



Broadcasting Decision CRTC 2010-465

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Route reference: 2009-691

Ottawa, 9 July 2010

Rogers Broadcasting Limited
Moncton and Saint John, New Brunswick

Applications 2009-1135-6 and 2009-1136-4, received 13 August 2009

CKNI-FM Moncton and CHNI-FM Saint John – Licence amendments

*The Commission **approves** applications by Rogers Broadcasting Limited to amend the broadcasting licences for CKNI-FM Moncton and CHNI-FM Saint John by changing the condition of licence that limits the amount of music they may broadcast. As a result of this amendment, the maximum proportion of all programming that may be devoted to musical selections increases from 10% to 25%.*

Introduction

1. The Commission received applications by Rogers Broadcasting Limited (Rogers) to amend the broadcasting licences for its news/talk commercial radio programming undertakings CKNI-FM Moncton and CHNI-FM Saint John, New Brunswick.
2. The two stations currently operate under the following conditions of licence, set out in Broadcasting Decisions 2004-517 and 2004-520, relating to their news/talk format:
 - The licensee shall operate the station within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, as amended in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
 - The licensee shall ensure that more than 50% of all programming broadcast during each broadcast week consists of material from content Category 1 – Spoken Word.
 - The licensee shall ensure that at least 50% of all programming broadcast during each broadcast week consists of local programming. The definition of local programming shall be as set out in *Policies for local programming on commercial radio stations and advertising on campus stations*, Public Notice CRTC 1993-38, 19 April 1993, as amended from time to time.

- The licensee shall ensure that no more than 10% of all programming broadcast during each broadcast week consists of musical selections.
- 3. The licensee has applied to change the last of these conditions of licence for both CKNI-FM and CHNI-FM by increasing from 10% to 25% the maximum amount of all programming during each broadcast week that may consist of musical selections from. (Rogers also operates CJNI-FM, a news/talk station in Halifax, but has not applied for an amendment to the conditions of licence for that station.)
- 4. Rogers submitted that this change is needed to permit the rationalization of costs by eliminating the news wheel approach to programming, and to reduce duplication in programming that currently exists between CKNI-FM and CHNI-FM. Rogers also indicated that the change would allow it to focus its resources on local and regional long-form talk programming.

Interventions

- 5. The Commission received two interventions addressing the application for CHNI-FM one from Acadia Broadcasting Limited (Acadia) in opposition, and another commenting on the application from TFG Communications Inc. (TFG). These interventions, as well as Rogers' reply, are available on the Commission's website at www.crtc.gc.ca under "Public Proceedings." The Commission did not receive any interventions with respect to the application for CKNI-FM.
- 6. Acadia submitted that Rogers' request should be denied given that the application approved by the Commission was for a news/talk station and given that Rogers was aware that there would be long-term operating losses when it applied for the licence. Acadia was also of the view that the proposed Adult Contemporary music would decrease diversity in the Saint John market. In addition, Acadia argued that the Commission had denied similar applications by TFG in Broadcasting Decisions 2008-60 and 2007-101.
- 7. For its part, TFG questioned how Rogers would continue to serve the market with a reduction in spoken word programming.
- 8. In reply, Rogers noted that it had originally applied for both music-oriented and news/talk stations in Halifax, Moncton and Saint John, but only the applications for news/talk stations were approved. Rogers' plan had been that the music station would support the news/talk stations particularly in the smaller markets of Moncton and Saint John. Rogers argued that, without the music station, it has not been able to make the news/talk stations in Moncton and Saint John viable, despite efforts to cut costs. Rogers emphasized that music would be confined to time periods after 6 p.m., and indicated that it would be willing to accept a condition of licence in this regard.

Commission's analysis and determinations

9. The Commission finds that the issue to be determined in this proceeding is whether it is appropriate to approve a change in a condition of licence related to programming for these stations in their first term of licence.
10. The Commission notes that, while Rogers has proposed to increase the amount of music played on the two stations from 10% to 25%, it has not proposed to change the other three conditions of licence relating to the stations' format and programming. Both CKNI-FM and CHNI-FM would therefore continue to operate in the Specialty format, devote 50% or more of their programming to spoken word programming and devote at least 50% of all programming broadcast to local programming. The Commission is of the view that these conditions are adequate to ensure that the stations continue to contribute to programming diversity in their markets by providing a unique spoken word format that is oriented to the local community. In light of these conditions and Rogers' commitment to confine music programming to the time period after 6 p.m., the Commission also considers that the stations will not compete directly with music-oriented stations in their markets. A **condition of licence** with respect to Rogers' commitment is set out below. In light of the above, the Commission considers that the change proposed by Rogers will serve to alleviate the financial difficulties faced by the stations, while not changing the essential orientation of their programming.
11. The Commission also notes that both CKNI-FM and CHNI-FM are currently operating in compliance with their conditions of licence.
12. The Commission considers that these applications are different from the applications by TFG for CJEF-FM Saint John that were denied in Broadcasting Decisions 2008-60 and 2007-101. Whereas TFG was proposing to delete the condition of licence requiring that CJEF-FM operate in the Specialty format so that it could provide a music format, as well as delete the condition of licence requiring that it devote more than 50% of the broadcast week to spoken word programming, Rogers is not applying to delete either of those conditions.
13. Accordingly, the Commission **approves** the applications by Rogers Broadcasting Limited to amend the broadcasting licences for CKNI-FM Moncton and CHNI-FM Saint John by changing the condition of licence limiting the amount of music that may be broadcast. The amended **condition of licence** reads as follows:

The licensee shall ensure that no more than 25% of all programming broadcast during each broadcast week consists of musical selections.

CKNI-FM and CHNI-FM will also be subject to the following **condition of licence**:

The licensee shall ensure that musical selections are broadcast only during the 6 p.m. to midnight period over the course of the broadcast week.

Secretary General

Related documents

- *CJEF-FM Saint John – Licence amendment*, Broadcasting Decision CRTC 2008-60, 12 March 2008
- *CJEF-FM Saint John – Licence amendment*, Broadcasting Decision CRTC 2007-101, 28 March 2007
- *News/Talk commercial FM radio station in Saint John*, Broadcasting Decision CRTC 2004-520, 26 November 2004
- *News/Talk commercial FM radio station in Moncton*, Broadcasting Decision CRTC 2004-517, 26 November 2004

**This decision is to be appended to each licence.*