



Broadcasting Decision CRTC 2010-430

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Route reference: 2009-786

Ottawa, 30 June 2010

Radio Témiscamingue incorporée
Ville-Marie and Témiscaming, Quebec

Application 2009-0417-9, received 26 February 2009

CKVM-FM Ville-Marie and its transmitter – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKVM-FM Ville-Marie and its transmitter CKVM-FM-1 Témiscaming 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.*

Introduction

1. The Commission received an application by Radio Témiscamingue incorporée to renew the broadcasting licence for the French-language commercial radio programming undertaking CKVM-FM Ville-Marie and its transmitter CKVM-FM-1 Témiscaming, which expires 30 June 2010.¹
2. Over the course of this proceeding, the Commission received and examined 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 in regard to the content and accessibility of reports on the results of the compliance assessment for applications that necessitate a public notice, as well as Canadian content development (CCD) contributions, Canadian content, French-language vocal music, and emerging artists. L'ADISQ also generally commented on CKVM-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 under "Public Proceedings."
3. L'ADISQ noted that only one performance evaluation can be found on the licensee's public file. L'ADISQ noted that the licensee has often had its licence renewed for short-term periods due to repeated instances of non-compliance in regard to the filing of logs and records, Canadian content or French-language vocal music. L'ADISQ also noted that the licensee must file self-assessment reports every three months in order to assess compliance with its regulatory obligations. L'ADISQ commended this initiative by the

¹ 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, but noted that those reports should not act as a substitute for the Commission's own evaluation. As for CCD contributions, l'ADISQ submitted that it could not obtain all the information it needed to assess the station's compliance with all of its obligations. L'ADISQ recommended that the licensee once again receive a short-term renewal.

4. 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 2004 and 2005 broadcast years.

Commission analysis and determinations

5. After examining the application in light of applicable regulations and policies as well as the intervention it received, the Commission considers that the issue to be addressed in its determinations relates to the licensee's filing of annual returns.

Submission of annual returns

6. The Commission notes that the licensee is in non-compliance with section 9(2) of the Regulations as it relates to the filing of annual returns for the 2004 and 2005 broadcast years.
7. When asked to comment on this matter, the licensee indicated that, at that moment, the financial statements were still in the hands of its accountant. Further, it stated that the major change in general management that took place could also explain the delay. The licensee submitted that it has made every effort to get the documents to the accountant as fast as possible in order to then provide them to the Commission by 30 November.

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 renewal period for CKVM-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CKVM-FM Ville-Marie and its transmitter CKVM-FM-1 Témiscaming 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.

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2010-324, 28 May
- *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
- *CKVM-FM Ville-Marie and its transmitter CKVM-FM-1 Témiscaming –licence renewal*, Broadcasting Decision CRTC 2007-331, 28 August 2007
- *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 2010-430

Terms and conditions of licence for the French-language commercial radio programming undertaking CKVM-FM Ville-Marie, Quebec and its transmitter CKVM-FM-1 Témiscaming

Conditions of licence

1. The licence will be subject to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.
2. The licensee shall submit, every three months, a self-assessment report on the programming aired during a given week. This report must demonstrate that the licensee has complied with the *Radio Regulations*, 1986 (the Regulations), the Commission's policies and its conditions of licence. Further, the report must demonstrate that the licensee has complied with the requirements of section 2.2(5) of the Regulations relating to the percentage of French-language vocal musical selections broadcast in their entirety during each broadcast week.

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.