



Broadcasting Notice of Consultation CRTC 2013-315

PDF version

Ottawa, 2 July 2013

Notice of applications received

Various locations

Renewal of the broadcasting licences for certain religious and commercial radio stations – Licensees in apparent non-compliance

**Deadline for submission of interventions/comments/answers:
6 August 2013**

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission announces that it has received applications to renew the broadcasting licences for certain religious and commercial radio stations expiring 31 August 2013.

The licensees propose to operate their undertakings under the same terms and conditions in effect under the current licences, with the exception of Canadian Talent Development (CTD) requirements which have been replaced by the Canadian Content Development (CCD) requirements as set out in Section 15 of the *Radio Regulations, 1986* (the Regulations).

In addition, the licensees will be required to adhere 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.

In each cases, the Commission has examined the licensee's compliance with its obligations regarding CTD, CCD and the filing of annual returns, as set out by condition of licence and in section 9(2) of the Regulations.

Based on this examination, the licensees listed below appear to be in non-compliance with regulatory requirements or conditions of licence during the current licence term. The following codes identify the areas of apparent non-compliance by the licensees:

- **A:** failure to comply with the condition of licence relating to CTD contributions;
- **B:** failure to comply with section 15 of the Regulations relating to CCD contributions;
- **C:** failure to comply with the condition of licence relating to over and above CCD contributions;

- **D:** failure to comply with section 9(2) of the Regulations relating to the provision of annual returns – the returns were filed after the 30 November deadline;
- **E:** failure to comply with section 9(2) of the Regulations relating to the provision of annual returns – the returns were incomplete when filed;
- **F:** failure to comply with section 9(2) of the Regulations relating to the provision of annual returns – the returns were not filed with the Commission.

The codes as they apply to the various licensees are also set out below.

The Commission intends to consider the renewal of these broadcasting licences, subject to interventions, according to the approach set out in *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Religious station

Licensee name and address Email address/website to request an electronic version of the application	Application number, call sign and location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
Grande Prairie Radio Ltd. #111, 10530 117 Avenue Grande Prairie, Alberta T8V 7N7 Fax: 780-830-7636 Email: application@t-corp.ca Website: http://www.cjgy.ca	2013-0242-1 CJGY-FM Grande Prairie, Alberta	E: 2011-2012	The licensee stated that the previous Chief Financial Officer's (CFO) lack of familiarity with the CRTC Digital Collection System as well as the language barrier (English being the CFO's second language) was the reasons behind the non-compliance.

Commercial stations

Licensee name and address Email address/website to request an electronic version of the application	Application number, call sign and location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
591989 B.C. Ltd. Corus Quay 25 Dockside Drive Toronto, Ontario M5A 0B5 Fax: 416-479-7105 Email: Sylvie.courtemanche@corusent.com Website: www.corusent.com	2013-0122-5 CFMK-FM Kingston, Ontario 2013-0128-3 CKWS-FM Kingston, Ontario	B: 2007-2008 B: 2007-2008	The licensee considered that the 2007-2008 contribution was eligible and that it was in compliance for that broadcast year.
9202-1617 Québec inc. 169 6 th Street Saguenay (La Baie), Quebec G7B 0A3 Fax: 514-846-1227 Email: schamberland@attractionradio.com Email to request electronic version of the application: serge.bellerose55@gmail.com	2013-0270-3 CKGS-FM La Baie, Quebec	A: 2008-2009, 2009-2010, 2010-2011 and 2011-2012 E: 2009-2010	The licensee explained that the non-compliance was a direct result of the serious financial difficulties experienced by the previous licensee since the launch of the station at the end of March 2009. These were accentuated by technical problems which affected the quality of CKGS-FM's signal in its service area.

