



Broadcasting Notice of Consultation CRTC 2012-461

PDF version

Ottawa, 28 August 2012

Notice of applications received

Various locations

**Renewal of the broadcasting licences for certain commercial radio programming undertakings expiring 31 December 2012 – Licensees in apparent non-compliance
Deadline for submission of interventions/comments: 2 October 2012**

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

The Commission announces that it has received applications to renew the broadcasting licences for certain radio programming undertakings expiring 31 December 2012.

Apparent non-compliance

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

- **A:** failure to comply with the condition of licence relating to Canadian talent development (CTD) contributions;
- **B:** failure to comply with section 15(2) of the *Radio Regulations, 1986* (the Regulations) relating to Canadian content development (CCD) contributions;
- **C:** failure to comply with the condition of licence relating to over and above CCD contributions;
- **D:** failure to comply with the Regulations as they relate to devoting 10% or more of musical selections from content category 3 (Special Interest Music) to Canadian selections broadcast in their entirety;
- **E:** failure to comply with section 9(2) of the Regulations relating to the provision of annual reports – the reports were filed after the 30 November deadline;
- **F:** failure to comply with section 9(2) of the Regulations relating to the provision of annual reports – the reports were incomplete when filed.

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

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

The licensees propose 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specified in the current licences and in the last renewal decisions, with the exception of CTD requirements which have been replaced by the CCD requirements as set out in Section 15 of the Regulations.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.

In all cases, Commission staff examined the licensee's compliance with its obligations regarding CTD, CCD and the submission of annual returns, as set out by condition of licence and in the Regulations. In certain cases, Commission staff monitored logger tapes and music lists in order to determine the licensee's compliance with its obligations regarding the broadcast of Canadian music selections and French-language vocal music, where applicable. 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.

The Commission notes that other such broadcasting licences expiring in 2012 will be dealt with in separate notices of consultation.

Nova Scotia

Licensee and address Email to request electronic version of the application	Application number Call sign/location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
MacEachern Broadcasting Limited 201 – 609 Church Street Port Hawkesbury, Nova Scotia B9A 2K4 Fax: 902-625-2664 Email: bob@1015thehawk.com	2011-0327-5 CIGO-FM Port Hawkesbury	F: 2009-2010 E: 2005-2006 and 2006-2007	The non-compliance was due to an internal issue with the accountant.

Radio CJLS Limited 328 Main Street Suite 201 Yarmouth, Nova Scotia B5A 1E4 Fax: 902-742-3143 Email: chris@cjls.com	2011-0131-0 CJLS-FM Yarmouth and its transmitters CJLS- FM-1 New Tusket, CJLS-FM-2 Barrington and CJLS-FM-3 Yarmouth	B: 2007-2008 and 2008-2009 E: 2004-2005 and 2006-2007 Shortfall: \$1,058	The non-compliance was due to an issue with the accounting firm.
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New Brunswick

Licensee and address Email to request electronic version of the application	Application number Call sign/location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
Radio Edmundston Inc. 64 Rice Street Edmundston, New Brunswick E3V 1T2 Fax: 506-739-5803 Email: direction@cjemfm.com	2011-0334-0 *CJEM-FM Edmundston and its transmitter CKMV-FM Grand Falls	B: 2007-2008 E: 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009 and 2009-2010	The non-compliance was due to a lack of human resources at the accounting firm employed by the licensee and to failed communications with MUSICACTION.

Quebec

Licensee and address Email to request electronic version of the application	Application number Call sign/location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
9116-1299 Québec inc. 139 Principale Street South Maniwaki, Quebec J9E 1Z8 Fax: 819-441-3488 Email: cfor993@b2b2c.ca	2011-0866-3 CFOR-FM Maniwaki	A: 2004-2005 E: 2004-2005, 2005-2006, 2006-2007, 2007-2008 and 2008-2009	The non-compliances were due to delays at the accounting firm and to a misunderstanding of the CTD obligations.

