



Broadcasting Decision CRTC 2013-699

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Route reference: 2013-315

Ottawa, 16 December 2013

Rogers Broadcasting Limited
Kingston, Ontario

Application 2013-0156-4, received 25 January 2013

CIKR-FM Kingston – Licence renewal

The Commission renews the broadcasting licence for the commercial radio station CIKR-FM Kingston, Ontario, from 1 January 2014 to 31 August 2020.

Introduction

1. The Commission received an application by Rogers Broadcasting Limited (Rogers) to renew the broadcasting licence for the English-language commercial radio station CIKR-FM Kingston, Ontario, which expires 31 December 2013.¹ The Commission received interventions in support of this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-315, the Commission noted that the licensee was in apparent non-compliance with its condition of licence relating to Canadian content development (CCD) contributions for the 2009-2010 broadcast year.
3. The Commission considered that there was a shortfall of \$2,300 in the licensee's total required CCD contribution because the initiative that the licensee supported was ineligible. The initiative was a boat cruise concert that only station contest winners could attend. The licensee explained that it was unaware that such initiatives were ineligible CCD expenditures and no mention was made of this matter when the Commission approved its acquisition of the station in Broadcasting Decision 2009-249. The licensee indicated, however, that it ceased to fund initiatives restricted to station contest winners when the Commission clarified its position on this matter in Broadcasting Decision 2011-550. In that Decision, the Commission stated that CCD initiatives must not be self serving to the station. Further, after Broadcasting Decision 2011-550 was issued, Rogers informed all of its radio stations that such initiatives were not eligible for CCD contributions.

¹ The original expiry date of CIKR-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 as a result of Broadcasting Decision 2013-418.

4. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to CCD contributions for the 2009-2010 broadcast year.

Regulatory measures

5. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
6. The Commission considers that initiatives relating to the development of Canadian content and talent not only help to develop and advance the careers of emerging Canadian artists but also increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions to the development of Canadian content and talent.
7. The Commission reminds the licensee that CCD expenditures on initiatives where attendance is restricted to station contest winners will not be accepted as eligible initiatives for the purposes of CCD. However, given the circumstances surrounding Rogers' non-compliance for CIKR-FM and the measures that the licensee has taken to ensure compliance in the future, the Commission considers it appropriate to grant a full term renewal to this station.

Conclusion

8. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CIKR-FM Kingston, Ontario, from 1 January 2014 to 31 August 2020. The licensee must adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.

Reminder

9. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Employment equity

10. 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

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-315, 2 July 2013
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CIBK-FM Calgary – Licence renewal*, Broadcasting Decision CRTC 2011-550, 31 August 2011
- *CIKR-FM and CKXC-FM Kingston – Acquisition of assets*, Broadcasting Decision CRTC 2009-249, 4 May 2009
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009

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