



Broadcasting Decision CRTC 2010-325

PDF version

Route reference: 2009-793

Additional reference: 2009-793-2

Ottawa, 28 May 2010

Way of Life Broadcasting

Dryden, Ontario

Application 2009-0021-8, received 8 January 2009

CJIV-FM Dryden – Licence renewal

The Commission renews the broadcasting licence for the low-power, English-language commercial specialty radio station CJIV-FM Dryden from 1 June 2010 to 31 August 2011. This short-term licence renewal will enable the Commission to review, at an earlier date, the licensee's compliance with the Radio Regulations, 1986 and its conditions of licence, as well as with its provision of local programming.

Introduction

1. The Commission received an application by Way of Life Broadcasting (Way of Life) to renew the broadcasting licence for the low-power, English-language commercial specialty radio programming undertaking CJIV-FM Dryden, which expires 31 May 2010.¹ The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2009-793, the Commission stated that the licensee may have failed to comply with its condition of licence relating to Canadian talent development (CTD) contributions for the 2004 broadcast year. The Commission also noted that it would be reviewing the licensee's plans relating to locally produced programming.

Commission's analysis and determinations

3. After examining the application in light of applicable regulations and policies, the Commission considers that the issues to be addressed in its determinations relate to the following:
 - the provision of annual returns;

¹ The current licence was administratively renewed from 1 January 2010 until 31 May 2010 in Broadcasting Decision 2009-785 and from 1 September 2009 to 31 December 2009 in Broadcasting Decision 2009-506.

- contributions to CTD; and
- the provision of local programming.

Provision of annual returns

4. According to section 9(2) of the *Radio Regulations, 1986* (the Regulations):

On or before November 30 of each year, a licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the year ending on the previous August 31.

The Commission notes that the licensee filed its annual returns for the 2003 and 2004 broadcast years in 2005, after the 30 November deadline for each of those broadcast years. The Commission considers that this constitutes non-compliance with the licensee's requirements relating to the provision of annual returns, and, consequently, that a short-term renewal period for CJIV-FM would be appropriate.

Contributions to Canadian talent development

5. As stated in CJIV-FM's original licensing decision (Broadcasting Decision 2003-31), the station is subject to the conditions of licence set out in Public Notice 1999-137, which include a condition of licence relating to CTD contributions. In this regard, as set out in the Regulations, licensees are required to complete payment of a contribution for a specific broadcast year by the end of that broadcast year (i.e., 31 August). In the present case, the Commission notes that Way of Life failed to complete payment of its CTD contribution for the 2004 broadcast year by 31 August 2004, and only made this payment in the subsequent 2005 broadcast year. The Commission considers that this constitutes non-compliance with the licensee's CTD requirements, for which a short-term renewal period for CJIV-FM would also be appropriate.

Provision of local programming

6. In Broadcasting Public Notice 2006-158, the Commission states that licensees are required, in their licence renewal applications, to address local programming and describe how the service they provide meets the particular needs and interests of their local communities. As set out in that public notice, local programming

includes programming that originates with the station or is produced separately and exclusively for the station. It does not include programming received from another station and rebroadcast simultaneously or at a later time; nor does it include network or syndicated programming that is five minutes or longer unless it is produced either by the station or in the local community by arrangement with the station.

7. The Commission notes that licensees, in their local programming, must incorporate spoken word material of direct and particular relevance to the community served. This must include local news, weather, sports coverage, and the promotion of local events and activities.
8. In its original application for a broadcasting licence to operate CJIV-FM, Way of Life indicated that the new station would be a not-for-profit operation, with revenues generated through listener donations. It would offer Christian music as well as religious spoken word programming, with at least 6.25% of each broadcast day to be made available for use by members of other faiths in the community.
9. In regard to the present licence renewal application, Way of Life indicated that, other than weather and community bulletin board announcements, no programming is currently produced locally and exclusively for CJIV-FM. However, the licensee proposed in its application to broadcast one hour and 30 minutes of local programming each broadcast week. It further indicated that the rest of the programming is obtained through various program providers and is mostly U.S. programming, but noted that, as more Canadian programs in its format become available, it makes room to air them by removing U.S. programs. Finally, Way of Life indicated that all of the programming is in a pre-recorded format and that the only time that there is live radio is in an emergency situation.
10. The Commission is particularly concerned by the absence of local programming of particular relevance to listeners in Dryden, given that such programming plays a crucial role in providing listeners with a diversity of views on matters of public concern, which is an objective of the *Broadcasting Act*. It is also concerned that U.S. programming, on which CJIV-FM heavily relies and which is generally not present with other licensed Canadian Christian radio stations, will continue to be prominently broadcast on CJIV-FM. As is the case for the non-compliance issues noted above, the Commission considers that, in regard to the licensee's broadcast of local programming, a short-term renewal period for CJIV-FM would be appropriate. During this time, the Commission would be able to closely monitor the licensee's performance term in order to determine whether it is providing a satisfactory amount of local programming to Dryden. Furthermore, the Commission considers it appropriate to require the licensee to submit, within 60 days of the date of this decision, a report detailing its plans to broadcast local programming in Dryden, including the range and type of local programming to be offered.

Conclusion

11. In Circular No. 444, which sets out the Commission's practices regarding non-compliance by radio licensees, the Commission notes that, when a station is found to be operating in non-compliance, it is normally granted a short-term licence renewal, generally for four years, to permit a review of its compliance within a reasonable period of time. However, the Commission considers the present case to be of a particular concern and considers that, due to the scope and severity of the licensee's non-compliance with the Regulations and its conditions of licence and of its lack of local programming offerings, it would be

appropriate to renew the broadcasting licence for CJIV-FM for a short-term period of two years.

12. Accordingly, the Commission **renews** the broadcasting licence for the low-power, English-language commercial specialty radio programming undertaking CJIV-FM Dryden from 1 June 2010 to 31 August 2011, two years from the original expiry date of 31 August 2009. This short-term renewal will enable the Commission to assess, at an earlier date, the licensee's compliance with the Regulations and its conditions of licence, as well as with its provision of local programming. The licence will be subject to the **conditions** set out in the appendix to this decision.
13. In addition, the Commission **directs** the licensee to submit, no later than 27 July 2010, a report detailing its plans to broadcast local programming in Dryden, including the range and type of local and Canadian programming to be offered.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2009-793, 21 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-785, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-506, 20 August 2009
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Low-power Christian music FM radio station in Dryden*, Broadcasting Decision CRTC 2003-31, 7 February 2003
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

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

Appendix to Broadcasting Decision CRTC 2010-325

Conditions of licence and encouragement

Conditions of licence

1. The licence will be subject 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, with the exception of condition of licence number 7.
2. The station shall be operated within the Specialty format as defined in *A Review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. A minimum of 95% of all musical selections broadcast during each broadcast week shall be devoted to selections drawn from subcategory 35 (Non-classic religious).
4. The licensee shall ensure that a minimum level of 15% of musical selections from category 3 (Special Interest Music) broadcasting during each broadcast week is devoted to Canadian selections.
5. The licensee shall not broadcast commercial messages.
6. The licensee shall adhere to the guidelines on ethics for religious programming as set out in section IV of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as amended from time to time.

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.