



Broadcasting Decision CRTC 2006-597

Ottawa, 16 October 2006

Metromedia CMR Broadcasting Inc.
Montréal, Quebec

Application 2005-1397-0
Broadcasting Public Notice CRTC 2006-76
15 June 2006

CFQR-FM Montréal – Licence renewal

*In this decision, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFQR-FM Montréal, from 1 January 2007 to 31 August 2010. This short-term renewal will permit the Commission to review, at an earlier date, the licensee's compliance with its condition of licence relating to the broadcasting of hits.*

The application

1. The Commission received an application by Metromedia CMR Broadcasting Inc. (Metromedia) to renew the broadcasting licence for the English-language commercial radio programming undertaking CFQR-FM Montréal. The licence was to expire 31 August 2006. However, the term of this licence was extended for administrative reasons from 1 September 2006 to 31 December 2006 in *Administrative renewals*, Broadcasting Decision CRTC 2006-396, 23 August 2006.

Non-compliance

2. On 15 June 2006, the Commission announced the application for the licence renewal of CFQR-FM in Broadcasting Public Notice CRTC 2006-76. In that notice, the Commission noted the apparent non-compliance of the licensee with the condition of licence relating to the broadcasting of hits. This condition of licence requires that CFQR-FM broadcast, in any broadcast week, a maximum of 49.9% hits.

Interventions

3. The Commission received interventions in connection with this application, including an intervention in support and comments from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ).

4. ADISQ expressed its concerns regarding the streamlined process set out by the Commission in *The CRTC streamlines radio renewals process*, Broadcasting Circular CRTC 2002-448, 7 June 2002. ADISQ noted that there were not enough evaluations of the station's compliance throughout the current licence term, and submitted that the streamlined process should be supported by adequate monitoring, with compliance reports placed on public files. The intervener was convinced that current technological resources could certainly allow the Commission to conduct much more frequent evaluations of the licensee's programming without requiring significant additional resources.
5. ADISQ pointed out that the public file contained only one compliance evaluation for CFQR-FM's current licence term. The intervener contended that this situation was unfortunate because it was unable to assess the station's compliance with its requirements regarding the broadcast of Canadian music selections and hit radio music.
6. ADISQ was pleased to note that this licensee has met its Canadian talent development (CTD) obligations over the course of its last licence term and that the licensee intends to renew its current CTD condition of licence requiring annual CTD contributions to MusicAction.
7. Metromedia did not reply to the interventions.

Commission's analysis and determinations

8. The Commission notes ADISQ's comments concerning the streamlined renewal process for radio licences. In *Review of the commercial radio policy*, Broadcasting Notice of Public Hearing CRTC 2006-1, 13 January 2006, the Commission invited written comments from interested parties on various issues, including issues relating to the streamlined renewal process for radio licences. The Commission held a public hearing on these issues commencing 15 May 2006 in the National Capital Region.
9. In *Call for comments on the Commission's service standards*, Broadcasting Public Notice CRTC 2006-16, 10 February 2006, the Commission announced that for the year 2006-2007, it was undertaking streamlining measures to specifically address, among other topics, licence renewal applications that are dealt with by public notice. In *Streamlined processes for certain broadcasting applications*, Broadcasting Circular CRTC 2006-1, 27 March 2006, the Commission announced that it would continue to examine additional options to increase the efficiency of its procedures, including a further streamlining of the licence renewal process. Finally, in *Introduction of service standards for certain broadcasting applications*, Broadcasting Circular CRTC 2006-2, 5 April 2006, the Commission announced new service standards for its processing of certain types of applications, including applications for licence renewals currently processed using the public notice approach.

10. ADISQ's concerns regarding the streamlined renewal process for radio licences will be considered in the Commission's deliberations on this issue. The Commission further notes that technological resources that could facilitate the evaluation of licensees' programming are now available, and therefore encourages ADISQ to explore these resources. The Commission is of the view that ADISQ could itself assess the compliance of licensees.
11. With respect to CTD contributions, the Commission reviewed CFQR-FM's file and notes that the station is in compliance with its condition of licence requiring annual minimum contributions of \$8,000.
12. The Commission also wishes to point out that it has analysed programming aired by CFQR-FM during the current licence term. After checking the logger tapes and playlists for the week of 5 to 11 October 2003, the Commission finds that the licensee had broadcast 64.6% hits, whereas the condition of licence to this effect requires that CFQR-FM broadcast a maximum of 49.9% hits in any broadcast week.
13. Given that this infraction of the condition of licence relating to the broadcasting of hits represents the licensee's first non-compliance, the Commission determines that it is appropriate to renew the licence for a short term of four years, in accordance with *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001. This short-term licence renewal will enable the Commission to ensure that the content of the programming broadcast by CFQR-FM does not violate the conditions of licence. The Commission notes that CKQR-FM has been granted an administrative renewal of four months.
14. Accordingly, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CFQR-FM Montréal, from 1 January 2007 to 31 August 2010. The licence will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of conditions of licence 5 and 7. The licence will also be subject to the following **conditions**:
 - The licensee is authorized to use a Subsidiary Communications Multiplex Operation (SCMO) channel to distribute ethnic programming in the Portuguese language. The Commission reminds the licensee that, as stated in section 3(1)(h) of the *Broadcasting Act*, the licensee is responsible for the programs that it broadcasts. The licensee is therefore expected to ensure that its SCMO service is operated in a responsible manner and to adhere to the guidelines regarding the provision of SCMO services set out in Appendix A to *Services using the vertical blanking interval (television) or subsidiary communications multiplex operation (FM)*, Public Notice CRTC 1989-23, 23 March 1989.

- The licensee shall not broadcast more than 20 minutes of paid commercial messages in any broadcast day on the SCMO channel.
- The licensee shall remit \$8,000 to MusicAction in each broadcast year as direct expenditures on Canadian talent development.

Employment equity

15. 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

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>