



Broadcasting Decision CRTC 2016-280

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References: Part 1 licence renewal applications posted on 26 January 2016

Ottawa, 21 July 2016

Various licensees

Various locations across Canada

The application numbers are set out in the decision.

Various commercial radio stations – Licence renewals

*The Commission **renews** the broadcasting licences for the commercial radio stations set out in the decision from 1 September 2016 to 31 August 2023.*

Applications

1. The Commission received applications from various licensees to renew the broadcasting licences for the commercial radio stations listed in the table below, which expire on 31 August 2016:

Licensee	Call sign, location and application number
9022-6242 Québec inc. (9022-6242 Québec)	CHLC-FM Baie-Comeau, Quebec, and its transmitter CFRP-FM Forestville 2015-0985-3
Bell Media Inc. (Bell)	CFVM-FM Amqui, Quebec 2015-0945-7
Groupe Radio Antenne 6 inc. (Antenne 6)	CFGF-FM Alma, Quebec 2015-0786-5
Radio Mégantic ltée (Radio Mégantic)	CKLD-FM Thetford Mines, Quebec, and its transmitter CJLP-FM Disraeli 2015-1005-8
Réseau des Appalaches (FM) ltée (Réseau des Appalaches)	CFJO-FM Thetford Mines, Quebec, and its transmitter CFJO-FM-1 Lac Mégantic 2015-1002-4
Rogers Media Inc. (Rogers)	CIKZ-FM Kitchener, Ontario 2015-0921-7

Interventions

2. The Commission received interventions commenting on several commercial radio licence renewal applications from the Canadian Association of Broadcasters (CAB) (including all of the above-listed applications) and l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) (including the applications

by 9022-6242 Québec, Bell, Antenne 6, Radio Mégantic and Réseau des Appalaches). Antenne 6 replied to both interventions, while Bell replied to the intervention by ADISQ. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca or by using the appropriate application number, provided in the table above.

3. Among its comments, the CAB raised concerns about new measures imposed by the Commission regarding stations in non-compliance.
4. For its part, ADISQ provided general comments regarding the broadcast of montages by the above-mentioned stations and on the Commission's analysis of this issue.

Reply by Bell

5. With respect to the intervention by ADISQ, Bell replied that the montages broadcast by CFVM-FM met the Commission's requirements and policies, explained why the montages contained little in the way of French-language vocal music and indicated that the station exceeded its regulatory requirements regarding Canadian content.

Reply by Antenne 6

6. Regarding the intervention by ADISQ, Antenne 6 mentioned that the description of its montages in the monitoring material provided to the Commission could have been more clear and detailed. It also confirmed that it had put in place measures to comply with the Commission's requirements regarding monitoring material.
7. Antenne 6 indicated that it agrees with the CAB's analysis and supports its conclusions.

Radio Regulations, 1986

8. Sections 8(1), 8(5) and 9(3) of the *Radio Regulations, 1986* (the Regulations) relate to a licensee's responsibilities regarding program logs, logger tapes and music lists. These provisions require, among other things, that a licensee keep and retain logs and logger tapes, and that a licensee submit logs, logger tapes or music lists to the Commission upon request.

9022-6242 Québec – CHLC-FM and its transmitter CFRP-FM

9. 9022-6242 Québec was in apparent non-compliance with section 8(5) of the Regulations regarding the retention of complete and accurate program logs and records. Specifically, the radio material submitted for the 14 April 2015 broadcast day was missing 3 hours and 37 minutes of audio material.
10. The licensee explained that the non-compliance did not result from missing audio material, but from an unanticipated situation related to the implementation of CHLC-FM's transmitter. The licensee explained that it had to cease broadcasting

temporarily to replace certain parts in the transmitter that were damaged when the CBC repaired the generator at the transmitter site.

11. Given that the licensee was off the air for the period of the missing hours of audio material, the licensee could not provide audio content for that time.

Bell – CFVM-FM

12. Bell is in apparent non-compliance with section 8(1)(c) of the Regulations regarding the retention of complete and accurate program logs and records. The music list submitted by the licensee for the 22 to 28 February 2015 broadcast week did not properly reflect the material that was broadcast that week. Specifically, during that week, five musical selections that were included on the music list were not broadcast by the station, and nine musical selections that were broadcast by the station were not included on the music list. Further, the order in which certain musical selections were broadcast did not correspond with the order of musical selections included on the music list. Finally, six montages broadcast on 28 February 2015 were not included on the music list.
13. The licensee explained that the non-compliance resulted from an isolated human error given that the paper version of the music program logs was compiled manually by CFVM-FM's announcers and changed according to the program logs received from the music service providers. To ensure the station's compliance in the future, the licensee met with all of the employees of the music service providers as well as the content managers of the stations belonging to the Rouge FM and NRJ networks to review each step of the preparation process of the lists and program logs to find the most efficient way to provide complete and accurate documents to the Commission at all times.
14. Given the isolated and human nature of the non-compliance, the fact that the station surpassed its musical programming (Canadian content and French-language) requirements and the actions taken to prevent the non-compliance from reoccurring, the licensee submitted that it should not be subject to a short-term licence renewal or other additional measures.

