



Broadcasting Decision CRTC 2008-345

Ottawa, 5 December 2008

Cogeco Diffusion inc.

Québec, Quebec

Application 2008-0138-3, received 25 January 2008

Broadcasting Public Notice CRTC 2008-47

27 May 2008

CJEC-FM Québec – Licence renewal

The Commission renews the broadcasting licence for the French-language commercial radio station CJEC-FM Québec from 1 January 2009 to 31 August 2012.

Introduction

1. The Commission received an application by Cogeco Diffusion inc. (Cogeco) to renew the broadcasting licence for the French-language commercial radio programming undertaking CJEC-FM Québec, Quebec. The licence expires 31 December 2008.¹
2. The Commission received a comment on the application from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

3. The Commission notes that ADISQ expressed concerns in regard to musical diversity, the lack of new material, emerging artists and contributions to Canadian content development (CCD).

Non-compliance

4. ADISQ noted that the licensee was in apparent non-compliance as regards its contributions to Canadian talent development (CTD) and that Cogeco, in response to a deficiency letter, indicated that corrective measures had been taken to ensure that there would be no more late payments. ADISQ stated that it was pleased to note that the station appears to have met its CTD commitments from 2004 to 2007.
5. The Commission has reviewed the application for licence renewal and the licensee's file and notes that the licensee is in apparent non-compliance with its condition of licence relating to CTD contributions. More specifically, the licensee was late in paying a portion of its CTD

¹ In Broadcasting Decision 2008-245, the Commission administratively renewed the broadcasting licence for CJEC-FM Québec from 1 September 2008 to 31 December 2008.

contributions over three consecutive years, i.e., after 31 August for the 2004, 2005 and 2006 broadcast years.

Commitments relating to CTD contributions

6. The Commission notes that the original licence was granted to the licensee in 2002. As noted in Broadcasting Decision 2002-191, the licensee committed to contribute more to CTD than the required minimum of \$8,000 prescribed by the rules in place at that time² and to do so for a period of seven years. The Commission notes that the licensee began operating the station in the 2004 broadcast year. Consequently, to ensure that the initial seven-year commitment is met, the Commission directs Cogeco to make contributions to CTD for the first two broadcast years of CJEC-FM's next licence period, namely, 2009 and 2010. A **condition of licence** to that effect is set out in the appendix to this decision.

Conclusion

7. Given that this is the first time that this licensee has been found to be in non-compliance, the Commission determines that it is appropriate to renew the licence for CJEC-FM for a short-term period of four years, in accordance with Circular No. 444. This short-term renewal will enable the Commission to assess at an earlier date the licensee's compliance with the *Radio Regulations, 1986* and with the station's conditions of licence.
8. In light of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CJEC-FM Québec from 1 January 2009 to 31 August 2012. The licence will be subject to the **conditions** set out in the appendix to this decision.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2008-245, 29 August 2008
- *New FM radio station in Québec*, Broadcasting Decision CRTC 2002-191, 16 July 2002
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995

This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: www.crtc.gc.ca.

² See Public Notice 1995-196.

Appendix to Broadcasting Decision CRTC 2008-345

Conditions of licence and encouragement

Conditions of licence

1. The licence will be subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of conditions 1 and 5.
2. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee is required to fulfill all its commitments in regard to Canadian talent development (CTD) set out in *New FM radio station in Québec*, Broadcasting Decision CRTC 2002-191, 16 July 2002 (Broadcasting Decision 2002-191). Consequently, in the broadcast year ending 31 August 2010, the licensee shall expend \$300,000 to support the development of Canadian talent. In accordance with Broadcasting Decision 2002-191, the funds shall be allocated as follows:
 - \$100,000 (\$50,000 in each of 2009 and 2010) to MUSICACTION;
 - \$100,000 (\$50,000 in each of 2009 and 2010) to Fonds RadioStar;
 - \$90,000 (\$45,000 in each of 2009 and 2010) to the *La relève d'artistes en chanson* project, as part of the Québec summer festival; and
 - \$10,000 (\$5,000 in each of 2009 and 2010) to grants to students from two radio educational institutions. Cogeco Diffusion inc. is also committed to offer annual internships to students from the same two institutions in order to allow them to gain experience in Québec radio.

The Commission reminds the licensee that, since 1 September 2008, it is required to adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986* (the Regulations), as amended by *Regulations amending the Radio Regulations, 1986*, SOR/2008-177, 28 May 2008, announced in *Amendments to the Radio Regulations, 1986 – Implementation of the Commercial Radio Policy 2006 and the Digital Radio Policy – Regulatory policy*, Broadcasting Public Notice CRTC 2008-67, 23 July 2008. As stated in paragraphs 10 and 11 of that public notice, as a transitional measure, the Regulations allow licensees to reduce the basic annual amount contributable to CCD under the Regulations by the

amount to be contributed to the development of Canadian content or Canadian talent under conditions of licence imposed prior to 1 June 2007, the date after which all decisions were made in accordance with the new policy. Licensees entitled to deduct their CTD commitments from the required basic annual CCD contribution must first respect their condition of licence. If the amount contributable under their condition of licence is less than the required basic annual CCD contribution under the new basic regime, they are required to make an additional contribution above the amount prescribed in their condition of licence.

Encouragement

Employment equity

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.