



## Broadcasting Decision CRTC 2007-148

Ottawa, 22 May 2007

**Rogers Broadcasting Limited**  
Chilliwack, British Columbia

*Application 2005-1434-0, received 25 November 2005*  
*Public Hearing at Calgary, Alberta*  
*12 February 2007*

### **CKCL-FM Chilliwack and its transmitters CKCL-FM-1 Abbotsford and CKCL-FM-2 Vancouver – Licence renewal**

*In this decision, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKCL-FM Chilliwack and its transmitters CKCL-FM-1 Abbotsford and CKCL-FM-2 Vancouver, from 1 September 2007 to 31 August 2011. This short-term renewal will allow the Commission to assess, at an earlier date, the licensee's compliance with conditions of its licence.*

#### **The application**

1. The Commission received an application by Rogers Broadcasting Limited (Rogers) to renew the broadcasting licence for the English-language commercial radio programming undertaking CKCL-FM Chilliwack and its transmitters CKCL-FM-1 Abbotsford and CKCL-FM-2 Vancouver, which expires 31 August 2007.
2. The Commission considers that the main issue to be dealt with in this decision is the licensee's apparent repeated non-compliance with the Commission's directions that CKCL-FM Chilliwack not be operated with exclusive orientation to Vancouver.
3. The Commission received one intervention in support of this application, and one offering general comments. The public record for this proceeding is available on the Commission's web site at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings".

#### **Background**

4. In *Acquisition of assets*, Decision CRTC 99-398, 30 August 1999 (Decision 99-398), the Commission approved applications that resulted in Rogers' acquisition of a number of radio stations in British Columbia, including CKSR-FM Chilliwack (formerly CKVX-FM, now known as CKCL-FM). In Decision 99-398, each of the acquired stations was granted a licence term expiring 31 July 2006.<sup>1</sup>

<sup>1</sup> In *Administrative renewal*, Broadcasting Decision CRTC 2006-279, 7 July 2006, the Commission renewed the licence for CKCL-FM and its transmitters until 31 December 2006. Subsequently, in *Administrative renewal*, Broadcasting Decision CRTC 2006-681, 20 December 2006, the Commission renewed the licence until 31 August 2007.

## History of non-compliance

5. During the current licence term, the Commission received a number of complaints alleging that Rogers had altered the orientation of the Chilliwack station, to focus exclusively on the Vancouver market.
6. In response to the first complaint, the Commission agreed with the complainant, and on 19 May 2000 issued a letter to Rogers, directing Rogers to adhere to the following guidelines for the Chilliwack station:
  - Not identify itself on a basis that includes exclusive reference to Vancouver;
  - Include reference to the Fraser Valley in all its traffic and weather reports; and
  - Include, on a regular basis, references to local news and events in the Fraser Valley.
7. In *Licence amendment for CKVX-FM*, Decision CRTC 2000-445, 20 November 2000 (Decision 2000-445), the Commission approved an application by Rogers to delete the condition of CKVX-FM's licence that its permanent studio facilities be located outside the Greater Vancouver Regional District. The application was approved based on Rogers' assurance that synergies and programming enhancements would result from the co-location of CKVX-FM studios with those of other Rogers radio properties in Vancouver. In Decision 2000-445 the Commission reiterated CKVX-FM's mandate to continue to provide a locally oriented radio service to listeners throughout the Fraser Valley, and reminded Rogers of the guidelines set out in the 19 May 2000 letter, noted above.
8. In 2001, the Commission received a second complaint that Rogers was neglecting its mandate to serve Chilliwack. In *Complaint from Standard Radio Inc. ("Standard") concerning Rogers Broadcasting Limited's ("Rogers") operation of CIOX-FM, Smiths Falls, and CKVX-FM, Chilliwack*, Decision CRTC 2001-257, 4 May 2001 (Decision 2001-257), the Commission determined that Rogers had again failed to fully respect the guidelines related to its Fraser Valley programming orientation on CKVX-FM (now CKCL-FM). In Decision 2001-257, the Commission required Rogers to submit bi-monthly reports demonstrating that CKCL-FM was operating in compliance with its Fraser Valley programming orientation.
9. As part of its analysis of Rogers' application to renew the licence for CKCL-FM, the Commission monitored the programming broadcast by CKCL-FM on 13 September 2006 and 15 September 2006. The Commission's analysis revealed that CKCL-FM generally orients itself to Vancouver, with only minimal references to the Fraser Valley.

