



## Broadcasting Decision CRTC 2013-150

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Route reference: 2012-457

Ottawa, 25 March 2013

**Radio Beauséjour inc.**  
Shediac, New Brunswick

*Application 2011-0292-0, received 1 February 2011*

### **CJSE-FM Shediac and its transmitters – Licence renewal and amendment**

*The Commission **renews** the broadcasting licence for the French-language community radio station CJSE-FM Shediac from 1 April 2013 to 31 August 2019.*

*The Commission **approves** the licensee's request to delete its condition of licence regarding the broadcast of Aboriginal-language music.*

*The Commission also **approves** the licensee's request to devote, each broadcast week, at least 8% of the musical selections broadcast to selections drawn from content category 3 (Special Interest Music).*

### **Introduction**

1. Radio Beauséjour inc. (Radio Beauséjour) filed an application to renew the broadcasting licence for the French-language community radio station CJSE-FM Shediac and its transmitters CJSE-FM-1 Memramcook and CJSE-FM-2 Baie-Sainte-Anne, which expires 31 March 2013.<sup>1</sup> The Commission did not receive any interventions concerning this application.
2. The licensee also proposed to delete the following condition of licence set out in Broadcasting Decision 2003-393:  
  
The licensee shall devote, each broadcast week, a minimum of 1% of all musical selections to vocal musical selections in Aboriginal languages.
3. In the context of the station's licence renewal in 1999 (Decision 99-376), the Commission agreed to impose this condition of licence to offset the decrease from 35% to 34% in the level of English-language vocal musical selections that could be broadcast each broadcast week.

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<sup>1</sup> The original licence expiry date for this station was 31 August 2010. The licence was administratively renewed to 31 March 2013 as a result of Broadcasting Decisions 2010-10, 2011-558 (as amended by 2011-558-1), 2011-790 and 2012-456.

4. In the context of this application, the licensee stated that it was difficult to comply with this condition of licence because there are not many musical selections available in Aboriginal languages. However, it stated that the station plays Acadian, French- and English-language musical selections by Aboriginal artists.
5. To offset the reduction in diversity associated with the deletion of this condition of licence, the licensee proposed to increase the level of content category 3 (Special Interest Music) selections broadcast during the broadcast week from 4.5% to 8%.
6. Additionally, the licensee is currently subject to a condition de licence requiring it to devote, each broadcast week, no more than 75 % of its musical selections to selections from content subcategory 21 (Pop, rock and dance). In the future, the licensee wishes to adhere to the standard condition of licence set out in Broadcasting Regulatory Policy 2012-304, which requires licensees to devote at least 20% of musical selections broadcast in each broadcast week to musical selections drawn from subcategories other than content subcategory 21.
7. In Broadcasting Notice of Consultation 2012-457, the Commission stated that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations) as regards the filing of annual returns for the 2003-2004 to 2008-2009 broadcast years.

### **Commission's analysis and decisions**

8. After examining the application in light of applicable regulations and policies, the Commission considers that the issues to be addressed are the following:
  - the deletion of the condition of licence relating to the broadcast of Aboriginal-language music and the increase in the level of content category 3<sup>2</sup> musical selections; and
  - the licensee's apparent non-compliance as regards the filing of annual returns.

### **Deletion of the condition of licence relating to the broadcast of Aboriginal-language musical selections and increase in the level of category 3 musical selections**

9. Under the *Campus and community radio policy* (Broadcasting Regulatory Policy 2010-499), the Commission requires all community stations to devote at least 5% of their musical selections broadcast each broadcast week to content category 3 musical selections. In this respect, Radio Beauséjour stated that the station currently broadcasts a higher percentage of special interest music than that required by the Commission.

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<sup>2</sup> As set out in Broadcasting Regulatory Policy 2010-189, musical selections drawn from content category 3 consist of musical selections in the following genres: Concert, Folk and folk-oriented, World beat and international, Jazz and blues, Non-classic religious, as well as Experimental music.

