



## Broadcasting Decision CRTC 2014-271

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Route reference: 2014-59

Ottawa, 23 May 2014

**Radio Diffusion Sorel-Tracy inc.**  
Sorel, Quebec

*Application 2013-1494-7, received 6 November 2013*

### **CJSO-FM Sorel – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CJSO-FM Sorel from 1 September 2014 to 31 August 2017. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.*

#### **Introduction**

1. Radio Diffusion Sorel-Tracy inc. filed an application to renew the broadcasting licence for the French-language commercial radio station CJSO-FM Sorel, Quebec, which expires 31 August 2014.
2. The Commission received an intervention from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). The public record for this application can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the application number provided above.

#### **Non-compliance**

3. In Broadcasting Notice of Consultation 2014-59, the Commission stated that the licensee was in apparent non-compliance with respect to Canadian content. Specifically, the Commission's analysis revealed that during the broadcast week of 27 January to 2 February 2013, CJSO-FM devoted 4.5% of its musical selections from content category 3 (Special Interest Music) to Canadian selections, when the minimum required under section 2.2(3)(b) of the *Radio Regulations, 1986* (the Regulations) is 10%.
4. The licensee explained that human error and a lack of understanding of what constitutes category 3 music led to the non-compliance. Specifically, it indicated that it had counted a country music program broadcast on Tuesday nights as including category 3 musical selections. As well, a concerto in three movements was counted as three distinct selections when, in fact, it was one selection. To ensure its future compliance, the licensee modified its software to identify category

3 musical selections better, and added a one-hour long jazz music program on Mondays at 9 pm and a two-hour world music program on Saturdays at 5 pm.

5. In light of the above, the Commission finds the licensee in non-compliance with section 2.2(3)(b) of the Regulations.
6. As set out in Broadcasting Decision 2010-857, CJSO-FM was in non-compliance with the minimum requirements to broadcast French-language vocal music in its previous licence term. This is therefore the second consecutive licence term in which the licensee has not complied with its regulatory requirements.

### **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 is satisfied with the licensee's explanations and the measures it has put in place to address the situation of non-compliance and ensure compliance in the future. However, given the seriousness of the present non-compliance and the fact that it is a second licence term in which the licensee is in non-compliance, the Commission considers that a short-term licence renewal for CJSO-FM is appropriate.

### **Conclusion**

9. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CJSO-FM Sorel from 1 September 2014 to 31 August 2017. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.
10. The Commission emphasizes the importance it places on a licensee's compliance with its regulatory requirements, and that it is the licensee's responsibility to ensure that it is aware of and adheres to those requirements at all times. The Commission reminds the licensee that 10% of all musical selections from category 3 broadcast during the broadcast week must be Canadian selections, as is set out in section 2.2(3)(b) of the Regulations. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with its regulatory requirements.

## **Rappel**

11. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

## **Employment equity**

12. 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**

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-59, 13 February 2014
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CJSO-FM Sorel-Tracy – Licence renewal*, Broadcasting Decision CRTC 2010-857, 19 November 2010
- *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

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