



## Broadcasting Decision CRTC 2010-412

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Route reference: 2009-786

Ottawa, 29 June 2010

**Touch Canada Broadcasting (2006) Inc. (the general partner) and Touch Canada Broadcasting Inc. (the limited partner), carrying on business as Touch Canada Broadcasting Limited Partnership**

Calgary, Alberta

*Application 2009-0134-9, received 13 January 2009*

### CJRY-FM Edmonton – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language specialty radio station CJRY-FM Edmonton from 1 July 2010 to 31 August 2013. This short-term licence renewal will enable the Commission to review, at an earlier date, the licensee's compliance with the Radio Regulations, 1986 and its conditions of licence.*

#### Introduction

1. The Commission received an application by Touch Canada Broadcasting (2006) Inc. (the general partner) and Touch Canada Broadcasting Inc. (the limited partner), carrying on business as Touch Canada Broadcasting Limited Partnership (Touch Canada)<sup>1</sup> to renew the broadcasting licence for the English-language specialty radio programming undertaking CJRY-FM Edmonton, which expires 30 June 2010.<sup>2</sup> The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2009-786, the Commission stated that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the provision of annual returns, for the broadcast years 2004, 2006, 2007 and 2008. The Commission also stated that the licensee may have failed to comply with its condition of licence relating to contributions to Canadian talent development (CTD), for the 2007 and 2008 broadcast years.

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<sup>1</sup> The current licence was issued to Touch Canada Broadcasting (2006) Inc. (the general partner), and 1188011 Alberta Ltd. and Touch Canada Broadcasting Inc. (the limited partners), carrying on business as Touch Canada Broadcasting Limited Partnership. During the review of the application, the Commission was informed that 1188011 Alberta Ltd. amalgamated with Touch Canada Broadcasting Inc., on 1 September 2008.

<sup>2</sup> The current licence was administratively renewed until 31 December 2009 in Broadcasting Decision 2009-506, until 31 May 2010 in Broadcasting Decision 2009-785, and until 30 June 2010 in Broadcasting Decision 2010-324.

## **Commission's analysis and determinations**

4. After examining the application in light of applicable regulations and policies, the Commission considers that the issue to be addressed in its determinations relate to the following:
  - contributions to CTD, and
  - the provision of annual returns.

### **Contributions to Canadian talent development**

4. In Broadcasting Decision 2003-1, the initial licensing decision for CJRY-FM, the Commission imposed a condition of licence on the station requiring that the licensee contribute each year a minimum of \$8,000 to Soundsalive and Blue Sky Promotions, eligible third parties associated with CTD. The Commission notes that Touch Canada paid the required CTD contribution, but to a group not specified in its CTD condition of licence.
5. In a letter dated 15 September 2009, the licensee was of the view that since the new recipient was an eligible group, it did not need to inform the Commission of the change of recipient of its CTD contribution.
6. The Commission reminds the licensee that where a condition of licence specifies the initiative to which the CTD (or Canadian content development) contribution is to be made, the licensee must contribute to that initiative. If the licensee wishes to contribute to another initiative, it has to file an application with the Commission to amend its condition of licence.

### **Provision of annual returns**

7. As set out in section 9(2) of the Regulations, licensees are required to file their annual returns for a specific broadcast year by 30 November of that same broadcast year. The Commission notes that, for the 2007 and 2008 broadcast years, the licensee's annual returns were filed after this 30 November deadline.
8. In the above-noted letter, the licensee acknowledged that it had breached section 9(2) of the Regulations and noted that, since then, it has put into place a new financial controller as well as new auditors.

## **Conclusion**

9. In light of all of the above, in accordance with its practice regarding radio non-compliance, set out in Circular No. 444, the Commission considers that a short-term renewal period for CJRY-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language specialty radio programming undertaking CJRY-FM Edmonton from 1 July 2010 to 31 August 2013, four years from the original expiry date of 31 August 2009. 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. 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 2010-324, 28 May 2010
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2009-786, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-785, 17 December 2009
- *Administrative renewals*, Broadcasting Decision CRTC 2009-506, 20 August 2009
- *Christian music FM radio station in Edmonton*, Broadcasting Decision CRTC 2003-1, 7 January 2003
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

*\*This decision is to be appended to the licence.*

# **Appendix to Broadcasting Decision CRTC 2010-412**

## **Conditions of licence and encouragement**

### **Conditions of licence**

1. The licence will be subject to the conditions set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence number 7.
2. The station shall be operated within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. The licensee shall devote a minimum of 95% of all musical selections broadcast during each broadcast week to selections drawn from subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.

### **Encouragement**

#### **Employment equity**

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.