



Broadcasting Decision CRTC 2010-883

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Route reference: 2010-334

Ottawa, 26 November 2010

Radio du Golfe inc.

Chandler, Quebec

Application 2010-0205-5, received 10 February 2010

CFMV-FM Chandler – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CFMV-FM Chandler from 1 December 2010 to 30 August 2014. 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 CFMV-FM Chandler, which expires 30 November 2010.¹
2. In Broadcasting Notice of Consultation 2010-334, the Commission stated that the licensee may have failed to comply with the requirements set out in the *Radio Regulations, 1986* (the Regulations) in regard to the broadcast of French-language vocal music and with section 9(2) of the Regulations relating to the provision of annual returns, for the 2004-2005, 2005-2006 and 2007-2008 broadcast years. The Commission further stated that the licensee may have failed to comply with its condition of licence relating to Canadian talent development (CTD) contributions for the 2003-2004 to 2007-2008 broadcast years.²
3. As part of this process, the Commission received and considered a comment from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). This comment and the licensee's reply are available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

¹ This broadcasting licence was administratively renewed from 1 September 2010 to 30 November 2010 in Broadcasting Decision 2010-635.

² As set out in Broadcasting Public Notice 2005-158, the Commission replaced the expression "Canadian talent development" (CTD) with "Canadian content development" (CCD).

Commission's analysis and determinations

4. After examining the application in light of the applicable regulations and policies, and taking into account the intervention received and the licensee's reply to the intervention, the Commission considers that the issues to be addressed in its determinations are the following:
 - the broadcast of French-language vocal music;
 - the provision of annual returns; and
 - contributions to CTD.

Broadcast of French-language vocal music

5. As set out in sections 2.2(5) and 2.2(10) of the Regulations, licensees of French-language commercial radio stations must devote at least 65% of the musical selections they broadcast during each week as well as 55% of those broadcast between 6:00 a.m. and 6:00 p.m., Monday to Friday, to musical selections in the French language. The Commission notes that during the week of 2 to 8 March 2008, CFMV-FM devoted 49.2% of the musical selections broadcast during that broadcast week and 46.8% of those broadcast between 6:00 a.m. and 6:00 p.m., Monday to Friday, to musical selections in the French language. The Commission concludes that the licensee did not meet the minimum requirements with respect to the broadcast of French-language vocal music over the course of its current licence term.
6. In its comment, ADISQ expressed concerns regarding the licensee's non-compliance with respect to the broadcast of French-language vocal music.
7. The licensee informed the Commission that it has taken necessary measures to ensure that it meets the minimum percentage of French-language vocal music, specifically by appointing a new employee in charge of musical content. The licensee has since assured the Commission that it has come into compliance with the requirements.

Provision of annual returns

8. As set out in section 9(2) of the Regulations, licensees are required to file, before 30 November of each year, their annual return for the broadcast year ending the previous 31 August. The Commission notes that the licensee's annual returns for the 2004–2005, 2005–2006 and 2007-2008 broadcast years were filed after the 30 November deadline.
9. The licensee stated that its new accounting system and strict guidelines for its administrative staff will ensure that the problem is a thing of the past and that its future annual returns would be provided to the Commission on time, within the prescribed deadline.

Contributions to Canadian talent development

10. As set out in section 15 of the Regulations, licensees are required to make annual Canadian content development (CCD) contributions before 31 August of each broadcast year. The Commission notes that the licensee either failed to make its contribution entirely or made its contribution after the 31 August deadline, for the 2003-2004 to 2007-2008 broadcast years.
11. In its comment, ADISQ expressed concerns over the instances of non-compliance with respect to CCD contributions and submitted information on the accessibility of CCD contribution records. ADISQ recommended that the licensee be granted a short-term licence renewal on account of its failure to comply with the Regulations with respect to CCD contributions and the broadcast of French-language vocal music. According to ADISQ, this would enable the Commission to monitor the licensee's performance more closely and ensure that its compliance issues have been resolved.
12. In its reply, the licensee indicated that it has set strict guidelines for its administrative staff to follow in order to rectify the situation. The licensee confirmed that it has made its required payments and therefore considers that the issues have been resolved.

Conclusion

13. The Commission is satisfied with the measures outlined by the licensee to ensure that it complies with its requirements concerning the broadcast of French-language vocal music and the provision of annual returns. However, in light of the above and in accordance with its practice regarding radio non-compliance set out in Circular No. 444, the Commission considers that a short-term licence renewal period for CFMV-FM is appropriate. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CFVM-FM Chandler from 1 December 2010 to 31 August 2014. This short-term renewal will enable the Commission to review, 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

14. 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 2010-635, 30 August 2010
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2010-334, 1 June 2010

- *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *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.*