



## Broadcasting Decision CRTC 2007-335

Ottawa, 29 August 2007

### **The Haliburton Broadcasting Group Inc.**

Bancroft, Ontario

*Application 2007-0268-0, received 17 February 2007*

*Broadcasting Public Notice CRTC 2007-63*

*12 June 2007*

### **CHMS-FM Bancroft – Licence renewal**

*The Commission renews the broadcasting licence for the English-language, commercial radio programming undertaking CHMS-FM Bancroft, from 1 September 2007 to 31 August 2014.*

### **The application**

1. The Commission received an application by The Haliburton Broadcasting Group Inc. (Haliburton) to renew the broadcasting licence for the English-language, commercial radio programming undertaking CHMS-FM Bancroft. The current licence expires 31 August 2007.
2. In Broadcasting Public Notice 2007-63, the Commission noted that the licensee may have failed to comply with the requirements regarding its contributions to Canadian talent development (CTD) for the 2001 broadcast year.
3. The Commission did not receive any interventions in connection with this application.

### **Non-compliance**

4. In a letter dated 23 March 2007, the Commission advised Haliburton that, for the 2001 broadcast year, the licensee was in apparent non-compliance with its condition of licence relating to its annual \$5,000 contribution to the Canadian Association of Broadcasters' (CAB's) former CTD plan.
5. In its letter of reply dated 26 March 2007, Haliburton indicated that a payment of \$1,667, equivalent to one-third of its required 2001 CTD expenditure, was made to FACTOR. This portion reflected the pro-rated four-month period of the station's operation in 2001.

## Commission's analysis and determinations

6. The Commission has reviewed the renewal application and the licensee's file. In Decision 2001-158, the Commission approved an application by Haliburton for a broadcasting licence to operate an English-language commercial FM radio programming undertaking to serve Bancroft to replace the AM station CJNH Bancroft. CHMS-FM began operations in May 2001. In view of CHMS-FM having operated for only four months in the 2001 broadcast year, which ended 31 August 2001, the Commission considers that the licensee's pro-rated CTD payment of \$1,667 in 2001 is reasonable and reflects its partial year of operation. As such, the Commission does not consider that CHMS-FM's situation warrants a short-term renewal.
7. In light of the above, the Commission **renews** the broadcasting licence for the English-language, commercial radio programming undertaking CHMS-FM Bancroft, from 1 September 2007 to 31 August 2014.
8. The licence will be subject to the **conditions** set out in Public Notice 1999-137, as well as to the terms and **conditions of licence** set out in the appendix to this decision.
9. In regard to the licensee's above-mentioned CTD contribution, the Commission expects the licensee to fulfill its commitment relating to the remaining portion of its \$5,000 CTD budget for 2001, totalling \$3,333, as set out in its original condition of licence to this effect, at the earliest possible date and in any event no later than 31 August 2008. A **condition of licence** reflecting this commitment is set out in the appendix to this decision.

## Canadian content development

10. In its *Commercial Radio Policy 2006* (Broadcasting Public Notice 2006-158), the Commission set out a new approach to the development and promotion of Canadian artists. In order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcast using Canadian resources, the Commission replaced the expression "Canadian talent development" (CTD) with "Canadian content development" (CCD). Under the new policy, each radio station holding a commercial radio licence is required to make a basic annual CCD contribution based on its total broadcast revenues in the previous broadcast year. This requirement will be reflected in the *Radio Regulations, 1986* (the Regulations). Until such time, it will be implemented by a transitional **condition of licence**, as set out in the appendix to this decision. This condition of licence will expire upon the coming into force of the amendments to the Regulations.

Secretary General

## Related documents

- Broadcasting Public Notice CRTC 2007-63, 12 June 2007

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *New English-language FM radio station at Bancroft*, Decision CRTC 2001-158, 2 March 2001
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

*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>*

# Appendix to Broadcasting Decision CRTC 2007-335

## Terms, conditions of licence and encouragement

### Terms

The licence will take effect on 1 September 2007 and will expire on 31 August 2014.

### Conditions of licence

1. 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 condition of licence number 5.
2. The licensee shall, by no later than the end of the broadcast year ending 31 August 2008, contribute a minimum of \$3,333 to FACTOR. The payment required under this condition of licence shall be over and above any commitments to Canadian content development set out below.
3. In regard to Canadian content development (CCD):
  - a) The licensee shall make a basic annual contribution to CCD. The amount of this contribution shall be determined in accordance with the *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Broadcasting Public Notice 2006-158), as amended from time to time.
  - b) The licensee shall allocate 60% of its basic annual CCD contribution to FACTOR or MUSICACTION.
  - c) The remaining amounts of this basic annual contribution shall be allocated to eligible parties and activities as defined in Broadcasting Public Notice 2006-158.

Amounts required under the condition of licence relating to Canadian talent development initiatives may be deducted from the amounts that will be required under the new basic CCD contribution.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

## **Encouragement**

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.