



Broadcasting Decision CRTC 2010-431

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Route reference: 2009-786

Ottawa, 30 June 2010

Radio du Golfe inc.

Sainte-Anne-des-Monts, La Martre, Mont-Louis, Les Méchins, Grande-Vallée,
Gros-Morne, Cloridorme and Murdochville, Quebec

Application 2009-0810-6, received 27 May 2009

CJMC-FM Sainte-Anne-des-Monts and its transmitters – Licence renewal

The Commission renews the broadcasting licence for the French-language commercial radio station CJMC-FM Sainte-Anne-des-Monts and its transmitters from 1 July 2010 to 31 August 2013. 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.

Introduction

1. The Commission received an application by Radio du Golfe inc. to renew the broadcasting licence for the French-language commercial radio programming undertaking CJMC-FM Sainte-Anne-des-Monts and its transmitters CJMC-FM-1 La Martre, CJMC-FM-2 Mont-Louis, CJMC-FM-3 Les Méchins, CJMC-FM-4 Grande-Vallée, CJMC-FM-5 Gros-Morne, CJMC-FM-6 Cloridorme and CJMC-FM-8 Murdochville, which expires 30 June 2010.¹
2. Over the course of this proceeding, the Commission received and examined an intervention by l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). L'ADISQ noted in particular its concerns with regard to the content and accessibility of reports on the results of the compliance assessment for applications that necessitate a public notice, as well as Canadian content development (CCD) contributions, Canadian content, French-language vocal music, and emerging artists. L'ADISQ also generally commented on CJMC-FM's licence renewal. The applicant did not reply to the intervention. The intervention can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. L'ADISQ was concerned that no performance study on music programming had been conducted by the Commission over the licensee's last licence term. As for CCD contributions, l'ADISQ noted that, unfortunately, it could not get all the information it needed to assess whether the station had fulfilled its obligations over its last licence term.

¹ The current licence was administratively renewed until 31 December 2009 in Broadcasting Decision 2009-506, until 31 May 2010 in Broadcasting Decision 2009-785, and until 30 June 2010 in Broadcasting Decision 2010-324.

4. In Broadcasting Notice of Consultation 2009-786, the Commission stated that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the provision of annual returns, for the 2003 to 2008 broadcast years inclusively. The Commission also stated that the licensee may have failed to comply with its condition of licence relating to contributions to Canadian talent development (CTD) for the 2003, 2005, 2007 and 2008 broadcast years.

Commission analysis and determinations

5. After examining the application in light of applicable regulations and policies, as well as the intervention received, the Commission considers that the issues to be addressed in its determinations relate to the following:
 - contributions to CTD;
 - the provision of annual returns.

Contributions to Canadian talent development

6. The Commission notes that the payments for the 2003, 2005, 2007 and 2008 broadcast years were made late, i.e. after August 31 of each year. Consequently, the licensee is in non-compliance with regard to its condition of licence related to CTD contributions for those three years.
7. The licensee stated that the person who was supposed to provide it with the directions for remittance of CTD contributions had quit her job and, consequently, the information was never provided. The licensee subsequently had difficulty reaching the person in charge in order to process the payment. Payments for the 2003, 2005 and 2007 broadcast years were made in December 2008, and the payment for the 2008 broadcast year was made in May 2009. Since then, the accountants have been directed to make the payment in January so that deadlines are met.

Provision of annual returns

8. The Commission also notes that the licensee has filed its annual returns after the intended deadline for broadcast years 2003 to 2008 inclusively. It is therefore in non-compliance with section 9(2) of the Regulations.
9. The licensee indicated that it is aware of the late provision of its financial statements and that it has worked on improving its undertaking's accounting system every year. It added that the system is now functioning properly.

Conclusion

10. In light of all of the above, in accordance with its practice regarding radio non-compliance set out in Circular No. 444, the Commission considers that a short-term renewal period for CJMC-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CJMC-FM Sainte-Anne-des-Monts and its transmitters CJMC-FM-1 La Martre, CJMC-FM-2 Mont-Louis, CJMC-FM-3 Les Méchins, CJMC-FM-4 Grande-Vallée, CJMC-FM-5 Gros-Morne, CJMC-FM-6 Cloridorme and CJMC-FM-8 Murdochville from 1 June 2010 to 31 August 2013, four 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. The licence will be subject to the **conditions** set out in Broadcasting Regulatory Policy 2009-62.

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 management of human resources.

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2010-324, 28 May 2010
- *Notice of applications received, Broadcasting Notice of Consultation* CRTC 2009-786, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-785, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-506, 20 August 2009
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

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