<p>Bayshore Broadcasting Corporation 270 9th Street East Owen Sound, Ontario N4K 5P5 Fax: 519-371-4242 Email: rkentner@bayshorebroadcasting.ca</p>	<p>2013-0137-4 CHGB-FM Wasaga Beach, Ontario</p>	<p>A: 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012</p>	<p>The licensee stated that it interpreted its condition of licence such that its obligation was to the organization it supported as opposed to the specific genre of musical entertainment being provided at a given time. The organization considered in the original application experienced a period of change and development to become the Historic Military Est. of Upper Canada, which has a musical component and reaches beyond Nancy Island, throughout Wasaga Beach and Collingwood. In retrospect, the licensee stated that it should have applied to the CRTC to amend its condition of licence to read Nancy Island events as opposed to “Jazz in the Park.” The licensee noted that it acted in good faith by endeavouring to reflect its condition of licence and continuing to fund events on Nancy island.</p>
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<p>Blackburn Radio Inc. 102-700 Richmond Street London, Ontario N6A 5C7 Fax: 519-679-5321 Email: jweese@blackburnradio.com OR wploegman@blackburnradio.com Website to view application: www.blackburnradio.com</p>	<p>2013-0097-0 CJSP-FM Leamington, Ontario</p> <p>2013-0099-6 CKSY-FM Chatham, Ontario</p>	<p>E: 2011-2012</p> <p>E: 2011-2012</p>	<p>The staff responsible for filing the financial statements with the CRTC claimed that the licensee's auditors were unable to complete their report for the 30 November 2012 deadline. Therefore, while all other information regarding the return was submitted to the CRTC on time, the financial statements were still outstanding.</p>
<p>CFPV-FM Radio Ltd. 10760 Fundy Drive Richmond, British Columbia V7E 5K7 Email: info@cfpvfm.com</p>	<p>2013-0226-5 CFPV-FM Pemberton, British Columbia</p>	<p>A: 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012</p> <p>E: 2010-2011</p>	<p>The licensee stated that the Pemberton market is financially challenging and does not support the level of contributions originally proposed at the time of licensing.</p> <p>The licensee maintained that the required financial statements were submitted as required. It noted that there have been ongoing challenges with the log-out/time-out constrictions on the Access Key System. It pointed out that Internet connections are not consistent across Canada and many locations are not as robust as those in Canada's major social/political centres.</p>

<p>Coopérative de radiodiffusion MF 103.5 de Lanaudière 540 Thomas Joliette Street Joliette, Quebec J6E 3R4 Fax: 450-756-8097 Email: nmasse@m1035fm.com Website to view application: www.m1035fm.com</p>	<p>2012-1621-8 CJLM-FM Joliette, Quebec</p>	<p>B: 2009-2010</p>	<p>The licensee explained that it had a change in accounting personnel which resulted in lack of follow-up.</p>
<p>Corus Premium Television Ltd. Corus Quay 25 Dockside Drive Toronto, Ontario M5A 0B5 Fax: 416-479-7015 Email: Sylvie.courtemanche@corusent.com Website to view application: www.corusent.com</p>	<p>2013-0121-7 CFMI-FM New Westminster, British Columbia and its transmitter CFMI-FM-1 Whistler</p>	<p>A: 2007-2008 B: 2008-2009 and 2010-2011</p>	<p>The licensee explained that it made the contribution to Pirate Entertainment Group (PEG) in 2007-2008 in good faith believing that the initiative was eligible under the CRTC's criteria set out in its policy. The licensee was of the view that the payments made to PEG meet the fundamental criteria of the policy (i.e. an independent party and costs that are incremental to regular operational and programming costs). Although in the final analysis the programs proved to be unsuitable for broadcast on radio, the licensee noted that the funds were invested in the production of spoken word audio content.</p> <p>With respect to the contributions made to the Kettleby Communications Inc.</p>

