville and Victoriaville, Quebec

Application 2010-0206-3, received 11 February 2010

CKYQ-FM Plessisville and its transmitter CKYQ-FM-1 Victoriaville – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CKYQ-FM Plessisville and its transmitter CKYQ-FM-1 Victoriaville, from 1 December 2010 to 31 August 2014. This short-term licence renewal will allow 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 176100 Canada Inc. to renew the broadcasting licence for the French-language commercial radio programming undertaking CKYQ-FM Plessisville and its transmitter CKYQ-FM-1 Victoriaville, which expires 30 November 2010.¹
2. In Broadcasting Notice of Consultation 2010-334, the Commission indicated that the licensee may have failed to comply with section 15(2) of the *Radio Regulations, 1986* (the Regulations), which relate to Canadian content development (CCD) contributions, for the 2008–2009 broadcast year.
3. As part of this process, the Commission received and considered an intervention from the Association québécoise de l’industrie du disque, du spectacle et de la vidéo (ADISQ). The comment 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

4. After examining the application in light of the applicable regulations and policies, and taking into account the intervention received and the licensee’s reply, the Commission

¹ This broadcasting licence was administratively renewed from 1 September 2010 to 30 November 2010 in Broadcasting Decision 2010-635.

considers that the issue to be addressed in its determinations relates to the licensee's CCD contribution for the 2008-2009 broadcast year.

5. As set out in section 15(2) of the Regulations, licensees are required to make basic annual contributions to CCD. The Commission notes that the licensee did not respect this requirement for the 2008–2009 broadcast year.
6. In its intervention, ADISQ did not oppose a seven-year licence renewal, but it did express concerns regarding CCD contributions and submitted information on accessibility to CCD contribution records. According to ADISQ, the Commission must ensure that a licensee complies with each of its commitments relating to CCD contributions for each year of the licence term and that it contributes a fair portion to MUSICACTION. ADISQ requested that the Commission require licensees found to be in non-compliance to pay any shortfall as soon as possible.
7. In its reply, the licensee stated that it has always complied with its CCD commitments since they were established in Broadcasting Decision 2003-535 at the time of its last licence renewal. However, the licensee explained that the violation occurred in the 2008-2009 broadcast year because it was not aware that the new CCD regime, set out in Broadcasting Public Notice 2008-67, had taken effect. The licensee added that its non-compliance could have been avoided if the Commission had notified each licensee of the effective date. The licensee confirmed that it is henceforth committed to adhere to the new CCD regime.
8. Section 15 of the Regulations sets out the amounts that licensees are required to contribute annually to eligible CCD initiatives. Noting the measures put in place to rectify the licensee's non-compliance in this regard, the Commission expects the licensee to complete payment of its CCD contribution for the 2008-2009 broadcast year by no later than 60 days from the date of the present decision.

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 CKYQ-FM is appropriate. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CKYQ-FM Plessisville and its transmitter CKYQ-FM-1 Victoriaville, from 1 December 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 Regulations and with its conditions of licence. The licence will be subject to the **conditions** set out in Broadcasting Regulatory Policy 2009-62.

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
- *Amendments to the Radio Regulations, 1986 – Implementation of the Commercial Radio Policy 2006 and the Digital Radio Policy*, Broadcasting Public Notice CRTC 2008-67, 23 July 2008
- *CKYQ-FM Plessisville – Licence renewal*, Broadcasting Decision CRTC 2003-535, 4 November 2003
- *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.*