



## Broadcasting Decision CRTC 2009-285

Route reference:

Broadcasting Public Notice 2008-123

Ottawa, 19 May 2009

### Trust Communications Ministries

Barrie, Ontario

*Application 2008-1592-0, received 21 November 2008*

### CJLF-FM Barrie – Licence amendment

*The Commission **approves** an application by Trust Communications Ministries to delete the condition of licence for CJLF-FM Barrie relating to the broadcast of commercial messages.*

### Introduction

1. The Commission received an application by Trust Communications Ministries (Trust) to amend the broadcasting licence for its specialty FM radio programming undertaking CJLF-FM Barrie. The licensee proposed to delete its condition of licence relating to the broadcast of commercial messages. This condition of licence, set out in Broadcasting Decision 2005-456, reads as follows:

The licensee shall broadcast not more than six minutes of commercial messages per hour during the periods 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., and a maximum average of four minutes of commercial messages per hour during the remaining hours of the broadcast day.

2. In support of its application, Trust submitted specific instances when its condition of licence relating to the broadcast of commercial messages required CJLF-FM to calculate third-party sponsorship segments as part of its advertising limits. As an example, the licensee cited its broadcast of Skywords traffic reports, which include pre-packaged programming segments that are provided with short sponsorship inserts. Trust noted that it receives no revenue from the Skywords traffic sponsors, but must include the sponsor identifications in its commercial messages inventory since they fall within the definition of advertising. The licensee argued that these sponsor identifications account for a significant portion of its advertising inventory, leaving it with less room for local advertising.
3. Trust indicated that, should its application be approved, it would, by condition of licence, increase its Canadian talent development (CTD) commitment by an additional \$2,000 each broadcast year, and direct this investment into studio production for local Christian artists.

4. The Commission received interventions in support of this application.

### **Commission's analysis and determinations**

5. The Commission notes that CJLF-FM's calculation of revenues has included a significant reliance on listener donations. The flexibility to be offered by the deletion of the condition of licence in question would allow the station to increase its level of local advertising while still allowing for the receipt of third-party advertising segments such as the Skywords service. The Commission also notes that CJLF-FM is one of the few not-for-profit radio services that provide a dedicated local programming service including regular traffic and surveillance programming.
6. In Broadcasting Decision 2008-78, the Commission denied a similar request by Trust based on CJLF-FM's non-compliance with its condition of licence relating to the level of commercial messages that may be broadcast every hour during peak periods and throughout the broadcast day. As mentioned in that decision, the Commission's longstanding practice has been to deny applications for licence amendments where licensees are in non-compliance with their conditions of licences.
7. The Commission notes that the instance of non-compliance noted above occurred in 2007. Since then, CJLF-FM has taken steps to rectify past non-compliance, including the installation and implementation of new monitoring equipment and the purchase of new computer software. A recent monitoring of the station's programming in the broadcast week beginning 1 March 2009 showed the station to be in compliance with its condition of licence relating to the broadcast of commercial messages.
8. In light of the above, the Commission **approves** the application by Trust Communications Ministries to amend the broadcasting licence for its specialty FM radio programming undertaking CJLF-FM Barrie, by deleting its condition of licence relating to the broadcast of commercial messages.
9. The Commission further amends the broadcasting licence for CJLF-FM by adding the following **condition of licence** relating to an additional funding commitment to Canadian content development<sup>1</sup> (CCD), which will be over and above the licensee's current CTD obligations:

In regard to Canadian content development, the licensee shall, in each broadcast year, devote a minimum of \$2,000 to studio production of local Christian artists.

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<sup>1</sup> In Broadcasting Public Notice 2006-158, the Commission set out its revised approach to airplay for Canadian music and to development initiatives, and stated that, in order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcasting using Canadian resources, it considered that it would be appropriate to replace the expression "Canadian talent development" (CTD) with "Canadian content development" (CCD).

10. The Commission reminds the licensee that, as set out in paragraph 107 of Broadcasting Public Notice 2006-158, all CCD initiatives must involve direct expenditures and must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists.
11. With respect to the licensee's existing condition of licence relating to CTD,<sup>2</sup> the Commission reminds the licensee that, as set out in Broadcasting Public Notice 2008-67, "[w]here the condition of licence does not specify the initiative to which the contribution is to be made, the licensee should contribute to eligible initiatives as described in paragraph 108 of the Commercial Radio Policy 2006."

Secretary General

**Related documents**

- *Amendments to the Radio Regulations, 1986 – Implementation of the Commercial Radio Policy 2006 and the Digital Radio Policy – Regulatory policy*, Broadcasting Public Notice CRTC 2008-67, 23 July 2008
- *CJLF-FM Barrie – Licence amendment*, Broadcasting Decision CRTC 2008-78, 8 April 2008
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Erratum*, Broadcasting Decision CRTC 2005-456-1, 23 November 2005
- *CJLF-FM Barrie and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2005-456, 7 September 2005
- *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995

*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>.*

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<sup>2</sup> This condition of licence, set out in Broadcasting Decision 2005-456-1, reads as follow: "In each broadcast year, the licensee shall devote a minimum of \$5,000 in direct expenditures towards the promotion and development of local talent. In addition to the \$5,000 contribution to Canadian talent development (CTD), the licensee shall make an annual expenditure of \$500 for a scholarship for a student of advertising at Georgian College."