



Broadcasting Notice of Consultation CRTC 2012-372

PDF version

Ottawa, 10 July 2012

Notice of applications received

Various locations

Renewal of the broadcasting licences for certain commercial radio programming undertakings expiring 31 March 2013 – Licensees in apparent non-compliance

Deadline for submission of interventions/comments: 9 August 2012

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission announces that it has received broadcasting licence renewal applications for radio programming undertakings for which the licences are due to expire 31 March 2013.

Apparent non-compliance

The licensees listed below have been found in apparent non-compliance with regulatory requirements during the current licence term. The following codes identify the areas of apparent non-compliance by the licensees:

- **A:** failure to comply with subsection 15(2) of the *Radio Regulations, 1986* (the Regulations) relating to Canadian content development (CCD) contributions;
- **B:** failure to comply with the condition of licence that sets out the additional contribution to CCD;
- **C:** contribution for the 2009-2010 broadcast year to the Kardinal Offishall, Barenaked Ladies and “Mountain Mayhem” concerts deemed to be ineligible initiatives in *CIBK-FM Calgary – Licence renewal*, Broadcasting Decision CRTC 2011-550, 31 August 2011;
- **D:** contribution to the École nationale de l’humour, an initiative deemed to be ineligible in *CKTF-FM Gatineau – Licence renewal*, Broadcasting Decision CRTC 2011-725, 24 November 2011;
- **E:** failure to comply with subsection 9(2) of the Regulations relating to the provision of annual reports – the report was incomplete.

The codes as they apply to the various licensees are also set out below.

In the list below, stations identified with an asterisk (*) have been monitored by Commission staff. The monitoring report has been placed on each licensee's public examination file. A copy can be obtained by contacting one of the Commission's documentation centres.

In addition, the Commission notes that the station CIOR Princeton seems to be operated as a rebroadcasting transmitter of CJOR Osoyoos rather than as a standalone station. The Commission may therefore decide not to renew the licence for CIOR or to renew it for a short term to permit the licensee to file an amendment to the licence for CJOR to add a rebroadcasting transmitter at Princeton.

The Commission intends to examine the renewal of these broadcasting licences in light of the approach set out in *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Terms and conditions of licence

The Commission notes that Astral Media Radio Inc., licensee of CFIX-FM Chicoutimi and CIMF-FM Gatineau, has requested the deletion of the conditions of licence related to the minimum weekly number of hours of local programming and news imposed in Broadcasting Decisions 2004-390 and 2004-393 respectively. The application numbers are set out below.

In all other cases, the licensees proposed to operate their undertakings under the same terms and conditions as specified in the current licences and in the last renewal decisions, with the exception of Canadian talent development requirements, which have been replaced by the Canadian content development requirements set out in section 15 of the Regulations.

The Commission notes that in addition to the conditions set out in the current licences, the renewed broadcasting licences 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.

The Commission notes that the undertakings listed below are also the subject of applications by BCE Inc. (BCE), on behalf of Astral Media Inc. (Astral) and its licensed subsidiaries, for authority to change the effective control of Astral's broadcasting undertakings to BCE, as announced in *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2012-370, 10 July 2012.

New Brunswick

| Licensee and address Email to request electronic version of the application | Application number Call sign/location | Apparent non-compliance code |
|--|--|---|
| Astral Media Radio Atlantic Inc. 1717 René-Lévesque Blvd. East 3rd Floor Montréal, Quebec H2L 4T9 Fax: 514-529-3263 Email: claflamme@astral.com | 2011-0298-8 CFXY-FM Fredericton | E: 2007-2008 and 2010-2011 |
| | 2011-0299-6 CIKX-FM Grand Falls and its transmitter CIKX-FM-1 Plaster Rock | E: 2007-2008 and 2008-2009 |

Nova Scotia

| Licensee and address Email to request electronic version of the application | Application number Call sign/location | Apparent non-compliance code |
|--|--|---|
| Astral Media Radio Atlantic Inc. 1717 René-Lévesque Blvd. East 3rd Floor Montréal, Quebec H2L 4T9 Fax: 514-529-3263 Email: claflamme@astral.com | 2011-0300-4 CKTO-FM Truro | E: 2007-2008 and 2008-2009 |

Quebec

| Licensee and address Email to request electronic version of the application | Application number Call sign/location | Apparent non-compliance code |
|--|---|---------------------------------|
| Astral Media Radio Inc. 1717 René-Lévesque Blvd. East 3rd Floor Montréal, Quebec H2L 4T9 Fax: 514-529-3263 Email: claflamme@astral.com | 2011-0301-9 *CFIX-FM Chicoutimi | D: 2009-2010 E: 2008-2009 |
| | 2011-0302-7 CIMF-FM Gatineau and its transmitter CIMF- FM-1 Hawkesbury, Ontario | D: 2009-2010 |
| | 2011-0303-5 *CJMV-FM Val-d'Or | E: 2010-2011 |
| | 2011-0304-3 CJMM-FM Rouyn-Noranda and its transmitter CJMM-FM-1 La Sarre | D: 2009-2010 E: 2008-2009 |