Groupe Radio Antenne 6 inc. 568 Saint-Joseph Blvd Roberval, Quebec G8H 2K6 Fax: 418-275-2475 Email: malevesque@rncmedia.ca	2011-0100-8 *CKXO-FM Chibougamau	B: 2008-2009	The licensee made the payments late, during the following year.
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Ontario

Licensee and address Email to request electronic version of the application	Application number Call sign/location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
Bayshore Broadcasting Corporation 270 9 th Street Est Owen Sound, Ontario N4K 5P5 Fax: 519-372-4242 Email: rkentner@bayshorebroadcasting.ca	2011-0544-5 *CFPS-FM Port Elgin	A: 2004-2005, 2006-2007 and 2007-2008	The licensee was unaware of shortfalls until records were reviewed. The shortfall was paid in 2010.
Blackburn Radio Inc. 700 Richmond Street Suite 102 London, Ontario N6A 5C7 Fax: 519-357-1897 Email: jweese@cknxradio.com Website: www.cknxradio.com	2011-0567-7 *CIBU-FM Wingham and its transmitter CIBU-FM-1 Bluewater	E: 2005-2006 and 2006-2007	The licensee's accountant retired in 2006 and was replaced by new accountant who was unaware of the deadline.
Connelly Communications Corporation 5 Kirkland Street P.O. Box 430 Kirkland Lake, Ontario P2N 3J4 Fax: 705-567-6101 Email: robin@cjklfm.com	2011-0166-7 CJTT-FM New Liskeard	E: 2007-2008 and 2008-2009	The licensee states it received an extension from the Commission for filing. The person responsible at the accounting firm was diagnosed with a terminal illness.

<p>Haliburton Broadcasting Group Inc. 60 St. Clair Avenue East Suite 201 Toronto, Ontario M4T 1N5 Fax: 416-925-6256 Email: cgrossman@hbgradio.com</p>	<p>2011-0134-4 CKJN-FM Haldimand</p>	<p>A: 2007-2008 and 2008-2009 E: 2007-2008 and 2008-2009</p>	<p>The licensee had unreliable and conflicting financial information when it acquired the station.</p>
<p>My Broadcasting Corporation 321B Raglan Street South P.O. Box 961 Renfrew, Ontario K7V 4H4 Fax: 877-840-6096 Email: andrew@myfmradio.ca</p>	<p>2011-0406-7 CIYN-FM Kincardine and its transmitter CIYN-FM-1 Goderich, and its new transmitter serving Port Elgin</p>	<p>A: 2005-2006</p>	<p>The licensee had difficulty finding an eligible initiative. The shortfall was made up in the next broadcast year.</p>
<p>Newcap Inc. 745 Windmill Road Dartmouth, Nova Scotia B3B 1C2 Fax: 902-468-5661 Email: dmurray@ncc.ca</p>	<p>2011-0158-4 *CILV-FM Ottawa</p>	<p>B: 2006-2007 and 2009-2010</p>	<p>The licensee believes that the payments were made in compliance and that missing documentation is a result of filing oversight.</p>
	<p>2011-0162-5 CIGM-FM Sudbury</p>	<p>A: 2009-2010 Shortfall: \$500</p>	<p>The transaction whereby Newcap purchased the station occurred too close to the broadcast year-end. There were incomplete communications between former and current licensees.</p>

<p>Acadia Broadcasting Limited 2 King Street Suite 100 Saint John, New Brunswick E2L 1G2 Fax: 506-634-5153 Email: macmullin.jim@radioabl.ca</p>	<p>2011-0387-9 *CKDR-FM Dryden</p>	<p>B, F: 2009-2010 D: 2009-2010</p>	<p>Programs from outside sources don't provide music list. The licensee provided a proof of payment with its letter to the Commission.</p>
	<p>2011-0390-3 CKTG-FM Thunder Bay</p>	<p>B, F: 2009-2010</p>	<p>The licensee provided proof of payment with its letter to the Commission.</p>
<p>Pineridge Broadcasting Inc. P.O. Box 520 Cobourg, Ontario K9A 4L3 Fax: 905-372-6280 Email: don.conway@1079thebreeze.com</p>	<p>2011-0552-8 CHUC-FM Cobourg</p>	<p>B, F: 2008-2009, 2009-2010 and 2010-2011</p>	<p>The non-compliance was due to a misunderstanding of the Regulations. The licensee has made up the payments to FACTOR in 2011-2012 and provided proof of payment.</p>
<p>Quinte Broadcasting Company Limited 10 Front Street South 4th Floor Belleville, Ontario K8N 2Y3 Fax: 613-969-0374 Email: billmorton@mix97.com</p>	<p>2011-0119-6 CIGL-FM Belleville</p>	<p>B: 2005-2006 and 2008-2009 F: 2008-2009 Shortfall: \$115</p>	<p>The licensee stated that one accountant retired and a new accountant started, which caused oversights and miscalculations.</p>
<p>Rogers Broadcasting Limited 333 Bloor Street East 6th Floor Toronto, Ontario M4W 1G9 Fax: 416-935-8203 Email: susan.wheeler@rci.rogers.com</p>	<p>2011-0205-3 CKBY-FM Smiths Falls</p>	<p>B: 2010-2011 Shortfall: \$909</p>	<p>The licensee made a payment to FACTOR after the initiative was deemed ineligible.</p>
	<p>2011-0183-1 CHEZ-FM Ottawa</p>	<p>B: 2010-2011 Shortfall: \$6,835</p>	<p>The licensee made a payment to FACTOR after the initiative was deemed ineligible.</p>

