



## Broadcasting Decision CRTC 2013-414

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Route reference: 2013-220

Ottawa, 16 August 2013

**Radio de la Baie Itée**  
Bathurst, New Brunswick

*Application 2012-1361-0, received 26 October 2012*

### **CKLE-FM Bathurst – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CKLE-FM Bathurst from 1 September 2013 to 31 August 2020.*

#### **Introduction**

1. Radio de la Baie Itée filed an application to renew the broadcasting licence for its French-language commercial radio station CKLE-FM Bathurst, New Brunswick, which expires 31 August 2013.<sup>1</sup> The Commission did not receive any interventions regarding this application.

#### **Non-compliance**

2. In Broadcasting Notice of Consultation 2013-220, the Commission noted that the licensee was in apparent non-compliance with section 15 of the *Radio Regulations, 1986* relating to Canadian content development (CCD) contributions for the 2008-2009 broadcast year.
3. The licensee explained that its shortfall resulted from an unsuccessful attempt to obtain information regarding its required contributions to MUSICACTION. It stated that it has since received the necessary clarifications and that there would be no further issues with respect to its CCD contributions.
4. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to CCD for the 2008-2009 broadcast year.

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

## Regulatory measures

5. 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.
6. The Commission considers that initiatives relating to the development of Canadian content and talent will not only help to develop and advance the careers of emerging Canadian artists but will 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 to the development of Canadian content and talent.
7. Since the non-compliance occurred in the year that the CCD regime replaced the Canadian talent development regime,<sup>2</sup> the Commission is of the view that this was an isolated incident and notes that the shortfall has since been paid. It also notes that there were no compliance issues in subsequent years.
8. Given the circumstances surrounding the licensee's non-compliance for CKLE-FM, the Commission considers it appropriate to grant a full-term renewal to that station.

## Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKLE-FM Bathurst, New Brunswick, 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

10. 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 the Department of Industry lapses.

## Encouragement

11. 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.

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<sup>2</sup> See Broadcasting Public Notice 2006-158.

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, as corrected by Broadcasting Decision CRTC 2012-447-1, 22 August 2012
- *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
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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