Antenne 6 – CFGT-FM

15. Antenne 6 is in apparent non-compliance with section 8(1)(c) and 9(3)(b) of the Regulations regarding the retention and provision of complete and accurate program logs and records. Specifically, the program logs provided by CFGT-FM were incomplete and did not fully reflect the content broadcast as almost 32 hours of content was missing. Moreover, certain musical selections included on the music lists were classified incorrectly with respect to Canadian content, and the language of the musical selections was not identified.
16. The licensee explained that the non-compliance regarding the program logs was due to logistical issues. It indicated that it has since contacted its provider to fix the issues to fully comply with the Commission's request to provide complete and accurate

program logs. With respect to the identification of the musical selections in the music lists, the licensee indicated that it would revise manually the information to ensure compliance. It stated that notwithstanding the non-compliance relating to the provision of monitoring material, CFGT-FM remained in compliance with the Commission's requirements regarding music programming. As such, the licensee indicated that no measures are necessary to rectify the situation.

Radio Mégantic and Réseau des Appalaches – CKLD-FM and its transmitter CJLP-FM, and CFJO-FM and its transmitter CFJO-FM-1

17. Radio Mégantic and Réseau des Appalaches are in apparent non-compliance with section 8(1)(c) of the Regulations regarding the retention of complete and accurate program logs and records. Specifically, with respect to the music list provided by the licensees, the musical selections were improperly classified, the program logs provided were incomplete, and the music lists and logs did not integrally reflect the content broadcast.
18. Attraction Radio inc. (Attraction Radio), which filed the applications on behalf of the above-mentioned licensees, stated that the anomalies observed in the program logs occurred before it became the owner of Gestion Appalaches inc. (Gestion Appalaches), the parent company of Radio Mégantic and Réseau des Appalaches.¹ It also stated that it is mindful of its stations' compliance and that in the case of both CKLD-FM and CFJO-FM, it corrected the errors in its database to prevent them from reoccurring in the music lists and program logs. Moreover, it contacted the provider of WinMedia² to correct the technical issues behind the noted instances of non-compliance and then submitted all of the monitoring material requested by the Commission. Attraction Radio submitted that a short-term licence renewal or the imposition of any other measures is not necessary in these instances.

Rogers – CIKZ-FM

19. Rogers is in apparent non-compliance with section 8(1)(c) of the Regulations regarding the retention of complete and accurate program logs and records. Specifically, the program logs filed by the licensee were incomplete, and there were discrepancies in the music lists as the monitoring materials did not fully reflect the content broadcast.
20. The licensee indicated that the program log and music list software have been revised to ensure that the program logs and music lists for CIKZ-FM reflect all of the requirements of the Regulations. It submitted supporting evidence of the implemented measures to ensure compliance. Rogers added that station employees ensure that the

¹ In Broadcasting Decision 2015-200, the Commission approved an application by Attraction Radio, on behalf of Gestion Appalaches, for authority to acquire the shares and change the effective control of Gestion Appalaches.

² WinMedia provides tools to radio licensees that help with the management of the production, automation, distribution and tracking of their programming.

required elements continue to be present on a daily basis. Given all of the measures immediately implemented to ensure CIKZ-FM's compliance and the fact that the station does not have a history of non-compliance, the licensee submitted that it does not merit a short-term licence renewal or other measures.

Non-compliances and regulatory measures

21. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
22. In light of the licensees' acknowledgment of non-compliance, the Commission finds the following licensees in non-compliance with the Regulations:
 - Bell: section 8(1)(c) of the Regulations;
 - Antenne 6: sections 8(1)(c) and 9(3)(b) of the Regulations;
 - Radio Mégantic: section 8(1)(c) of the Regulations;
 - Réseau des Appalaches: section 8(1)(c) of the Regulations; and
 - Rogers: section 8(1)(c) of the Regulations.
23. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate program logs, logger tapes and music lists enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory requirements and conditions of licence. The retention of logger tapes also makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file requested material in a timely manner, or does not file such material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.
24. Accordingly, the Commission considers any breach of these obligations a serious matter. In the case of the above-listed stations, the Commission acknowledges the explanations provided by the licensees and notes the measures they have put in place to address the various instances of non-compliance and to ensure compliance going forward. In light of the circumstances of each case, the Commission does not consider that the imposition of additional measures is necessary at this time. The Commission finds it appropriate to grant the stations full-term licence renewals of seven years.

