



Broadcasting Decision CRTC 2006-391

Ottawa, 23 August 2006

CHUM Limited

Victoria, British Columbia

Application 2005-0659-5

Broadcasting Public Notice CRTC 2006-58

8 May 2006

CFOX Victoria – Licence renewal

The Commission renews the broadcasting licence for the commercial AM radio programming undertaking CFOX Victoria, from 1 September 2006 to 31 August 2013.

The application

1. The Commission received an application by CHUM Limited (CHUM) to renew the broadcasting licence for the English-language, commercial radio programming undertaking CFOX Victoria. The licence expires 31 August 2006.

Background

2. In *Complaint regarding the broadcast of an episode of Talk Radio on CFOX Victoria*, Broadcasting Decision CRTC 2005-419, 18 August 2005, the Commission addressed a complaint regarding comments that were broadcast by CFOX in September 2004. The Commission found that, in that instance the station had failed to meet a number of Canadian broadcasting policy objectives, including the provision that provides that programming should be of high standard. At the time of the complaint, CHUM was not the licensee of CFOX and the station was not a member of the Canadian Broadcast Standards Council (CBSC). Under CHUM's ownership, CFOX has become a member of the CBSC.

Interventions

3. The Commission received an intervention in support of this application as well as interventions by Mr. Jack Etkin and Mr. Bob Sommerhalder.

4. While Messrs. Etkin and Sommerhalder did not oppose CFX's licence renewal, they expressed concern about the quality of the station's programming as well as balance in the programming. According to these interveners, CFX favours a "corporate" or "right-wing" viewpoint and provides little opportunity for the expression of differing points of view. Mr. Etkin also alleged that CFX was not operating in compliance with CHUM's cultural diversity policy, particularly with respect to the on-air representation of cultural diversity.

Licensee's replies

5. In response, CHUM noted that a licensee must achieve balance in the overall programming offered by its undertaking rather than in each program. CHUM maintained that CFX provides balance through its open-line programs as well as through programs that offer commentary presenting various points of view on a number of issues
6. In response to Mr. Etkin's claim that CFX was not complying with CHUM's own cultural diversity policy, the licensee stated that "CFX continues to work toward the inclusion, fair and accurate reflection and portrayal and equitable representation of Canada's diversity".

Commission's analysis and determinations

7. Section 3(1)(i) of the *Broadcasting Act* (the Act) states, among other things, that the "programming provided by the Canadian broadcasting system should provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern."
8. The Commission has addressed the issue of balance in a number of broadcasting policies, including those relating to community access and community radio as set out in *Policy framework for community-based media*, Public Notice CRTC 2002-61, 10 October 2002 and *Balance in Programming on Community Access Media*, Public Notice CRTC 1988-161, 29 September 1988, as well as the Commission's policy on religious broadcasting as set out in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993. The Commission has consistently stated that it expects broadcasters to provide a reasonable and balanced opportunity for the expression of differing views on matters of public concern. Balance need not be attained in each program and equal time need not necessarily be given for all points of view. Instead, the Commission expects that a reasonably consistent listener will be offered a spectrum of differing views on issues of public concern within a reasonable period of time. The Commission further expects broadcasters to address controversial issues fairly and honestly.
9. In its evaluation of CFX's licence renewal application, the Commission has taken into consideration the comments made by Messrs. Etkin and Sommerhalder and is satisfied with the licensee's response.

Based on its review of CFX's programming, the Commission finds that the station presents differing points of view through various mechanisms and on-air programs. While differing points of view may not represent equal air time, they are nevertheless presented in a reasonable manner that would be consistent with the Commission's policies on balance. Moreover, the Commission is satisfied that CHUM has implemented an appropriate policy for open-line programming. Nevertheless, the Commission reminds the licensee that its programming must conform to the provisions of the Act, particularly those that provide that programming should be of high standard, and that a station must provide balance in its overall programming.

10. In light of the above, the Commission **renews** the broadcasting licence for the English-language, commercial radio programming undertaking CFX Victoria, from 1 September 2006 to 31 August 2013.
11. The licence will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999.
12. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>