Manitoba

Licensee and address Email to request electronic version of the application	Application number Call sign/location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
Arctic Radio (1982) Limited 316 Green Street Flin Flon, Manitoba R8A 0H2 Fax: 204-687-6786 Email: application@arcticradio.ca	2011-0717-8 *CJAR The Pas	E: 2008-2009	The licensee stated that its accountant fell ill and that the other accountant was away.

Saskatchewan

Licensee and address Email to request electronic version of the application	Application number Call sign/location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
Golden West Broadcasting Ltd. 9 Centre Avenue P.O. Box 950 Altona, Manitoba R0G 0B0 Fax: 204-346-5323 Email: lfriesen@goldenwestradio.com and rhildebrand@goldenwestradio.com	2011-0217-8 CKFI-FM Swift Current	A: 2007-2008 and 2008-2009 Shortfall: \$800	The licensee believes the station is in compliance.

British Columbia

Licensee and address Email to request electronic version of the application	Application number Call sign/location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
N L Broadcasting Ltd. 611 Lansdowne Street Kamloops, British Columbia V2C 1Y6 Fax: 250-372-2293 Email: programming@radionl.com	2010-1909-2 CJKC-FM Kamloops	B: 2007-2008 F: 2007-2008 Shortfall: \$7,133.20	The licensee admits that the lack of proof of payment is his oversight and provided proof.
Vista Radio Ltd. 1625A McPhee Avenue Courtenay, British Columbia V9N 3A6 Fax: 250-334-9540 Email: Edwards.Vista@shaw.ca	2011-0315-0 CIVH Vanderhoof and its transmitters CIFL Fraser Lake and CIFJ Fort St. James	A: 2007-2008 B: 2008-2009 E: 2005-2006 and 2007-2008	Complex issues held up the audited financial statements. Vista changed audit firms. Vista believed that payments made before November 30 could be claimed in the broadcast year ending the previous August 31.
	2011-0311-8 CKWL Williams Lake	A: 2007-2008 B: 2008-2009 E: 2005-2006 and 2007-2008	Complex issues held up the audited financial statements. Vista changed audit firms. Vista believed that payments made before November 30 could be claimed in the broadcast year ending the previous August 31.
	2011-0314-2 CIRX-FM-1 Vanderhoof and its transmitter CIRX-FM-2 Fort St. James	B: 2008-2009 E: 2005-2006 and 2007-2008	Complex issues held up the audited financial statements. Vista changed audit firms. Vista believed that payments made before November 30 could be claimed in the broadcast year ending the previous August 31.
	2011-0309-3 CFFM-FM-2	A: 2007-2008 B: 2008-2009	Complex issues held up the audited financial

	Quesnel and its transmitter CFFM-FM-1 Prespatou	E: 2005-2006 and 2007-2008	statements. Vista changed audit firms. Vista believed that payments made before November 30 could be claimed in the broadcast year ending the previous August 31.
	2011-0312-6 CHNV-FM Nelson and its transmitter CHNV-FM-1 Crawford Bay	A: 2005-2006 and 2006-2007 E: 2005-2006 and 2007-2008	Complex issues held up the audited financial statements. Vista changed audit firms. Vista believed that payments made before November 30 could be claimed in the broadcast year ending the previous August 31.
Western Singh Sabha Association 3015 Pine Street Williams Lake, British Columbia V2G 4V5 Fax: 250-392-3875 Email: dosanjh@telus.net	2010-1768-2 CISK-FM Williams Lake	B: 2004-2005, 2005-2006, 2006-2007 and 2007-2008 E: 2004-2005, 2005-2006 and 2006-2007 F: 2004-2005, 2005-2006, 2006-2007 and 2007-2008	The licensee apologised for the oversight and committed to paying the \$1,600 shortfall.
Westwave Broadcasting Inc. 1-1877 Field Street Sechelt, British Columbia V0N 3A1 Fax: 604 741-9172 Email: bmorris@ckay.ca	2011-0115-4 *CKAY-FM Sechelt	A: 2005-2006	The licensee admits to the miscalculation and increased its contribution in 2008 to make up the shortfall.

Procedure

Deadline for interventions, comments or answers

2 October 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

Les Terrasses de la Chaudière
Central Building
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Secretary General