



Broadcasting Decision CRTC 2013-713

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Route reference: 2013-325

Ottawa, 18 December 2013

Coast Broadcasting Ltd.

St. John's, Newfoundland and Labrador

Application 2013-0272-8, received 4 February 2013

CKSJ-FM St. John's – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKSJ-FM St. John's, Newfoundland and Labrador, from 1 January 2014 to 31 August 2020.*

Introduction

1. Coast Broadcasting Ltd. (Coast) filed an application to renew the broadcasting licence for the English-language commercial radio station CKSJ-FM St. John's, Newfoundland and Labrador, 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 15 of the *Radio Regulations, 1986* (the Regulations) relating to Canadian content development (CCD) contributions for the 2011-2012 broadcast year.
3. The licensee explained that the shortfall in its CCD contribution was due to a miscalculation. Specifically, the licensee used its total revenues from the current broadcast year rather than the previous broadcast year, as required by the Regulations. The licensee paid the shortfall promptly upon becoming aware of the situation. The licensee also indicated that to ensure future compliance, it made a notation in its internal financial documents to alert any newcomers to the requirements of the calculations.
4. Nonetheless, in light of the above, the Commission finds the licensee in non-compliance with section 15 of the Regulations relating to its CCD contributions for the 2011-2012 broadcast year.

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

5. In Broadcasting Decision 2010-444, the Commission renewed CKSJ-FM's broadcasting licence for a short-term period, given the station's non-compliance with section 9(2) of the Regulations relating to the provision of annual returns for the 2003-2004 to 2006-2007 broadcast years.

Regulatory measures

6. 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.
7. 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 to 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.
8. The Commission has reviewed the record for this application and notes that the shortfall has been paid. The Commission is satisfied with the licensee's explanation and the measures it has put in place to address its non-compliance with section 15 of the Regulations relating to CCD contributions. Given the circumstances surrounding Coast's non-compliance for CKSJ-FM, the Commission considers it appropriate to grant a full-term renewal to this station.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKSJ-FM St. John's, Newfoundland and Labrador, from 1 January 2014 to 31 August 2020. The licensee must 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.

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
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CKSJ-FM St. John's – Licence renewal*, Broadcasting Decision CRTC 2010-444, 30 June 2010
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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