



Broadcasting Decision CRTC 2014-222

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Route reference: 2014-47

Ottawa, 8 May 2014

Bayshore Broadcasting Corporation
Owen Sound, Ontario

Application 2013-1635-7, received 15 November 2013

CKYC-FM Owen Sound – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKYC-FM Owen Sound from 1 September 2014 to 31 August 2021.*

Application

1. Bayshore Broadcasting Corporation (Bayshore) filed an application to renew the broadcasting licence for the English-language commercial radio station CKYC-FM Owen Sound, which expires 31 August 2014. The Commission did not receive any interventions regarding this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2014-47, the Commission stated that the licensee was in apparent non-compliance with its requirements relating to Canadian content development (CCD) contributions. Specifically, for the 2011-2012 and 2012-2013 broadcast years, the licensee did not make its complete mandatory contribution to the Community Radio Fund of Canada (CRFC), as required under section 15 of the *Radio Regulations, 1986* (the Regulations).
3. The licensee submitted that the calculations used to determine CCD contributions were confusing and time-consuming. It added that its director and its accounting firm usually rely on information from FACTOR to determine the station's CCD contributions and that it now realized that the information from FACTOR was prepared incorrectly, resulting in an overpayment to FACTOR and an underpayment to the CRFC.
4. The licensee stated that it had made its CCD payments in good faith. However, to ensure compliance in the future, Bayshore stated that both its director and the accounting firm were informed of the calculation errors. It was therefore confident that the situation would not recur.
5. The Commission notes that the licensee committed to rectifying the underpayment and submitting a copy of the cashed cheque once it was available.

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 the non-compliance was indeed the result of an accounting error and, therefore, that the licensee will comply with its CCD requirements in future. It notes that the licensee immediately took action to rectify the underpayment and resolve the problem and submitted the necessary proof of payment to the Commission.
8. In accordance with its revised approach regarding non-compliance by radio stations set out in Information Bulletin 2011-347, the Commission considers it appropriate to renew the licence for CKYC-FM for a full term.

Conclusion

9. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKYC-FM Owen Sound from 1 September 2014 to 31 August 2021. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time. Further, the licensee shall continue to adhere to the following **condition of licence**:

As an exception to the percentage of Canadian musical selections set out in section 2.2(8) of the *Radio Regulations, 1986* (the Regulations) and subject to subsection 2.2(6) of the Regulations, the licensee shall devote at least 37% of its musical selections from content category 2 (Popular Music) in each broadcast week 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 meanings set out in the Regulations.

Reminder

10. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Employment equity

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 human resources management.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-47, 7 February 2014
- *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
- *CKYC-FM Owen Sound – Licence renewal*, Broadcasting Decision CRTC 2007-245, 23 July 2007
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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