



Broadcasting Decision CRTC 2021-75

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References: Part 1 licence renewal applications posted on 30 October 2020

Ottawa, 19 February 2021

Bell Media Inc. and 8384819 Canada Inc., partners in a general partnership carrying on business as Bell Media Regional Radio Partnership
Victoria, British Columbia

Bell Media Radio Atlantic Inc.
Grand Falls and Plaster Rock, New Brunswick

Public record for these applications: 2019-0829-5 and 2019-0837-8

CHBE-FM Victoria; and CIKX-FM Grand Falls and its transmitter CIKX-FM-1 Plaster Rock – Licence renewals

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CHBE-FM Victoria, British Columbia, from 1 March 2021 to 31 August 2025.*

*In addition, the Commission **renews** the broadcasting licence for the English-language commercial radio station CIKX-FM Grand Falls, New Brunswick, and its transmitter CIKX-FM-1 Plaster Rock from 1 March 2021 to 31 August 2026.*

These short-term renewals will allow for an earlier review of the licensees' compliance with their regulatory requirements.

Applications

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act*, to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the *Broadcasting Act*.
2. On 3 June 2019, the Commission issued Broadcasting Notice of Consultation 2019-194, which listed the radio stations for which the broadcasting licences would expire 31 August 2020 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those stations submit renewal applications for their broadcasting licences.
3. In response, the licensees noted below filed applications to renew the broadcasting licences for the following English-language commercial radio stations, which expire

28 February 2021.¹ The Commission did not receive any interventions in regard to these applications.

Licensee	Call sign and locality	Application number
Bell Media Inc. and 8384819 Canada Inc., partners in a general partnership carrying on business as Bell Media Regional Radio Partnership	CHBE-FM Victoria, British Columbia	2019-0829-5
Bell Media Radio Atlantic Inc.	CIKX-FM Grand Falls, New Brunswick, and its transmitter CIKX-FM-1 Plaster Rock	2019-0837-8

Background – CIKX-FM Grand Falls

- In Broadcasting Decision 2013-470, the Commission found Astral Media Radio Atlantic Inc., the licensee of CIKX-FM at that time, in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns. However, given its satisfaction with, among other things, the licensee’s explanations and measures taken to address the non-compliance, the Commission renewed the broadcasting licence for the station for a full, seven-year licence term.

Non-compliance

- Section 10(1)(i) of the *Broadcasting Act* authorizes the Commission, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.
- Pursuant to this authority, the Commission made section 9(3)(b) of the Regulations, which sets out the requirements regarding the information on musical selections that licensees must include in their lists of musical selections for any period specified by the Commission.

CHBE-FM Victoria

- In a letter dated 26 November 2019, the Commission informed Bell Media Inc. and 8384819 Canada Inc.,² partners in a general partnership carrying on business as Bell Media Regional Radio Partnership, that for the 28 October to 3 November 2018

¹ The original licence expiry date for these stations was 31 August 2020. The licences were administratively renewed from 1 September 2020 until 28 February 2021 as a result of Broadcasting Decision 2020-284.

² Bell Media Inc. and 8384819 Canada Inc. are collectively referred to in this decision as “the licensee” of CHBE-FM.

broadcast week, 58 musical selections identified in the music list for the station were aired at a time different from that indicated in the provided music list.

8. In its reply, the licensee indicated that the station's programming team creates the music log for CHBE-FM using MusicMaster software, which is then merged with the commercial log created by its traffic department. It further indicated that once this process is complete, the "combined log" is edited for time and sent to the broadcast studio for use on-air. In regard to the broadcast week in question, the licensee submitted that the automated process by which the two software programs communicate with each other was not working as expected, which led to some musical selections in the music list showing a one-hour discrepancy from the time they were actually aired.
9. The licensee stated that it has since abandoned the previous reconciliation process for CHBE-FM and has switched to a system that no longer relies on automated "real-time" reconciliation between the two different software programs. It added that CHBE-FM now manually runs a daily reconciliation file that synchronizes the exact airtime of each audio element in the automation software with the music scheduling software.
10. In light of the above, in regard to CHBE-FM, the Commission finds the licensee in non-compliance with section 9(3)(b) of the Regulations.

CIKX-FM Grand Falls

11. In a letter dated 26 November 2019, the Commission informed Bell Media Radio Atlantic Inc. (Bell Media Radio Atlantic), licensee of CIKX-FM, that for the 4 to 10 November 2018 broadcast week, 18 musical selections identified by the licensee as having been aired were not included in the music list for CIKX-FM. Further, for the 9 November 2018 broadcast day, the airing times set out for various musical selections were inaccurate.
12. In its reply, the licensee indicated that its programming team creates the music log for CIKX-FM using MusicMaster software, which is then merged with the commercial log created by its traffic department. Once the process is complete, the "combined log" is edited for time and sent to the broadcast studio for use on-air.
13. Bell Media Radio Atlantic noted that during a typical broadcast day, the station's music log may change if an announcer needs to drop a musical selection for lack of time or if its Wide Orbit automation software drops the selection automatically. It noted that the music log is reconciled the following day. Specifically, the MusicMaster software incorporates any changes that may have occurred in Wide Orbit, with the changes being automatically entered into the MusicMaster log, the final log used to manage and ensure regulatory compliance.
14. In regard to the broadcast week in question, the licensee noted that the person responsible for music scheduling at the station was on vacation, with the position being filled in the interim by a junior staff person. It submitted that despite having a

detailed list of duties and responsibilities, this individual did not correctly complete the proper reconciliation in MusicMaster.

