



Broadcasting Decision CRTC 2009-275

Route reference:

Broadcasting Notice of Public Hearing 2008-14

Additional reference:

Broadcasting Notice of Public Hearing 2008-14-2

Ottawa, 15 May 2009

Quinte Broadcasting Company Limited

Belleville, Ontario

Application 2008-1340-4, received 3 October 2008

Public Hearing in Orillia, Ontario

26 January 2009

CJBQ Belleville – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CJBQ Belleville, from 1 September 2009 to 31 August 2011. This short-term licence renewal will enable the Commission to review, at an earlier date, the licensee's compliance with the Radio Regulations, 1986.*

The application

1. The Commission received an application by Quinte Broadcasting Company Limited (Quinte) to renew the broadcasting licence for the English-language commercial radio programming undertaking CJBQ Belleville. The current licence expires 31 August 2009. The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notices of Public Hearing 2008-14 and 2008-14-2, the Commission noted that CJBQ Belleville may have failed to comply with its requirements relating to the broadcast of Canadian content category 2 (Popular Music) selections over the broadcast week of 1 to 7 June 2008. The Commission further noted that Quinte may have failed to comply with its condition of licence regarding contributions to Canadian talent development (CTD)¹ for the 2006 broadcast year.
3. In Broadcasting Notice of Public Hearing 2008-14, the Commission called the licensee to appear at a public hearing in Orillia to discuss CJBQ Belleville's apparent non-compliance. The Commission informed Quinte that it would be expected to show cause at the hearing why mandatory orders should not be issued requiring the licensee to comply with the *Radio Regulations, 1986* (the Regulations) relating to the broadcast of Canadian content category 2 musical selections during the broadcast week and with its CTD contribution obligations.

¹ CTD contributions have since been replaced by Canadian content development (CCD) contributions. Requirements relating to CCD contributions are set out in section 15 of the *Radio Regulations, 1986*.

Non-compliance

Canadian content

4. Section 2.2(8) of the Regulations requires that AM radio stations devote at least 35% of all musical selections drawn from content category 2 aired during each broadcast week to Canadian selections.
5. Analysis of the programming broadcast on CJBQ Belleville during the week of 1 to 7 June 2008 revealed that 34.2% of all content category 2 musical selections broadcast over that broadcast week were Canadian selections.
6. At the hearing, the licensee admitted that it had inadvertently breached section 2.2(8) of the Regulations by failing to devote at least 35% of all musical selections drawn from content category 2 to Canadian selections during the week of 1 to 7 June 2008. Quinte indicated that it is taking its shortfall in the level of Canadian content very seriously considering that it is CJBQ's second shortfall in consecutive licence terms. Quinte also described steps it has taken to ensure that it does not happen again.
7. Specifically, Quinte indicated that to address these compliance concerns, it installed a new music scheduling system that allows for up-to-the-minute reporting of Canadian content levels. It is now also distributing a weekly report on the level of Canadian content being broadcast to its President and to the programming director and has implemented schedule changes to allow for easier insertion of Canadian musical selections.

Canadian talent development contributions

8. As set out in Public Notice 1999-137, the licensee was required, by condition of licence, to make a contribution of \$400 to CTD for the 2006 broadcast year. The Commission's records indicate that Quinte's contribution stood at \$100 for that year thereby creating a shortfall of \$300.
9. The Commission informed Quinte of the shortfall in October 2008 and Quinte responded by issuing a cheque to FACTOR, dated 29 October 2008, in the amount of \$300. At the hearing, Quinte assumed responsibility for the shortfall and indicated that its President would work closely with the accounting department in order to avoid any future mix-up with the contributions.

Commission's analysis and determinations

10. At the time of its last licence renewal, the Commission granted CJBQ a four-year renewal, from 1 September 2005 to 31 August 2009, following a breach of the Regulations with respect to the broadcast of Canadian content category 2 musical selections.²

² See Broadcasting Decision 2005-331.

11. The Commission finds CJBQ to be in non-compliance once again with the Regulations with respect to the broadcast of Canadian content category 2 musical selections during its current licence term. CJBQ is also found to be in non-compliance with its condition of licence regarding its contribution to CTD for the 2006 broadcast year.
12. The Commission is satisfied with the commitments and measures outlined by Quinte to ensure CJBQ's compliance with the Regulations at all times. The Commission is therefore of the view that a mandatory order is not necessary at this time.
13. As set out in Circular No. 444, when non-compliance is observed for the second time, and the Commission is satisfied with the measures that the licensee has put into place and is confident that non-compliance will not likely reoccur, the station is normally granted a two-year licence renewal. Given that this is the second time that CJBQ has been found to be in non-compliance with respect to the Regulations in relation to the broadcast of Canadian musical selections, the Commission finds it appropriate to renew the licence for CJBQ for a period of two years, in accordance with Circular No. 444. This short-term renewal will enable the Commission to assess, at an earlier date, the licensee's compliance with the Regulations and its conditions of licence.
14. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CJBQ Belleville from 1 September 2009 to 31 August 2011. The licence will be subject to the **conditions** set out in Broadcasting Regulatory Policy 2009-62.
15. The Commission reminds Quinte that it must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the Regulations. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Broadcasting Public Notice 2006-158.

Employment equity

16. In accordance with Public Notice 1992-59, 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.

Secretary General

Related documents

- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- Broadcasting Notice of Public Hearing CRTC 2008-14, 13 November 2008
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

- *CJBQ Belleville - Licence renewal*, Broadcasting Decision CRTC 2005-331, 20 July 2005
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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>.