



## Broadcasting Decision CRTC 2017-314

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Reference: Part 1 licence renewal application posted on 6 March 2017

Ottawa, 30 August 2017

### Sound of Faith Broadcasting

Woodstock, Ontario

*Application 2016-1036-1*

### CJFH-FM Woodstock – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial specialty (Christian music) radio station CJFH-FM Woodstock from 1 September 2017 to 31 August 2021.*

*This short-term renewal will allow for an earlier review of the licensee's compliance with its conditions of licence and with regulatory requirements.*

### Application

1. Sound of Faith Broadcasting (Sound of Faith) filed an application to renew the broadcasting licence for the English-language commercial specialty (Christian music) radio station CJFH-FM Woodstock, Ontario, which expires 31 August 2017. The Commission did not receive any interventions regarding this application.

### Background

2. In Broadcasting Decision 2010-411, the Commission granted CJFH-FM a short-term licence renewal due to Sound of Faith's failure to comply with the station's condition of licence relating to its Canadian talent development (CTD, now known as Canadian content development) contributions for the 2004-2005 and 2005-2006 broadcast years, and with section 9(2) of the *Radio Regulations, 1986* (the Regulations), relating to the filing of annual returns, for the 2005-2006 through 2007-2008 broadcast years. In Broadcasting Decision 2013-703, the Commission determined that for the 2009-2010 broadcast year, Sound of Faith was once again in non-compliance with its condition of licence relating to CTD contributions and with section 9(2) of the Regulations. Consequently, the Commission renewed the station's broadcasting licence for another short-term period, until 31 August 2017.

### Non-compliance

3. Section 9(3)(b) of the Regulations sets out the information on musical selections that licensees must include when filing music lists for any period specified by the Commission.

4. After examining the public record for the present application, the Commission notes that for the broadcast week of 21 to 27 June 2015, 192 musical selections were aired on CJFH-FM, but were not listed in the music list and cue sheets. Further, certain titles and artist names were reversed in the music list and program logs. Sound of Faith indicated that the station manager had not been aware that some syndicated shows contained musical selections that were required to be reported.
5. In light of the above, and having taken into account the licensee's explanation, the Commission finds Sound of Faith in non-compliance with the section 9(3)(b) of the Regulations.

### **Regulatory measures**

6. 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 leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
7. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, and depending on the nature of the non-compliance, the Commission may apply, on a case-by-case basis, measures such as renewing the licence for a short term; imposing additional conditions of licence; calling the licensee to a public hearing to respond to and discuss apparent non-compliance; issuing a mandatory order requiring the licensee to comply with regulatory requirements; or suspending, not renewing, or revoking the licence.
8. Although past issues of non-compliance for CJFH-FM have been resolved and relate to regulatory requirements that are different from that at issue in the present case, this is the third consecutive licence term in which Sound of Faith has been found to be in non-compliance. The Commission therefore considers that it would be appropriate to grant CJFH-FM a short-term renewal of four years. This short-term renewal will allow for an earlier review of the licensee's compliance with the Regulations and its station's conditions of licence.

### **Conclusion**

9. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial specialty (Christian music) radio programming undertaking CJFH-FM Woodstock from 1 September 2017 to 31 August 2021. The licensee shall adhere to the **conditions of licence** set out in the appendix to this decision.

## Reminders

10. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate program logs, audio recordings 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 complete and accurate audio radio monitoring materials 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, files material that is incomplete, 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.
11. Should this licensee again breach its regulatory requirements, the Commission may consider recourse to additional measures as noted above, including the imposition of mandatory orders, or the non-renewal or revocation of the broadcasting licence for its station under sections 9 and 24 of the *Broadcasting Act* (the Act).
12. Pursuant to section 22 of the 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.

Secretary General

## Related documents

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *CJFH-FM Woodstock – Licence renewal*, Broadcasting Decision CRTC 2013-703, 16 December 2013
- *CJFH-FM Woodstock – Licence renewal*, Broadcasting Decision CRTC 2010-411, 29 June 2010

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

## **Appendix to Broadcasting Decision CRTC 2017-314**

### **Terms, conditions of licence, expectation and encouragement for CJFH-FM Woodstock**

#### **Terms**

The licence will expire 31 August 2021.

#### **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, with the exception of condition of licence 7, as well as to the conditions set out in the broadcasting licence for the undertaking.
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, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. During each broadcast week, the licensee shall ensure that at least 90% of all musical selections broadcast are drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
4. The licensee shall ensure that not less than 10% of all content category 3 (Special Interest Music) musical selections broadcast each broadcast week are Canadian selections.
5. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming.

For the purposes of these conditions of licence, “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*.

#### **Expectation**

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

#### **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.