



Broadcasting Decision CRTC 2005-320

Ottawa, 8 July 2005

Radio communautaire F.M. de la Haute-Gatineau inc.
Maniwaki, Quebec

*Application 2003-1677-0
Broadcasting Public Notice CRTC 2004-37
2 June 2004*

CHGA-FM Maniwaki – Licence renewal

The Commission renews the broadcasting licence for the Type B community radio station CHGA-FM Maniwaki, from 1 January 2006 to 31 August 2008. This short-term renewal will allow the Commission to assess, at an earlier date, the licensee's compliance with its conditions of licence and the Radio Regulations, 1986. The concerns giving rise to this short-term licence renewal are discussed below.

The application

1. The Commission received an application by Radio communautaire F.M. de la Haute-Gatineau inc. (Radio Haute-Gatineau) to renew the broadcasting licence for the Type B French-language community radio programming undertaking CHGA-FM Maniwaki, which expires 31 December 2005.¹

Compliance concerns

2. On 2 June 2004, the Commission announced the application for the licence renewal of CHGA-FM in Broadcasting Public Notice CRTC 2004-37. In this notice, the Commission noted the apparent non-compliance of the licensee with the condition of licence relating to the number of hours that the licensee must devote to the broadcast of category 3 musical selections (special interest music). The condition of licence requires that CHGA-FM broadcast, in any broadcast week, no less than 5% of category 3 musical selections.

¹ The term of this licence was extended for administrative reasons. In *Administrative renewals*, Broadcasting Decision CRTC 2004-366, 23 August 2004, the Commission extended the licence term to 30 November 2004. In *Administrative renewals*, Broadcasting Decision CRTC 2004-529, 30 November 2004, the Commission extended the licence term to 30 June 2005. In *Administrative renewal*, Broadcasting Decision CRTC 2005-226, 1 June 2005, the Commission extended the licence term to 31 December 2005.

Intervention

3. The Commission received an intervention from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). ADISQ made general comments regarding the streamlined process set out by the Commission in *The CRTC Streamlines Radio Renewals Process*, Broadcasting Circular CRTC 2002-448, 7 June 2002 (Circular 2002-448).
4. ADISQ stated that it was not opposed in principle to the streamlined process adopted by the Commission for renewal applications that do not raise any significant concerns, but it was concerned about the use of the streamlined process for this application. ADISQ submitted that there were not enough evaluations of the station's compliance, nor was there enough information on the public file for it to determine whether or not to support the licence renewal for a seven-year term.
5. The licensee did not reply to the ADISQ intervention.

Commission's analysis and determination

6. The Commission notes ADISQ's comments regarding the streamlined renewal process for radio licences. The Commission stated in Circular 2002-448 that the streamlining initiatives it has adopted in recent years in order to lighten the regulatory burden have assisted the licensees of broadcasting undertakings and have allowed the Commission to direct its limited resources to priority sectors. With respect to the assessment of the effectiveness of these measures, the Commission will soon issue a circular explaining its findings in this regard.
7. With respect to ADISQ's comment concerning the limited information or performance evaluations, the Commission notes that the program compliance reports are placed on the licensee's public record, and that commitments relating to Canadian talent development are available on the Commission's web site.
8. With respect to the apparent non-compliance, the Commission notes that, in the past, Radio Haute-Gatineau has failed to meet its regulatory obligations. The Commission notes that Radio Haute-Gatineau has had a number of short-term renewals. To that end, in *Licence renewal for CHGA-FM*, Decision CRTC 2001-146, 28 February 2001, the Commission renewed the CHGA-FM licence from 1 March 2001 to 31 August 2004, following apparent instances of non-compliance regarding logger tapes and the broadcast of category 3 musical selections.
9. Between 1 March 2001 and 31 August 2004, the Commission conducted an analysis of the logger tapes for the week of 17 to 23 November 2002. This analysis revealed that the CHGA-FM station was again not compliant with the condition of licence relating to the broadcast of category 3 musical selections. According to the analysis, Radio Haute-Gatineau aired only 2.6% of category 3 musical selections.

10. In a letter to the Commission dated 20 May 2003, Radio Haute-Gatineau explained that its apparent non-compliance regarding the broadcast of category 3 musical selections could be attributed to a programming change in which the number of category 3 musical selections was underestimated. The licensee indicated that the necessary measures had already been taken to remedy the situation and specified that the amount of category 3 musical selections had been increased since 17 May 2003.
11. To conduct another analysis and validate the measures taken by the licensee, the Commission asked Radio Haute-Gatineau to provide it with logger tapes and other material associated with the programming broadcast by CHGA-FM during the week of 24 to 30 April 2005. This new analysis revealed that Radio Haute-Gatineau was in compliance with its condition of licence regarding the level of category 3 musical selections.
12. However, in light of the licensee's past performance, the Commission considers that the licence for CHGA-FM should be renewed for a shorter term in order to allow the Commission to continue to monitor the station's performance and ensure that the compliance issues have been permanently resolved. This would also allow the Commission to verify whether Radio Haute-Gatineau meets all of its regulatory obligations. The Commission considers that a renewal term of 32 months is reasonable.
13. Accordingly, the Commission **renews** the broadcasting licence for the Type B French-language community radio programming undertaking CHGA-FM Maniwaki, from 1 January 2006 to 31 August 2008. This term will allow the Commission to assess, at an earlier date, the licensee's compliance with the *Radio Regulations, 1986* (the Regulations) and its conditions of licence.
14. The licence will be subject to the **conditions of licence** set out in *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000.
15. The Commission notes that it may have recourse to additional measures, including the issuance of a mandatory order, suspension, non-renewal or revocation of the licence, in the event of any future non-compliance by CHGA-FM Maniwaki with the Regulations or its conditions of licence.

Employment equity

16. The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

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>.