Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Broadcasting Decision CRTC 2013-647

PDF version

Route reference: 2013-325

Ottawa, 3 December 2013

Pritchard Broadcasting Inc.
Saint John, New Brunswick

Application 2012-1619-3, received 21 December 2012

CJRP-FM Saint John and CJRP-FM-1 Rothesay – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CJRP-FM Saint John, New Brunswick, and its transmitter CJRP-FM-1 Rothesay from 1 January 2014 to 31 August 2017.*

Introduction

1. The Commission received an application by Pritchard Broadcasting Inc. (Pritchard) to renew the broadcasting licence for the commercial radio station CJRP-FM Saint John, New Brunswick, and its transmitter CJRP-FM-1 Rothesay, which expires 31 December 2013.[1] The Commission did not receive any interventions in connection to this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with regard to:

    - the requirement to make contributions to Canadian talent development (CTD) and Canadian content development (CCD)[2] for the 2005-2006 to 2008-2009 broadcast years, relating to a shortfall incurred during the previous licence term; and
    - its condition of licence relating to spoken word programming.

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[1] The original expiry date of CJRP-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.
[2] In Broadcasting Public Notice 2006-158, the Commission replaced the CTD regime with the CCD regime.

Contributions to Canadian talent development and Canadian content development

3. In Broadcasting Decision 2010-410, the Commission directed Pritchard to pay outstanding CTD and CCD contributions totalling $14,500 for the 2005-2006 to 2008-2009 broadcast years. According to Commission records, the licensee still owes a balance of $1,750. The licensee stated that it was unaware that HST cannot be included in the total CCD contribution amount and that it would make up the outstanding balance.

4. In light of the above, the Commission finds the licensee in non-compliance with the requirement to make contributions to CTD and CCD for the 2005-2006 to 2008-2009 broadcast years. Accordingly, the Commission directs the licensee to pay the outstanding balance and provide proof of payment by no later than **3 March 2014**. A **condition of licence** to this effect is set out in the appendix to this decision.

Spoken word programming

5. The Commission reviewed the station's programming for the week of 4 to 10 March 2012 and found that the level of spoken word broadcast was 46.5%, below the minimum level of 50% required by condition of licence. The licensee stated that it had interpreted public service announcements (PSAs) as counting towards spoken word programming. The licensee is now aware that PSAs fall within the program category of advertising. The licensee also stated that it has increased its spoken word programming to 64 hours each week in order to ensure that the percentage of spoken word programming remains above the 50% minimum.

6. The Commission therefore finds the licensee in non-compliance with its condition of licence relating to spoken word programming.

Regulatory measures

7. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.

8. The Commission considers that initiatives relating to the development of Canadian content and talent not only help to develop and advance the careers of emerging Canadian artists but to increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions to the development of Canadian content and talent.

9. The Commission has reviewed the record for this application and is satisfied with the licensee's explanations and measures it has put in place to address its non-

compliance. However, given the nature and extent of the non-compliance, and given that this is a repeated instance of non-compliance with respect to CTD and CCD contributions, the Commission considers that a short-term licence renewal for CJRP-FM is appropriate.

Conclusion

10. In light of the above, the Commission **renews** the broadcasting licence for CJRP-FM Saint John and its transmitter CJRP-FM-1 Rothesay from 1 January 2014 to 31 August 2017. The licence will be subject to the **conditions of licence** set out in the appendix to this decision.

11. In Broadcasting Notice of Consultation 2013-536, the Commission announced that it had received an application by James Houssen, on behalf of a corporation to be incorporated, for authority to acquire from Pritchard the assets of CJRP-FM Saint John. The Commission is reviewing this application and will issue a decision in this regard at a later date.

Reminder

12. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2013-536, 4 October 2013

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-325, 3 July 2013

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

- *CJRP-FM Saint John and CJRP-FM-1 Rothesay – Licence renewal*, Broadcasting Decision CRTC 2010-410, 29 June 2010

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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

Appendix to Broadcasting Decision CRTC 2013-647

Terms, conditions of licence and encouragement for the commercial radio programming undertaking CJRP-FM Saint John, New Brunswick, and its transmitter CJRP-FM-1 Rothesay

Terms

The licence will expire 31 August 2017.

Conditions of licence

1. The licensee shall 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, as amended from time to time, with the exception of condition of licence 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, as amended from time to time, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.

3. The licensee shall devote more than 50% of each broadcast week to the broadcast of spoken word programming.

4. In order to address its Canadian talent development and Canadian content development contribution shortfall, the licensee shall make a payment totalling $1,750 to a party or initiative fulfilling the definition of an eligible initiative set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, as amended from time to time, and provide the Commission with proof of this payment by **3 March 2014**.

Encouragement

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.