15. Bell Media Radio Atlantic stated that CIKX-FM now has two separate weekly reminders set up in the email of all Bell Media Radio Atlantic music and program directors to ensure ongoing compliance: the first email consists of a reminder to ensure the station's weekly Canadian content requirement is being met for the week, whereas the second email consists of a reminder that involves a reconciliation check to ensure all music logs are reconciled properly.
16. In light of the above, in regard to CIKX-FM, the Commission finds the licensee in non-compliance with section 9(3)(b) of the Regulations.

Regulatory measures

17. 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 number, recurrence and seriousness of the instances of 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.

CHBE-FM Victoria

18. In regard to CHBE-FM and the licensee's non-compliance with section 9(3)(b) of the Regulations, the Commission considers that the return to a manual synchronization and reconciliation process for the station should increase the accuracy of its music lists and should allow the licensee to operate the station in compliance with regulatory requirements going forward. Nevertheless, given the seriousness of this instance of non-compliance, the Commission finds that it would be appropriate to renew the broadcasting licence for CHBE-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

CIKX-FM Grand Falls

19. In regard to CIKX-FM and the licensee's non-compliance with section 9(3)(b) of the Regulations, the Commission considers that the music list discrepancies were clearly the result of human error by a junior replacement staff member, and considers that the reminder emails put in place by the licensee constitute measures that should allow it to operate the station in compliance with regulatory requirements going forward. Nevertheless, given this instance of non-compliance, and given that this is the second consecutive licence term in which the licensee has been found in non-compliance with its regulatory requirements, the Commission finds that it would be appropriate to renew the broadcasting licence for CIKX-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Conclusion

20. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CHBE-FM Victoria from 1 March 2021 to 31 August 2025.
21. Further the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CIKX-FM Grand Falls, New Brunswick, and its transmitter CIKX-FM-1 Plaster Rock from 1 March 2021 to 31 August 2026.
22. The **conditions of licence** for these stations are set out in the appendix to this decision.

Reminders

Radio monitoring materials

23. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory requirements. The retention of these 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.

Tangible benefits

24. The Commission reminds the licensees that they must pay any remaining tangible benefits stemming from the ownership transaction approved in Broadcasting Decision 2013-310, subject to the revised allocation of certain of those benefits as approved in Broadcasting Decision 2015-243.

Local news and information

25. Local radio stations are an important daily source of local news and information for communities. Holding a broadcasting licence comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.
26. The licensees proposed for CHBE-FM and CIKX-FM to broadcast the following weekly levels of news:

- CHBE-FM: 0 hours, 20 minutes
 - CIKX-FM: 1 hour, 12 minutes
27. Although Broadcasting Public Notice 2006-158 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that public notice, the Commission reminds the licensees that the above-noted stations, in their local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensees to ensure that a reasonable amount of daily local news and information is made available to those communities.

Force and effect of broadcasting licences

28. 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.

Employment equity

29. Because these licensees are subject to the *Employment Equity Act* and file reports with the Department of Employment and Social Development, their employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-284, 21 August 2020
- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-194, 3 June 2019
- *Applications related to tangible benefits*, Broadcasting Decision CRTC 2015-243, 9 June 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Astral broadcasting undertakings – Change in effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2021-75

Terms, conditions of licence and expectation for the English-language commercial radio programming undertakings for which the broadcasting licences are renewed in this decision

Terms

CHBE-FM Victoria, British Columbia

The licence will expire 31 August 2025.

CIKX-FM Grand Falls, New Brunswick, and its transmitter CIKX-FM-1 Plaster Rock

The licence will expire 31 August 2026.

Conditions of licence applicable to both stations

1. The licensee shall adhere to the conditions set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall provide commercially reasonable access to advertising availabilities to unrelated operators of broadcasting undertakings and telecommunications service providers.
3. a) The licensee shall pay tangible benefits in respect of any shortfall in the tangible benefits for the radio broadcasting undertakings to be divested by BCE Inc. (BCE) in accordance with *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013, between \$11.05 million attributed to those undertakings and the aggregate value of the tangible benefits to be paid by purchasers of those undertakings as determined by the Commission in the decision approving the transfer of those undertakings by BCE (“shortfall”).

b) In the event of a shortfall, the licensee shall file with the Commission a proposal for the payment of the resulting tangible benefits within 30 days of the Commission’s decisions approving the transfer of the last of those undertakings by BCE.

Additional condition of licence applicable to CIKX-FM Grand Falls, New Brunswick, and its transmitter CIKX-FM-1 Plaster Rock

4. The licensee shall broadcast, at least during the morning hours, distinct local programming, as defined in *Policies for local programming on commercial radio stations and advertising on campus stations*, Public Notice CRTC 1993-38, 19 April 1993.

Expectation

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