



## Broadcasting Decision CRTC 2010-438

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Route reference: 2009-786

Ottawa, 30 June 2010

**Harvard Broadcasting Inc.**  
Regina, Saskatchewan

*Application 2009-0157-1, received 15 January 2009*

### **CKRM Regina – Licence renewal**

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKRM Regina from 1 July 2010 to 31 August 2013. This short-term licence renewal will enable the Commission to review the licensee's compliance with the Radio Regulations, 1986 and its conditions of licence at an earlier date.*

### **Introduction**

1. The Commission received an application by Harvard Broadcasting Inc. (Harvard) to renew the broadcasting licence for the English-language commercial radio programming undertaking CKRM Regina, which expires 30 June 2010.<sup>1</sup> The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2009-786, the Commission noted 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 2007 and 2008 broadcast years, as well as with the Regulations as they relate to the 35% minimum weekly broadcast of Canadian musical selections from content category 2 (Popular Music). The Commission also noted that the licensee may have failed to comply with its condition of licence relating to contributions to Canadian talent development (CTD) for the 2008 broadcast year.

### **Commission's analysis and determinations**

3. After examining the application in light of applicable regulations and policies, the Commission considers that the issue to be addressed in its determinations relate to the following:
  - contributions to CTD;

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<sup>1</sup> 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.

- the broadcast of Canadian musical selections; and
- the provision of annual returns.

#### **Contributions to Canadian talent development**

4. The Commission notes a shortfall in the licensee's CTD contribution for the 2008 broadcast year.
5. The licensee indicated that the error occurred due to an invoicing error and that to ensure compliance in the future it had set up a payment system in which the year-end coincides with the end of the broadcast year. The Commission notes that the outstanding balance has now been remitted and that the licensee's CTD contributions are up to date.

#### **Broadcast of Canadian musical selections**

6. The Commission notes that for the week of 28 October to 3 November 2007, the licensee devoted 34.1% instead of 35% of CKRM's musical selections from content category 2 to Canadian selections broadcast in their entirety.
7. In a letter dated 30 January 2008, the licensee stated that this non-compliance was an unfortunate anomaly due to human error. It noted that a regularly scheduled program, *American Country Countdown*, was moved from its usual timeslot and aired twice in the same broadcast week and that the programmer failed to account for the extra non-Canadian content. Harvard indicated that as a result of this incident, it had instituted a secondary fail-safe procedure, whereby each Friday a Senior Manager is provided a Canadian content reconciliation report, in addition to a weekend Canadian content projection.

#### **Provision of annual returns**

8. As set out in section 9(2) of the Regulations, licensees are required to file their annual returns for a given broadcast year by 30 November of that same broadcast year. The Commission notes that for the 2007 and 2008 broadcast years, the licensee filed its annual returns after this 30 November deadline.
9. The licensee stated that the annual returns were filed past the deadline due to an administrative error related to the timing of their external auditing process. To ensure timely filing of annual returns, it has adopted a year-end which coincides with the end of the broadcast year.

#### **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 CKRM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKRM Regina from 1 July 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 the licensee's compliance with the Regulations and its conditions of licence at an earlier date. 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.

Secretary General

## **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
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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