			<p>(Kettleby) initiative in 2008-2009, the licensee once again states that the payment was made in good faith. In Broadcasting Decision 2010-864, renewing the licence of one of its other stations, the licensee noted that the contribution to Kettleby was deemed to be ineligible. The licensee therefore realized that the contributions made by CFMI-FM to Kettleby in 2008-2009 would be deemed ineligible and therefore, directed the appropriate sum to MUSICACTION on 19 August 2010.</p> <p>With respect to the contributions made to the Live Nation initiative in 2010-2011, the licensee explained that four of its stations contributed to this initiative. The contributions were made in good faith, based on its understanding of the CCD criteria at that time. The licensee stated that since then, it has received additional guidance from the CRTC as to what does and does not constitute an</p>
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			<p>eligible CCD project in various decisions and information bulletins. Of particular note is Broadcasting Decision 2010-972 respecting the acquisition of assets of CHBN-FM Edmonton by Rogers Broadcasting. The licensee noted that, unfortunately, the decision was released four weeks after it had made its contribution on behalf of CFMI-FM. The licensee pointed out that, as noted in its reply of 4 December 2012, it took immediate action to rectify the shortfall and issued a cheque to FACTOR for the full amount.</p>
<p>Walsh Investments Inc. and Yorkton Company Limited, partners in a general partnership carrying on business as GX Radio Partnership 1874 Scarth Street Suite 2000 Regina, Saskatchewan S4P 4B3 Fax: 403-212-1399 Email: ccowie@harvardbroadcasting.com Website to view application: www.harvardbroadcasting.com</p>	<p>2013-0084-7 CFGW-FM Yorkton, Saskatchewan and its transmitters CFGW-FM-1 Swan River, Manitoba and CFGW-FM-2 Wapella, Saskatchewan</p>	<p>B: 2008-2009, 2009-2010, 2010-2011 and 2011-2012</p>	<p>The licensee explained that station management was under the assumption that the station's contribution to FACTOR based on "Transaction/Tangible Benefits" included the CCD requirements. This assumption was based on Broadcasting Public Notice 2008-67, where item 10 states that as a transitional measure, the Regulations allow licensees to reduce the basic annual amount</p>

			<p>contributable under the Regulations by the amount to be contributed to CCD by condition of licence imposed prior to 1 June 2007. The licensee made an incorrect assumption and used the 2006 licence date as opposed to the 2008 transaction date.</p>
<p>Larche Communications Inc. 355 Cranston Crescent Midland, Ontario L4R 4L3 Fax: 705-526-3060 Email: plarche@larchecom.com Website to view the application: www.larchecom.com/</p>	<p>2013-0047-5 CICS-FM Sudbury, Ontario</p>	<p>C: 2008-2009, 2009-2010, 2010-2011 and 2011-2012</p>	<p>The licensee stated that it was surprised that the talent show and concert expenditures for the 2008-2009 to 2010-2011 broadcast years were not eligible, especially since it had claimed such expenditures for years without question. The licensee stated that, had it known that this type of expenditure was deemed ineligible when it first made the contribution in 2008-2009, it would have re-directed its contributions to an eligible initiative.</p> <p>The licensee explained that while the audience consisted primarily of station listeners, members of the general public could also win tickets by filling out ballots at local retailers and</p>

			<p>noted that many community dignitaries and leaders were also invited to the event.</p> <p>Further, the licensee explained that all of the funds went directly to the artists and/or production of the events. As the tickets were free, the licensee made no money from the events.</p>
<p>Les Communications Matane inc. 800 Du Phare West Matane, Quebec G4W 1V7 Fax: 418-562-7172 Email: radiokg@globetrotter.net</p>	<p>2013-0070-7 CHRM-FM Matane, Quebec and its transmitter CHRM-FM-1 Les Méchins</p>	<p>E: 2010-2011 and 2011-2012</p>	<p>The licensee explained that, in the past, an accounting firm had prepared its annual returns. However, the 2010-2011 and 2011-2012 returns were prepared directly by the licensee, which did not realize that the financial statements had to be sent with the annual returns.</p>
<p>Les Productions du temps perdu inc. 4766 Laval Street Lac-Mégantic, Quebec G6B 1C7 Fax: 819-583-0665 Email: radiocjit@bellnet.ca Email to request electronic version of the application: serge.bellerose55@gmail.com</p>	<p>2013-0224-9 CJIT-FM Lac-Mégantic, Quebec</p>	<p>A: 2007-2008 B: 2008-2009, 2009-2010, 2010-2011 and 2011-2012 E: 2010-2011</p>	<p>The licensee explained that the non-compliance relating to CTD/CCD were attributed to the previous owner. The licensee has now paid all the shortfall related to CCD contributions for the current licence term.</p> <p>The licensee explained that the missing financial statements were the</p>