Ontario

| Licensee and address Email to request electronic version of the application | Application number Call sign/location | Apparent non-compliance code |
|--|---|---------------------------------|
| Astral Media Radio G.P. 1717 René-Lévesque Blvd. East 3rd Floor Montréal, Quebec H2L 4T9 Fax: 514-529-3263 Email: claflamme@astral.com | 2011-0196-4 *CHRE-FM St. Catharines | C: 2009-2010 |
| | 2011-0199-8 CHTZ-FM St. Catharines | C: 2009-2010 |
| | 2011-0240-0 CKQB-FM Ottawa and its transmitter CKQB- FM-1 Pembroke | C: 2009-2010 |
| | 2011-0242-5 CKSL London | C: 2009-2010 |
| | 2011-0243-3 CKTB St. Catharines | C: 2009-2010 |

Manitoba

| Licensee and address Email to request electronic version of the application | Application number Call sign/location | Apparent non-compliance code |
|--|--|---------------------------------|
| Astral Media Radio G.P. 1717 René-Lévesque Blvd. East 3rd Floor Montréal, Quebec H2L 4T9 Fax: 514-529-3263 Email: claflamme@astral.com | 2011-0234-2 CKMM-FM Winnipeg | C: 2009-2010 |
| | 2011-0244-1 CKX-FM Brandon | C: 2009-2010 |
| | 2011-0194-8 CFQX-FM Selkirk | C: 2009-2010 |

Alberta

| Licensee and address Email to request electronic version of the application | Application number Call sign/location | Apparent non-compliance code |
|--|---|--|
| Astral Media Radio G.P. 1717 René-Lévesque Blvd. East 3rd Floor Montréal, Quebec H2L 4T9 Fax: 514-529-3263 Email: claflamme@astral.com | 2011-0185-7 CFBR-FM Edmonton | C: 2009-2010 |
| | 2011-0190-7 CFMG-FM St. Albert | A: 2009-2010 B: 2009-2010 C: 2009-2010 E: 2009-2010 |
| | 2011-0192-2 CFRN Edmonton | C: 2009-2010 |
| | 2011-0208-7 CJAY-FM Calgary and its transmitters CJAY- FM-1 Banff and CJAY- FM-3 Invermere, British Columbia | C: 2009-2010 |
| | 2011-0237-6 CKMX Calgary and its transmitter CFVP Calgary | C: 2009-2010 |

British Columbia

| Licensee and address Email to request electronic version of the application | Application number Call sign/location | Apparent non-compliance code |
|--|--|--|
| Astral Media Radio G.P. 1717 René-Lévesque Blvd. East 3rd Floor Montréal, Quebec H2L 4T9 Fax: 514-529-3263 Email: claflamme@astral.com | 2011-0195-6 CFTK Terrace | C: 2009-2010 |
| | 2011-0197-2 CHRX-FM Fort St. John and its transmitter CHRX-FM-1 Dawson Creek | E: 2010-2011 C: 2009-2010 |
| | 2011-0198-0 CHSU-FM Kelowna and its transmitter CHSU-FM-1 Big White Mountain | C: 2009-2010 |
| | 2011-0200-6 CJAT-FM Trail and its transmitters CKFC Creston, CJAT-FM-1 Castlegar and CJAT-FM- 2 Grand Forks | C: 2009-2010 |
| | 2011-0211-0 CJDC Dawson Creek and its transmitter CJDC-1- FM Tumbler Ridge | C: 2009-2010 |
| | 2011-0216-0 CIOR Princeton | A: 2007-2008, 2008-2009, 2009-2010 and 2010-2011 E: 2007-2008, 2008-2009, 2009-2010 and 2010-2011 |
| | 2011-0227-7 CKFR Kelowna | C: 2009-2010 |
| | 2011-0223-5 CJOR Osoyoos and its transmitter CJOR-FM Oliver | C: 2009-2010 |
| | 2011-0228-5 | C: 2009-2010 |

| | | |
|-------------|---|---------------|
| | CKKC-FM Nelson and its transmitters CKZX-FM New Denver, CKZX-FM-1 Kaslo, CKKC-1-FM Crawford Bay and CKBS-FM Nakusp | |
| 2011-0229-3 | CJMG-FM Penticton and its transmitter CJMG-FM-2 Oliver | C: 2009-2010 |
| 2011-0233-4 | CJFW-FM Terrace and its transmitters CJFW-FM-1 Kitimat, CJFW-FM-2 Prince Rupert, CJFW-FM-3 Sandspit, CJFW-FM-4 Masset, CJFW-FM-5 Burns Lake, CJFW-FM-6 Smithers, CJFW-FM-7 Houston and CJFW-FM-8 Hazleton | C: 2009-2010 |
| 2011-0239-2 | CKOR Penticton | C : 2009-2010 |
| 2011-0241-7 | CKRX-FM Fort Nelson | C : 2009-2010 |
| 2011-0245-9 | CKXR-FM Salmon Arm and its transmitters CKXR-FM-1 Sorrento, CKXR-FM-2 Enderby and CKXR-FM-3 Sicamous | C : 2009-2010 |

Procedure

Deadline for interventions

9 August 2012

The new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

This notice may announce applications that would normally be subject to the written process described in Part 1 of the Rules of Procedure, but that were filed before 1 April 2011. An explanation in this regard is set out in *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 2010.

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been altered during electronic transmission.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Important notice

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own

search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the applicants/licensees, either on their websites or upon request by contacting the applicants/licensees at their email addresses, provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours at the Commission offices and documentation centres directly involved with these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

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Secretary General