



Broadcasting Decision CRTC 2013-743

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Route reference: 2013-315

Ottawa, 20 December 2013

Vista Radio Ltd.
Lloydminster, Alberta

Application 2013-0314-8, received 7 February 2013

CKLM-FM Lloydminster – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKLM-FM Lloydminster, Alberta, from 1 January 2014 to 31 August 2020.*

Introduction

1. Vista Radio Ltd. (Vista) filed an application to renew the broadcasting licence for the English-language commercial radio station CKLM-FM Lloydminster, 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 2013-315, 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 2008-2009 and 2009-2010 broadcast years.
3. The licensee explained that the shortfalls in its CCD contributions were due to the lack of financial information from the previous licensee. The licensee promptly paid the amounts owing when it became aware of the shortfalls, and specified that it put measures in place to ensure future compliance.
4. In light of the above, the Commission finds the licensee in non-compliance with section 15 of the Regulations for the 2008-2009 and 2009-2010 broadcast years.

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

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

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 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.
7. The Commission has reviewed the record for this application and notes that all shortfalls have been paid. The Commission considers that the licensee's payments to CCD were made in good faith and is confident that the licensee will put in place the necessary measures to ensure future compliance with section 15 of the Regulations relating to CCD contributions. The Commission notes that there were no non-compliance issues in subsequent years. Given the circumstances surrounding Vista's non-compliance for CKLM-FM, the Commission considers it appropriate to grant a full-term renewal to this station.

Conclusion

8. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKLM-FM Lloydminster, Alberta, from 1 January 2014 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

9. 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.
10. The Commission further reminds the licensee that it must fulfill all of its remaining tangible benefits commitments pursuant to the terms set out in Broadcasting Decision 2008-323 concerning its acquisition of assets from 912038 Alberta Ltd. A **condition of licence** to this effect is set out in the appendix to this decision.

Employment equity

11. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

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 2013-315, 2 July 2013
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CFNA-FM Bonnyville and CKLM-FM Lloydminster – Acquisition of assets*, Broadcasting Decision CRTC 2008-323, 21 November 2008

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

Appendix to Broadcasting Decision CRTC 2013-743

Terms and conditions of licence for the English-language commercial radio programming undertaking CKLM-FM Lloydminster, 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.
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in section 2.2(8) of the *Radio Regulations, 1986*, devote, in each broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular music) to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*.

3. In order to fulfill the tangible benefits commitments noted in *CFNA-FM Bonnyville and CKLM-FM Lloydminster – Acquisition of assets*, Broadcasting Decision CRTC 2008-323, 21 November 2008, the licensee shall expend, by no later than 31 August 2015, the following:
 - \$77,273 to the Radio Starmaker Fund;
 - \$51,515 to FACTOR; and
 - \$2,273 to the Communications Studies Program at Athabasca University.