



## Broadcasting Decision CRTC 2010-428

Route reference: 2009-786

Ottawa, 30 June 2010

**Canadian Hellenic Cable Radio Ltd.**  
Montréal, Quebec

*Application 2009-0165-4, received 15 January 2009*

### **CKDG-FM Montréal – Licence renewal**

*The Commission **renews** the broadcasting licence for the commercial ethnic FM radio station CKDG-FM Montréal 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 its conditions of licence relating to Canadian talent development (CTD) contributions.*

### **Introduction**

1. The Commission received an application by Canadian Hellenic Cable Radio Ltd. (CHCR) to renew the broadcasting licence for the commercial ethnic FM radio programming undertaking CKDG-FM Montréal, which expires 30 June 2010.<sup>1</sup>
2. Over the course of this proceeding, the Commission received and considered an intervention by l’Association québécoise de l’industrie du disque, du spectacle et de la vidéo (ADISQ). L’ADISQ noted in particular its concerns with regard to the content and accessibility of reports on the results of the compliance assessment for applications that necessitate a public notice, Canadian content development (CCD) contributions, Canadian content, French-language vocal music, as well as emerging artists. L’ADISQ also commented generally on CKDG-FM’s licence renewal. The applicant did not reply to the intervention. The intervention can be found on the Commission’s website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under “Public Proceedings.”
3. In Broadcasting Notice of Consultation 2009-786, the Commission stated that the licensee may have failed to comply with its condition of licence regarding contributions to Canadian talent development (CTD) for the broadcast years 2004 through 2008.

### **Commission’s analysis and determinations**

4. After examining the application in light of applicable regulations and policies, and having considered the intervention received, the Commission considers that the issue to be addressed in its determinations relates to contributions to CTD.

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<sup>1</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.

## Contributions to Canadian talent development

5. The Commission notes that the licensee did not make its total required contribution to CTD for the broadcast years 2004 through 2008. CHCR is therefore in non-compliance with its condition of licence in this area.
6. CHCR was confused concerning the application of these conditions of licence when the Commission's policies relating to Canadian talent development changed to Canadian content development (CCD) pursuant to the commercial radio policy issued in 2006. This error was compounded by section 15 of the amendments to the *Radio Regulations, 1986* (the Regulations). CHCR misinterpreted the commitments that it was required to honour under Broadcasting Decision 2003-194.
7. CHRC indicated that the station would pay the entire amount of the shortfall, which represents \$42,022, over the course of the first 24 months of its renewal term, i.e. by 31 August 2011, two years from the original expiry date of 31 August 2009. The Commission considers that the 31 August 2011 payment date proposed by CHRC is appropriate.

## Conclusion

8. 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 licence renewal period for CKDG-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the commercial ethnic FM radio programming undertaking CKDG-FM Montreal from 1 July 2010 to 31 August 2013, four years from the original expiry date of 30 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.

## Other matters

9. The Commission notes that the licensee is required, as part of its original licensing requirements set out in Broadcasting Decision 2003-194, to contribute \$3,000 annually to the Canadian Association of Ethnic Broadcasters (CAEB) catalogue of ethnic recordings. Although in the past it has accepted such contributions as an eligible CTD initiative, the Commission considers that the CAEB catalogue, in its present state, does not effectively support or promote Canadian ethnic artists. Accordingly, the CAEB catalogue can no longer be considered an eligible recipient of CTD funding (or CCD funding, as these initiatives are currently known), pursuant to Broadcasting Public Notice 2006-158. The Commission therefore directs the licensee to reallocate this annual \$3,000 contribution to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of Broadcasting Public Notice 2006-158 for its remaining commitments in this regard, so as to fulfill its original licensing requirements relating to CTD set out in Broadcasting Decision 2003-115.

10. The Commission reminds the licensee that it must adhere to the requirements relating to contributions to CCD set out in section 15 of the Regulations. Most commercial radio licensees must allocate 60% of their minimum required CCD contributions to FACTOR or MUSICACTION. However, as an ethnic broadcaster, CHCR may instead direct 60% of its minimum required CCD contributions to any eligible initiative that supports the creation of ethnic programs.

### **Employment equity**

11. In accordance with Public Notice 1992-59, 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.

### **Related documents**

- *Administrative renewals*, Broadcasting Decision CRTC 2010-324, 28 May 2010
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- 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
- *Ethnic FM radio station in Montréal*, Broadcasting Decision CRTC 2003-194, 2 July 2003
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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

## Appendix to Broadcasting Decision CRTC 2010-428

### 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, except conditions of licence 7 and 9.
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 70% of the programming broadcast during each broadcast week to ethnic programs, as defined in the *Radio Regulations, 1986*, as amended from time to time.
4. The licensee shall devote a minimum of 60% of the programming broadcast during each broadcast week to third language programs, as defined in the *Radio Regulations, 1986*, as amended from time to time.
5. The licensee shall broadcast, in each broadcast week, programming directed to a minimum of six cultural groups in a minimum of eight languages.
6. The licensee shall ensure that at least 10% of the music selections broadcast during ethnic programming periods during each broadcast week are Canadian selections.