



Broadcasting Decision CRTC 2008-348

Ottawa, 10 December 2008

CJNE FM Radio Inc.
Nipawin, Saskatchewan

Application 2007-1807-5, received 10 December 2007
Broadcasting Public Notice CRTC 2008-49
28 May 2008

CJNE-FM Nipawin and its transmitter – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial FM radio station CJNE-FM Nipawin and its transmitter VF2212 Carrot River, from 1 January 2009 to 31 August 2012.*

Introduction

1. The Commission received an application by CJNE FM Radio Inc. (CJNE) to renew the broadcasting licence for the English-language commercial radio programming undertaking CJNE-FM Nipawin and its transmitter VF2212 Carrot River, Saskatchewan, following the same terms and conditions as those in effect under the current licence. The licence expires 31 December 2008.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. The Commission notes that the licensee is in apparent non-compliance with its condition of licence regarding contributions to Canadian talent development (CTD) set out in Broadcasting Decision 2002-2. Specifically, it appears that the licensee did not make any CTD contributions for the 2002 broadcast year, which represents a shortfall of \$400. The Commission further notes that, although complete CTD contributions were made in 2003, the licensee failed to make them by 31 August 2003, the end of the broadcast year, as was also required by its condition of licence. The Commission therefore directs CJNE to fulfill all of the CTD commitments set out in Broadcasting Decision 2002-2. A **condition of licence** to this effect is set out in the appendix to this decision.

¹ In *Administrative renewals*, Broadcasting Decision CRTC 2008-245, 29 August 2008, the Commission renewed the broadcasting licence for CJNE-FM Nipawin and its transmitter VF2212 Carrot River from 1 September 2008 to 31 December 2008.

Commission's analysis and determinations

3. Given that the Commission did not receive any interventions in connection with this application and that this infraction represents the licensee's first non-compliance, the Commission determines that it is appropriate to renew the licence for a short term of four years, in accordance with Circular 444. This short-term renewal will enable the Commission to assess at an earlier date the licensee's compliance with the *Radio Regulations, 1986* (the Regulations) and with the station's conditions of licence.
4. Accordingly, the Commission **renews** the licence for the English-language commercial radio programming undertaking CJNE-FM Nipawin and its transmitter VF2212 Carrot River, Saskatchewan, from 1 January 2009 to 31 August 2012. The licence will be subject to the **conditions** set out in the appendix to this decision.
5. The Commission also reminds the licensee that it is required to adhere to the requirements relating to contributions to Canadian content development set out in section 15 of the Regulations.

Secretary General

Related documents

- *New FM radio programming undertaking at Nipawin*, Broadcasting Decision CRTC 2002-2, 10 January 2002
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

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: <http://www.crtc.gc.ca>.

Appendix to Broadcasting Decision CRTC 2008-348

Conditions of licence and encouragement for the radio programming undertaking CJNE-FM Nipawin and its transmitter VF2212 Carrot River, Saskatchewan

Conditions of licence

1. The licence is subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice 1999-137, 24 August 1999, with the exception of conditions of licence 1 and 5.
2. If the licensee originates 42 or more hours of programming in any broadcast week, it 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 shall, no later than 31 August 2009, make a payment of no less than \$400 to third parties involved in Canadian talent development at the level identified in the Canadian Association of Broadcasters' *Distribution Guidelines for Canadian Talent Development*, as set out in *Contributions by radio stations to Canadian Talent Development*, Public Notice CRTC 1995-196, 17 November 1995, as amended from time to time and approved by the Commission, and report the names of the third parties associated with Canadian talent development, together with the amounts paid to each, concurrently with its annual return.

The Commission reminds the licensee that it has been required since 1 September 2008 to adhere to the requirements relating to contributions to Canadian content development set out in section 15 of the *Radio Regulations, 1986* as amended by the *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 2008-67, 23 July 2008. As stated in paragraphs 10 and 11 of that notice, as a transitional measure, the *Radio Regulations, 1986*, allow licensees to reduce the basic annual amount contributable 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 Canadian talent development commitments from the required basic annual contribution will contribute under their condition of licence first and, if the amount contributable under their condition of licence is less than the required basic annual contribution, they are required to make an additional contribution under the new basic regime 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.