			result of an inadvertent omission at the time of the preparation of the annual returns.
Riding Mountain Broadcasting Ltd. 624 – 14 th Street East Brandon, Manitoba R7A 7E1 Fax: 204-726-1270 Email: clarkc@westmancom.com	2013-0145-7 CKLF-FM Brandon, Manitoba	B: 2008-2009	The licensee indicated that a misinterpretation of Public Notice 2008-67 led to the 2008-2009 shortfall to FACTOR. The licensee paid this shortfall on 4 April 2013.
Rogers Broadcasting Limited 333 Bloor Street East Toronto, Ontario M4W 1G9 Fax: 416-935-8203 Email: susan.wheeler@rci.rogers.com Website to view application: www.krock1057.ca	2013-0156-4 CIKR-FM Kingston, Ontario	A: 2009-2010	The licensee indicated that it had made similar contributions since 2001. As part of the acquisition of CIKR-FM and CKKX-FM Kingston, Commission staff raised a number of questions on the eligibility of those expenditures in a letter dated 11 December 2008. However, when the decision for this acquisition was published in Broadcasting Decision 2009-249, it made no mention that “win to get in” initiatives were ineligible. Therefore, Rogers continued making the contributions, believing that the Commission deemed this to be an eligible expense. Upon the

			<p>release of Broadcasting Decision 2011-550, the licensee informed its stations that these are no longer eligible initiatives and, from that point on, CIKR-FM stopped funding the boat cruise concerts. The licensee further explained that it does not believe that its contributions to the boat tours were the “cost of doing business” as they involved a third party, promoted local Canadian musical talent as its primary purpose, and the funds used were outside any regular marketing or promotion budgets for one single event. Additionally, the licensee believes that the boat cruise concert expenditures were consistent with paragraph 108 of the Commercial Radio Policy and therefore should be considered eligible for CCD funding.</p>
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<p>Trafalgar Broadcasting Limited 284 Church Street – The Broadcast Centre Oakville, Ontario L6J 7N2 Fax: 905-842-1250 Email: mattcaine@whiteoaksgroup.ca Email to request electronic version of the application: contact@joy1250.ca</p>	<p>2013-0211-6 CJYE Oakville, Ontario</p>	<p>E: 2010-2011</p>	<p>One of the Board members passed away unexpectedly on November 21st and the Board Meeting and Shareholders' Annual General Meeting intended to approve the financial statements, in time for 30 November submission deadline, were postponed. The financial statements were approved in late January 2012 and were "red flagged" to serve as a reminder to submit the document to the CRTC. Unfortunately, the financial statements were filed away by mistake.</p>
<p>Vista Radio Ltd. 1625A McPhee Avenue Courtenay, British Columbia V9N 3A6 Fax: 250-334-9540 Email: edwards@vistaradio.net Email to request electronic version of the application: renewalappinfo@vistaradio.net</p>	<p>2013-0314-8 CKLM-FM Lloyminster, Alberta</p>	<p>B: 2008-2009 and 2009-2010</p>	<p>The 2008-2009 CCD contributions to FACTOR were based on the revenues for the 2007-2008 broadcast year as provided by the previous owner. The 2009-2010 CCD contributions to FACTOR were based on the revenues for the period 1 January 2009 through 31 August 2009, as 1 January 2009 was the effective date of the acquisition of control. At the time of filing, no revenues were provided to Vista for the period of 1 September 2008 to 31 December 2009.</p>

Procedure

Deadline for interventions/comments/answers

6 August 2013

The new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been altered during electronic transmission.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Important notice

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the licensees, either on their websites or upon request by contacting the licensees at their email addresses, provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours at the Commission offices and documentation centres directly involved with these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

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Secretary General

Related documents

- *CIBK-FM Calgary – Licence renewal*, broadcasting Decision CRTC 2011-550, 31 August 2011

- *CHBN-FM Edmonton – Acquisition of assets*, broadcasting Decision CRTC 2010-972, 23 December 2010
- *CKNW New Westminster – Licence renewal*, broadcasting decision CRTC 2010-864, 23 November 2010
- *CIKR-FM and CKXC-FM Kingston – Acquisition of assets*, broadcasting Decision CRTC 2009-249, 8 May 2009
- *Amendments to the Radio Regulations, 1986 - Implementation of the Commercial Radio Policy 2006 and the Digital Radio Policy*, broadcasting Public Notice CRTC 2008-67, 23 July 2008