



Broadcasting Decision CRTC 2008-363

Ottawa, 23 December 2008

North Superior Broadcasting Ltd.

Marathon, Nipigon/Red Rock, Hornepayne, Geraldton, Longlac, Nakina and
White River, Ontario

Application 2008-0106-0, received 23 January 2008

Broadcasting Public Notice CRTC 2008-47

27 May 2008

CFNO-FM Marathon and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CFNO-FM Marathon and its transmitters at the above-mentioned locations, from 1 January 2009 to 31 August 2012.*

Introduction

1. The Commission received an application by North Superior Broadcasting Ltd. (North Superior) to renew the broadcasting licence for the English-language commercial radio programming undertaking CFNO-FM Marathon and its transmitters CFNO-FM-1 Nipigon/Red Rock, CFNO-FM-2 Hornepayne, CFNO-FM-4 Geraldton, CFNO-FM-5 Longlac, CFNO-FM-7 Nakina and CFNO-FM-8 White River. The licence expires 31 December 2008.¹
2. The Commission received a comment on this application from the Canadian Independent Record Production Association (CIRPA), to which the licensee did not reply. The comment is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

3. The Commission notes that CIRPA expressed concerns over the apparent failure of the licensee to fulfill its obligations relating to its financial contributions to Canadian talent development (CTD) and to adhere to the requirement of the *Radio Regulations, 1986* (the Regulations) relating to the broadcast of Canadian content for category 2 (Popular music) musical selections.

¹ In Broadcasting Decision 2008-245, the Commission administratively renewed the broadcasting licence for CFNO-FM and its above-noted transmitters from 1 September 2008 to 31 December 2008.

Non-compliance

Contributions to CTD

4. In Broadcasting Public Notice 2008-47, the Commission noted that the licensee failed to comply with its obligation, by condition of licence, to make a CTD contribution for the broadcast year 2003; as set out in Public Notice 1995-196, the licensee was required to make a contribution of \$400. In response to a deficiency question by the Commission, North Superior indicated that, once it learned of the shortfall, it issued a cheque, dated 16 December 2004, to FACTOR in the amount of \$400.

Canadian content for category 2 music

5. The Commission analyzed the programming broadcast by CFNO-FM during the week of 1 to 7 October 2006. The analysis revealed that only 30.9% of all category 2 musical selections broadcast over the broadcast week, and 27.3% of all category 2 musical selections broadcast between 6:00 a.m. and 6:00 p.m. Monday to Friday, were Canadian. These findings constitute a violation of sections 2.2(8) and 2.2(9) of the Regulations, which stipulate the following:

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.

2.2 (9) Except as otherwise provided under a condition of its licence and subject to subsection (6), an A.M. licensee, F.M. licensee or digital radio licensee that is licensed to operate a commercial station shall, between 6:00 a.m. and 6:00 p.m., in any period beginning on a Monday and ending on the Friday of that week, devote at least 35% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

6. The Commission notes that the licensee has implemented corrective measures in regard to the above. In a letter dated 13 March 2007, the licensee advised the Commission that it had installed new music software in order to be in compliance with the requirement of the Regulations relating to the broadcast of Canadian content.

Conclusion

7. The Commission notes that this is the first time that this licensee has been found to be in non-compliance with the condition of licence relating to CTD contributions, as well as with the requirement, set out in the Regulations, relating to the broadcast of 35% Canadian selections for category 2 music. Accordingly, the Commission determines that it is appropriate to renew the broadcasting licence for CFNO-FM and the above-noted transmitters for a short-term period of four 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 conditions of licence for CFNO-FM and its transmitters and with the Regulations.

8. The Commission reminds the licensee that it is required to adhere to the requirements relating to contributions to Canadian content development set out in section 15 of the Regulations.
9. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFNO-FM Marathon and its transmitters CFNO-FM-1 Nipigon/Red Rock, CFNO-FM-2 Hornepayne, CFNO-FM-4 Geraldton, CFNO-FM-5 Longlac, CFNO-FM-7 Nakina and CFNO-FM-8 White River, from 1 January 2009 to 31 August 2012. The licence will be subject to the **conditions** set out in the appendix to this decision.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2008-245, 29 August 2008
- *Renewals for radio programming undertaking licences due to expire in 2008*, Broadcasting Public Notice CRTC 2008-47, 27 May 2008
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995

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 2008-363

Terms, conditions of licence and encouragement

Terms

The licence will expire 31 August 2012.

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 exceptions of conditions of licence 1 and 5.
2. If the licensee originates 42 or more hours of programming in any broadcast week, it shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

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.