



Broadcasting Decision CRTC 2008-118

Ottawa, 2 June 2008

Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.
Revelstoke, British Columbia

Application 2007-1631-8, received 19 November 2007
Public Hearing at Vancouver, British Columbia
25 February 2008

CKCR Revelstoke – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio programming undertaking CKCR Revelstoke from 1 September 2008 to 31 August 2010. This short-term renewal will permit the Commission to review, at an earlier date, the licensee's compliance with the Radio Regulations, 1986 and in particular with those regulations relating to the broadcast of Canadian category 2 musical selections.*

The application

1. The Commission received an application by Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P. (Astral), to renew the broadcasting licence for the commercial radio programming undertaking CKCR Revelstoke. The current licence expires 31 August 2008.
2. In Broadcasting Notice of Public Hearing 2007-18, the Commission noted that CKCR may have failed to comply with its requirements relating to the broadcast of Canadian content category 2 (Popular Music) selections over the broadcast week of 14 to 20 January 2007. Furthermore, the Commission noted that it expected the licensee to show just cause at the hearing why a mandatory order should not be issued requiring the licensee to comply with the *Radio Regulations, 1986* (the Regulations) relating to the broadcast of Canadian musical selections drawn from content category 2 during the broadcast week.
3. The Commission received an intervention offering general comments by the Canadian Independent Record Production Association (CIRPA). Astral did not reply to this intervention.

Non-compliance

4. The Commission analyzed the programming broadcast on CKCR during the week of 14 to 20 January 2007. The analysis revealed that only 34.7% of all category 2 musical selections broadcast over the broadcast week were Canadian musical selections. These findings constitute a violation of section 2.2(8) of the Regulations, which stipulates that:

2.2(8) Except as otherwise provided under a licensee's condition of licence that refers expressly to this subsection and subject to subsection (6), an A.M. or F.M. licensee licensed to operate a commercial station, community station or campus station shall, in a broadcast week, devote 35% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

5. At the public hearing, Astral indicated that although it was not the licensee of CKCR at the time that the violation occurred,¹ it recognizes its responsibility and obligation to operate each of its radio stations in full compliance with the policies and regulations at all times.
6. Astral indicated that the music scheduling software in all its British Columbia radio stations was changed two weeks prior to the Commission's request for its logger tapes. It explained that the violation occurred during this change of software as a result of a new programmer's inexperience and the station's nightly syndicated satellite program *Delilah*, which played mostly non-Canadian music at that time.
7. Astral added that it has since undertaken measures to address these compliance concerns. These measures include providing sufficient training with the scheduling software to ensure weekly compliance; mandatory weekly completion of a Canadian content tracking sheet that is reviewed by local program directors and general managers; installation of new redundant monitoring equipment with an alarm system to ensure that the loggers never fail; and random spot checking. Astral is also currently instituting an additional corporate-wide policy to ensure that all its radio stations are in compliance at all times. Furthermore, Astral stated that CKCR now broadcasts a Canadian version of *Delilah* that airs significantly more Canadian music.

Commission's analysis and determinations

8. The Commission notes that following a breach of the Regulations with respect to the broadcast of Canadian category 2 musical selections at the time of its last licence renewal, CKCR was granted a four-year renewal, from 1 September 2004 to 31 August 2008.² CKCR was monitored on one occasion during its new licence term and was found once again in apparent non-compliance with the Regulations. The Commission notes that Standard Radio Inc. was the licensee of CKCR at the time that the non-compliance occurred.

¹ Standard Radio Inc. (Standard) was the licensee of CKCR at the time of the violation. The Commission approved an application by Astral to acquire the assets of Standard's radio undertakings on 28 September 2007 (See Broadcasting Decision 2007-359).

² See Broadcasting Decision 2004-329.

9. The Commission is satisfied with the commitments and measures outlined by Astral to ensure CKCR's compliance with the Regulations at all times. The Commission is therefore of the view that a mandatory order is not necessary at this time.
10. As set out in Circular No. 444, the Commission notes that when non-compliance is observed for the second time, and the Commission is satisfied with the measures that the licensee has put into place and confident that non-compliance will not likely reoccur, the station is normally granted a two-year licence renewal. As noted above, this is the second time that CKCR has been found to be in non-compliance with respect to the Regulations in relation to the broadcast of Canadian musical selections. As such, the Commission finds it appropriate to renew the licence for CKCR for a period of two years, in accordance with Circular No. 444. This short-term renewal will enable the Commission to assess, at an earlier date, the licensee's compliance with the Regulations and its conditions of licence.
11. Accordingly, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CKCR Revelstoke from 1 September 2008 to 31 August 2010.
12. The licence will be subject to the **conditions** set out in Public Notice 1999-137, with the exception of condition of licence number 5. The licence will also be subject to the terms and **conditions of licence** set out in the appendix to this decision.
13. The Commission reminds the licensee that it must continue to fulfil the commitments related to Canadian content development set out in Broadcasting Decision 2007-359 in which the Commission approved an application by Astral to acquire the assets of the radio programming undertakings owned by Standard Radio Inc., including CKCR Revelstoke.

Employment equity

14. 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

- Broadcasting Notice of Public Hearing CRTC 2007-18, 19 December 2007
- *Acquisition of assets*, Broadcasting Decision CRTC 2007-359, 28 September 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

- *CKCR Revelstoke – Licence renewal*, Broadcasting Decision CRTC 2004-329, 9 August 2004
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999

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 2008-118

Terms, conditions of licence and expectation

Terms

The licence will expire 31 August 2010.

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 make a basic annual contribution to Canadian content development (CCD). The amount of the 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.

The licensee shall allocate 60% of this basic annual CCD contribution to FACTOR or to MUSICACTION.

The remainder of the annual basic contribution to CCD shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives in Broadcasting Public Notice 2006-158.

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

Expectation

As mentioned in *Acquisition of assets*, Broadcasting Decision CRTC 2007-359, 28 September 2007, the Commission expects the licensee, at the conclusion of the seven-year benefits period, to file a report on the manner in which the tangible benefits for CKCR Revelstoke have been expended.