



Broadcasting Decision CRTC 2013-707

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Route reference: 2013-325

Ottawa, 17 December 2013

Touch Canada Broadcasting (2006) Inc. (the general partner) and C.R.A. Investments Ltd. (the limited partner), carrying on business as Touch Canada Broadcasting Limited Partnership
Edmonton, Alberta

Applications 2013-0198-6, received 25 January 2013

CJRY-FM Edmonton – Licence renewal

*The Commission **renews** the broadcasting licence for the specialty (religious) commercial radio station CJRY-FM Edmonton, Alberta, from 1 January 2014 to 31 August 2020.*

Introduction

1. The Commission received an application by Touch Canada Broadcasting (2006) Inc. (the general partner) and C.R.A. Investments Ltd. (the limited partner), carrying on business as Touch Canada Broadcasting Limited Partnership to renew the broadcasting licence for the specialty (religious) commercial radio station CJRY-FM Edmonton, Alberta, which expires 31 December 2013.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations), relating to the provision of complete annual returns for the 2011-2012 broadcast year. The licensee did not file financial statements with the annual return.
3. As stated in section 9(2) of the Regulations, licensees are required to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.

¹ The original expiry date of CJRY-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

4. The licensee explained its financial officer did not completely understand the Commission's filing system. It has now provided a check list for future use to ensure that financial statements are filed properly. The licensee has since filed the missing financial statements.
5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations, for the 2011-2012 broadcast year.
6. In Broadcasting Decision 2010-412, the Commission renewed CJRY-FM's broadcasting licence for a short-term period of four years, given the station's non-compliance with section 9(2) of the Regulations, which relates to the provision of annual returns, for the 2003-2004, 2005-2006, 2006-2007 and 2007-2008 broadcast years, as well as with its condition of licence relating to contributions to Canadian talent development, for the 2006-2007 and 2007-2008 broadcast years. This is therefore the second consecutive licence term in which the licensee has been found in non-compliance.

Regulatory measures

7. 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.
8. The Commission notes that the licensee filed the missing financial statements after a request by Commission staff. The Commission further notes that the missing statements in 2011-2012 was the only instance of non-compliance during the licence term. The Commission is satisfied that the licensee has implemented the necessary measures to ensure future compliance. Given the circumstances surrounding the licensee's non compliance for CJRY-FM, the Commission considers it appropriate to grant a full term renewal to this station.

Conclusion

9. In light of the above, the Commission renews the broadcasting licence for the specialty (religious) commercial radio programming undertaking CJRY-FM Edmonton, Alberta, from 1 January 2014 to 31 August 2020. The licensee must adhere to the **conditions of licence** set out in the appendix to this decision.

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.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-325, 5 July 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Regulatory Policy CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CJRY-FM Edmonton – Licence renewal*, Broadcasting Decision CRTC 2010-412, 29 June 2010

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

Appendix to Broadcasting Decision CRTC 2013-707

Terms, conditions of licence and encouragement for the specialty (religious) commercial radio programming undertaking CJRY-FM Edmonton, Alberta

Terms

The licence will expire 31 August 2020.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time, with the exception of condition of licence 7.
2. The station shall be operated within the Specialty format as defined in *A Review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, as amended from time to time, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
3. During each broadcast week, at least 95% of all musical selections broadcast shall be drawn from subcategory 35 (Non-classic religious), 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.

Encouragement

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, 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.