



Broadcasting Decision CRTC 2010-864

PDF version

Route reference: 2010-334

Ottawa, 23 November 2010

Corus Premium Television Ltd.
New Westminster, British Columbia

Application 2010-0245-1, received 12 February 2010

CKNW New Westminster – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKNW New Westminster from 1 December 2010 to 31 August 2014. This short-term licence renewal will enable the Commission to review the licensee's compliance with the Radio Regulations, 1986 at an earlier date.*

Introduction

1. The Commission received an application by Corus Premium Television Ltd. (Corus) to renew the broadcasting licence for the English-language commercial radio programming undertaking CKNW New Westminster, which expires 30 November 2010.¹ The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2010-334, the Commission noted that in the 2008-2009 broadcast year, the licensee may have failed to comply with the Canadian content development (CCD) contribution requirement in section 15(2) of the *Radio Regulations, 1986* (the Regulations).

Non-compliance

3. On 8 March 2010, Corus was asked to provide the Commission with a breakdown for an expenditure of \$23,703 paid to Kettleby Communications Inc. (Kettleby) and to specify why it believed this expenditure to be an eligible CCD expense under the Commission's 2006 commercial radio policy (Broadcasting Public Notice 2006-158).
4. In its response, the applicant explained that the \$23,703 represented CKNW's share of the direct costs paid to Kettleby for the production of a talk radio program aired on seven Corus-owned and six other radio stations in Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. Corus submitted that the program fostered the development of talk

¹ The licence was administratively renewed from 1 September to 30 November 2010 in *Administrative renewals*, Broadcasting Decision 2010-635, 30 August 2010.

radio talent by providing Kettleby with a multi-provincial platform to support, train and develop potential new talent.

5. The Commission is not convinced that the expenses associated with the Kettleby initiative as described by the licensee should qualify as eligible CCD expenditures. The Commission considers that the expenses associated with this type of programming are regular programming expenses of the same nature as the hiring of freelance program contributors. Therefore, the Commission considers it appropriate to require the licensee to submit, within 60 days of the date of this decision, a report detailing to which eligible CCD initiatives the \$23,703 has been redirected. Proof of payments must accompany this report.

Conclusion

6. In light of the above and in accordance with its practice regarding radio non-compliance set out in Circular No. 444, the Commission considers that a short-term renewal for CKNW would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKNW New Westminster from 1 December 2010 to 31 August 2014. This short-term renewal will enable the Commission to assess the licensee's compliance with the Regulations at an earlier date. The **conditions of licence** are set out in the appendix to this decision.

Employment equity

7. 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

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2010-334, 1 June 2010
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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

Appendix to Broadcasting Decision CRTC 2010-864

Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition 7.
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), in any broadcast week where at least 90% of musical selections from content category 2 (Popular Music) that it broadcasts are selections released before 1 January 1981:
 - devote in that broadcast week 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
 - devote between 6 a.m. and 6 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

The licensee shall specify, on the music lists it provides to the Commission, the year of release for all musical selections it broadcasts.

3. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the Regulations:
 - in those periods of content category 2 music consisting exclusively of music composed before 1956, devote a weekly average of 2% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety. The licensee shall identify those programming periods and the dates of composition of the music selections broadcast during those periods when requested by the Commission.
 - in those periods of content category 2 music consisting of 90% or more but not exclusively of music composed before 1956, devote a weekly average of 10% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety. The licensee shall identify those programming periods and the dates of composition of the music selections broadcast during those periods when requested by the Commission.

For purposes of these conditions, the terms “broadcast week,” “content category” and “musical selection” shall have the meaning set out in section 2 of the Regulations.