25. The Commission reminds the licensees that it could impose additional measures should additional non-compliances be raised over the next licence term.

Conclusion

26. In light of all of the above, the Commission **renews** the broadcasting licences for the radio programming undertakings listed in the table above from 1 September 2016 to 31 August 2023. The licensees shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62 and to the **conditions** set out in the broadcasting licences for the undertakings. In addition, CFVM-FM Amqui and CIKZ-FM Kitchener must adhere to the **conditions of licence** set out in the appendix to this decision.

Reminders

27. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.
28. The Commission reminds Attraction Radio that it must meet its commitments relating to its tangible benefits set out in Broadcasting Decision 2015-200 by no later than 31 August 2022.
29. The Commission reminds Bell that it must meet its commitments relating to tangible benefits set out in Broadcasting Decision 2015-243 by no later than 31 August 2020.
30. The Commission also reminds 9022-6242 Québec that it is responsible for notifying the Commission of any change related to the station's operations that could affect its capacity to fulfill its regulatory obligations.

Cultural diversity

31. The Commission expects the licensees to reflect the cultural diversity of Canada in their programming and employment practices.

Employment equity

32. Because Bell and Rogers are subject to the *Employment Equity Act* and file reports concerning employment equity with the Department of Employment and Social Development, their employment equity practices are not examined by the Commission.
33. In accordance with Public Notice 1992-59, the Commission encourages the remaining licensees to consider employment equity issues in their hiring practices and in all other aspects of their management of human resources.

Secretary General

Related documents

- *Applications related to tangible benefits*, Broadcasting Decision CRTC 2015-243, 9 June 2015
- *Various radio stations in Thetford Mines and Victoriaville – Change in effective control*, Broadcasting Decision CRTC 2015-200, 19 May 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *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 each licence.*

Appendix to Broadcasting Decision CRTC 2016-280

Conditions of licence for the commercial radio programming undertakings CFVM-FM Amqui, Quebec, and CIKZ-FM Kitchener, Ontario

Licensee	Call sign and location	Conditions of licence
Bell Media Inc.	CFVM-FM Amqui, Quebec	<p>The licensee shall provide commercially reasonable access to advertising availabilities to unrelated operators of broadcasting undertakings and telecommunications service providers.</p> <p>Reporting requirements for the Bell Media Indie Artist Initiative</p> <p>In addition to the BCE Inc. (BCE) stations currently participating in the initiative, BCE committed that the following Astral Media inc. stations would also participate in the initiative: CHSU-FM Kelowna, CJMG-FM Penticton, CICF-FM Vernon, CIBK-FM Calgary, CFMG-FM St. Albert, CKMM-FM Winnipeg, CKLH-FM Hamilton, CIQM-FM London, CHRE-FM St. Catharines, CKFM-FM Toronto, CFVM-FM Amqui, CJDM-FM Drummondville, CHRD-FM Drummondville, CKTF-FM Gatineau, CIMF-FM Gatineau, CKMF-FM Montréal, CITÉ-FM Montréal, CJFM-FM Montréal, CHIK-FM Québec, CITF-FM Québec, CIKI-FM Rimouski, CJOI-FM Rimouski, CJMM-FM Rouyn-Noranda, CJAB-FM Saguenay, CFIX-FM Saguenay, CIMO-FM Sherbrooke, CITÉ-FM-1 Sherbrooke, CIGB-FM Trois-Rivières, CHEY-FM Trois-Rivières, CJMV-FM Val d'Or, CKBC-FM Bathurst, CIBX-FM Fredericton, CIKX-FM Grand Falls, CJCJ-FM Woodstock and CKTO-FM Truro.</p> <p>The annual report covering the broadcast year (September to August) on this initiative should include the following information:</p> <ul style="list-style-type: none"> • the artists' names for each month for the stations that operate within Contemporary Hit Radio and Hot Adult Contemporary formats; • the singles' titles; • the number of monthly spins, on a station by station basis; • the number of promotional spots broadcast, as well as the dates and times of broadcast, on a station by station basis; and • any other promotional activity of the artists of the month on behalf of the stations, i.e. interviews,

		station performances, etc.
Rogers Media Inc.	CIKZ-FM Kitchener, Ontario	The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the <i>Radio Regulations, 1986</i> , in any broadcast week devote, in that broadcast week, a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety, and devote a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety between 6 a.m. and 6 p.m. Monday to Friday.