10. In addition, the Commission notes that the community served by the station did not oppose the licensee's request to delete the condition of licence relating to the broadcast of Aboriginal-language musical selections. Further, given that the licensee currently broadcasts music by Aboriginal artists in other languages and is proposing to increase its minimum percentage of content category 3 musical selections to 8%, the Commission considers that Radio Beauséjour would continue to offer its listeners diverse musical selections even with the deletion of the condition of licence on the broadcast of Aboriginal-language music.
11. Accordingly, the Commission **approves** the licensee's request to delete the condition of licence concerning the broadcast of Aboriginal-language musical selections. The Commission also **approves** the licensee's request to devote, each broadcast week, at least 8% of the musical selections broadcast to selections from content category 3. A **condition of licence** to this effect is set out in the appendix to this decision.

#### **Licensee's apparent non-compliance as regards the filing annual returns**

12. Section 9(2) of the Regulations requires licensees to file, on or before 30 November of each year, their annual returns for the broadcast year ending the previous 31 August. The Commission notes that Radio Beauséjour's annual returns were filed after the 30 November deadline for the 2003–2004 to 2008–2009 broadcast years.
13. In response to a Commission letter, Radio Beauséjour stated that it had taken immediate measures with its financial officer to ensure that annual returns would be filed within the prescribed deadline in the future. In this respect, the licensee stated that the filing deadline had been entered in the electronic agenda of the Radio Beauséjour executive director and financial officer as a recurring event for each of the following years. The licensee also stated that it had arranged with its representative, the Alliance des radios communautaires du Canada, to send it an annual reminder, as well as to do so for other community radio stations.
14. The Commission is satisfied with the licensee's explanations and the corrective measures it has undertaken. Nonetheless, the Commission reminds the licensee of its obligation under section 9(2) of the Regulations to file, on or before 30 November of each year, its annual return for the broadcast year ending the previous 31 August.

#### **Conclusion**

15. In Broadcasting Information Bulletin 2011-347, the Commission set out a revised approach for dealing with non-compliance by radio stations. In particular, the Commission stated that each instance of non-compliance would be evaluated in context and according to factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also stated that it would take into account the circumstances leading to the non-compliance in question, the licensee's arguments and the measures taken to rectify the situation.

16. In accordance with its revised approach and taking into consideration the measures taken by Radio Beauséjour, the Commission considers it appropriate to grant CJSE-FM a full licence term. Accordingly, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CJSE-FM Shediac and its transmitters CJSE-FM-1 Memramcook and CJSE-FM-2 Baie-Sainte-Anne from 1 April 2013 to 31 August 2019. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

#### **Related documents**

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2012-457, 28 August 2012
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-456, 28 August 2012
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Administrative renewals*, Broadcasting Decision CRTC 2011-790, 19 December 2011
- *Administrative renewals*, Broadcasting Decision CRTC 2011-558, 31 August 2011, as amended by Broadcasting Decision CRTC 2011-558-1, 23 September 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *Administrative renewals*, Broadcasting Decision CRTC 2010-10, 13 January 2010
- *CJSE-FM Shediac and its transmitter CJSE-FM-1 Memramcook – Licence renewal*, Broadcasting Decision CRTC 2003-393, 12 August 2003
- *Licence renewal for CJSE-FM*, Decision CRTC 99-376, 30 August 1999

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

## **Appendix to Broadcasting Decision CRTC 2013-150**

### **Terms, conditions of licence, expectation and encouragement for the French-language community radio programming undertaking CJSE-FM Shediac, New Brunswick**

#### **Terms**

The licence will expire 31 August 2019.

#### **Conditions of licence**

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, with the exception of condition 5.
2. In each broadcast week, the licensee shall devote at least 8% of the musical selections broadcast to selections drawn from content category 3 (Special Interest Music), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
3. In each broadcast week, the licensee shall devote at least 34% of all the musical selections to English-language vocal musical selections.

#### **Expectation**

##### **Filing of ownership information**

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website.

##### **Encouragement**

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.