



## Broadcasting Decision CRTC 2013-402

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Route reference: 2013-220

Ottawa, 14 August 2013

### **Tillsonburg Broadcasting Company Limited**

Tillsonburg, Ontario

*Application 2012-1376-9, received 29 October 2012*

### **CJDL-FM Tillsonburg – Licence renewal**

*The Commission **renews** the broadcasting licence for the commercial radio station CJDL-FM Tillsonburg, Ontario, from 1 September 2013 to 31 August 2020.*

#### **Introduction**

1. The Commission received an application by Tillsonburg Broadcasting Company Limited to renew the broadcasting licence for the commercial radio station CJDL-FM Tillsonburg, Ontario, which expires 31 August 2013.<sup>1</sup>
2. The Commission received an intervention from the Province of Ontario relating to the participation of the station in the National Public Alerting System (NPAS). The public record for this application can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
3. As specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS. Therefore, the Commission will not impose conditions of licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to voluntarily participate in the NPAS, so that Canadians receive timely warnings of imminent perils.

#### **Non-compliance**

4. In Broadcasting Notice of Consultation 2013-220, the Commission noted that the licensee was in apparent non-compliance with the following:
  - its condition of licence relating to Canadian talent development (CTD) for the 2007-2008 to 2010-2011 broadcast years; and

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<sup>1</sup> The original expiry date for the station's licence was 31 August 2012. The licence was administratively renewed until 31 August 2013 as a result of Broadcasting Decision 2012-447.

- section 9(2) of the *Radio Regulations, 1986* (the Regulations) regarding the filing of annual returns by 30 November for the 2005-2006 and 2006-2007 broadcast years.
5. With respect to CTD, in Broadcasting Decision 2005-432, the Commission imposed a condition of licence requiring the licensee to devote \$5,000 in CTD contributions in each broadcast year to the “Home Grown Country” initiative. This initiative was meant to provide support and region-wide exposure for country artists starting out in the music business. During the broadcast years in question, the licensee contributed to Orchestra London and the Terry Sumsion Band.
  6. The licensee explained that it believed that the CTD initiatives to which it contributed could be considered part of the “Home Grown Country” initiative. It also noted that its CTD contributions far exceeded those required by its condition of licence and that it had therefore addressed any CTD shortfalls. However, it expressed a willingness to conform to any decision the Commission might choose to make in its case.
  7. Based on the record for this application, the Commission finds that these initiatives are not consistent with the “Home Grown Country” initiative. Accordingly, the Commission finds the licensee in non-compliance with its condition of licence relating to CTD for the 2007-2008 to 2010-2011 broadcast years.
  8. With respect to annual returns, section 9(2) of the Regulations requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795. In the present case, the licensee did not file its annual returns by the 30 November deadline for the 2005-2006 and 2006-2007 broadcast years.
  9. The licensee explained that any non-compliance with this requirement was unintentional and that at times its resources were stretched to the limit. Nevertheless, it recognized that any area of non-compliance was serious and stated that it would contact Commission staff to ensure that it fully understood all of its regulatory obligations to avoid any future non-compliance.
  10. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the filing of annual returns for the 2005-2006 and 2006-2007 broadcast years.

### **Regulatory measures**

11. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.

12. The Commission considers that initiatives relating to the development of Canadian content and talent not only help to develop and advance the careers of emerging Canadian artists but also increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions.
13. The Commission also notes that timely compliance with reporting requirements is important because it allows the Commission to monitor licensee performance and compliance with its regulations and obligations, as well as to gather statistics for assessing the industry and preparing monitoring reports on which the industry relies.
14. The Commission has reviewed the record for this application and notes that while the CTD payments were not made to the CTD initiatives specified in the licensee's condition of licence, contributions exceeding the required amounts were made in good faith to initiatives that would otherwise qualify for support and that therefore no shortfall remains. The Commission also notes the licensee's willingness to resolve any non-compliance issues. Given the circumstances surrounding the licensee's non-compliance for CJDL-FM, the Commission considers it appropriate to grant a full-term renewal to the station.

## **Conclusion**

15. In light of all of the above, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CJDL-FM Tillsonburg, Ontario, from 1 September 2013 to 31 August 2020. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.

## **Reminder**

16. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by Department of Industry lapses.

## **Encouragement**

### **Employment equity**

17. 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**

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-220, 7 May 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-447, 17 August 2012
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *CKOT Tillsonburg – Conversion to FM band*, Broadcasting Decision CRTC 2005-432, 25 August 2005
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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