10. In a letter responding to the Commission's findings, Rogers stated that it considers CKCL-FM to be a regional service in Vancouver and the B.C. Lower Mainland, and that CKCL-FM broadcasts references to the Fraser Valley in all weather reports, regularly in its traffic reports and occasionally in community event notices. Rogers further stated that CKCL-FM's approach to news is very general, given the availability in Vancouver of dedicated radio news sources. Rogers added that CKCL-FM serves listeners in the Lower Mainland who live in or commute to Vancouver, but that "regional coverage remains an important part of our service mandate and programming orientation."
11. As part of the licence renewal process, the Commission asked Rogers to comment on the possible imposition of the programming guidelines set out in the 19 May 2000 letter as conditions of licence for the next term of CKCL-FM's licence.
12. Rogers replied that it would not be opposed to the imposition of such conditions, but that it would be difficult for CKCL-FM to comply with them. Rogers instead suggested an alternative condition of licence related to programming orientation, which would read as follows:

Identify itself on a regular basis with references to Vancouver and the Fraser Valley.

### **The Commission's analysis**

13. As noted above, despite written reminders, the Commission has determined on three separate occasions within the same licence period that CKCL-FM's programming has been deficient in the provision of content specifically related to Chilliwack and the Fraser Valley.
14. The Commission reiterates its strong view that CKCL-FM's primary mandate is to serve the residents of Chilliwack and the Fraser Valley, not to serve Vancouver listeners exclusively.
15. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKCL-FM Chilliwack and its transmitters CKCL-FM-1 Abbotsford and CKCL-FM-2 Vancouver, from 1 September 2007 to 31 August 2011.
16. The Commission's decision to impose a short-term renewal period is consistent with its policy on renewals of licences held by licensees determined to be in non-compliance, as set out in *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001, and will allow it to monitor the programming of the station in the short term, in order to ensure the licensee's compliance with the conditions of licence imposed herein.

17. 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 (Public Notice 1999-137), with the exception of condition of licence number 5, as well as to the **conditions of licence** set out in the appendix to this decision.
18. The Commission notes that CKCL-FM remains subject to a condition of licence requiring the licensee to refrain from soliciting or accepting local advertising for broadcast during any broadcast week when less than one-third of the programming aired is local programming. For the purposes of that condition of licence (number 9 set out in Public Notice 1999-137), during the new licence term CKCL-FM and its transmitters will be subject to the revised definition of local programming set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, and conditions of licence numbers 1 through 5 set out in the appendix to this decision, which set out requirements specific to CKCL-FM as regards local programming.

### **Employment equity**

19. 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>*

## **Appendix to Broadcasting Decision CRTC 2007-148**

### **Rogers Broadcasting Limited**

*Application 2005-1434-0, received 25 November 2005*

### **Terms and conditions of licence**

#### **Renewal of the licence for CKCL-FM Chilliwack and its transmitters CKCL-FM-1 Abbotsford and CKCL-FM-2 Vancouver**

#### **Terms**

The licence for the above-mentioned undertaking will expire 31 August 2011.

#### **Conditions of licence**

1. The licensee shall broadcast at least once every half hour, a station identification which includes specific reference to the frequency and location of the Chilliwack transmitter.
2. The licensee shall refrain from identifying CKCL-FM and its transmitters on a basis that includes exclusive reference to Vancouver.
3. The licensee shall include in the programming broadcast on CKCL-FM and its transmitters on a regular basis each day, coverage of local news, sports and events of direct and particular relevance to the Fraser Valley, in particular Chilliwack.
4. The licensee shall include in each traffic report and each weather report broadcast on CKCL-FM and its transmitters a specific reference to the areas CKCL-FM is licensed to serve.
5. The licensee shall submit bi-monthly reports demonstrating compliance with CKCL-FM's conditions of licence relating to local programming.
6. For the purposes of condition of licence number 9 set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, the definition of local programming shall be as set out above in conditions of licence 1 through 5, which add requirements for CKCL-FM as regards local programming, as well as that set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, as follows:

Local programming includes programming that originates with the station or is produced separately and exclusively for the station. It does not include programming received from another station and rebroadcast simultaneously or at a later time; nor does it include network or syndicated programming that is five minutes or longer unless it is produced either by the station or in the local community by arrangement with the station.

In their local programming, licensees must incorporate spoken word material of direct and particular relevance to the community served. This must include local news, weather, sports coverage, and the promotion of local events and activities.