



Broadcasting Notice of Consultation CRTC 2012-677

PDF version

Ottawa, 13 December 2012

Notice of applications received

Various locations

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

**Deadline for submission of interventions/comments/answers:
29 January 2013**

[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 March 2013.

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 a condition of licence relating to Canadian talent development (CTD) and/or Canadian content development (CCD) contributions;
- **B:** failure to comply with section 15(2) of the *Radio Regulations, 1986* (the Regulations) relating to CCD contributions;
- **C:** failure to comply with section 9(2) of the Regulations relating to the provision of annual returns – the returns were filed after the 30 November deadline;
- **D:** failure to comply with section 9(2) of the Regulations relating to the provision of annual returns – the returns were incomplete when filed.

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

The Commission intends to consider the renewal of these broadcasting licences in accordance with 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CTD requirements, which have been replaced by the CCD requirements set out in section 15 of the Regulations.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 has 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.

Licensee and address Website or 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
Bertor Communications Ltd. 2127 St. Andrews Ave. Saskatoon, Saskatchewan S7M 0M2 Email: rorrr@yahoo.com Email to request electronic version of the application: rorrr@yahoo.com	2011-0079-2 CFAQ-FM Blucher, SK	A: 2005-2006 B: 2008-2009 and 2009-2010 C: 2006-2007 to 2009-2010 D: 2006-2007 to 2008-2009	The licensee acknowledged the errors in the filing of annual returns and in its CTD/CCD contribution and apologized for its misunderstanding of its requirements. The licensee has paid the shortfalls and committed to take any steps necessary to stay in compliance.
International Harvesters for Christ Evangelistic Association 101 Ilsley Ave., Unit 3 Dartmouth, Nova Scotia B3B 1S8 Email: jeff@jefflutes.com Email to request electronic version of the application: jeff@jefflutes.com	2011-0471-0 CJLU-FM Dartmouth, NS and its transmitter CJLU-FM-1 Wolfville	A: 2004-2005 to 2007-2008 C: 2004-2005 to 2007-2008	Bookkeepers missed the deadline for annual returns and expenditures toward CTD that were made directly to artists and to FACTOR. The licensee has since outsourced its bookkeeping to a qualified bookkeeper.

<p>Radio 1540 Limited 622 College Street, 4th Floor Toronto, Ontario M6G 1B6</p> <p>Email: lenny@chinradio.com</p> <p>Website to view electronic version of the application: www.chinradio.com</p>	<p>2011-0168-3 CHIN-FM Toronto, ON</p>	<p>B: 2009-2010 D: 2009-2010</p>	<p>The shortfall was due to a reporting error and not an incomplete payment. Specifically, a payment made on behalf of CHIN-FM was reported as being made by another of the licensee's radio stations.</p>
<p>Thunder Bay Christian Radio 63 Carrie Street Thunder Bay, Ontario P7B 4J2</p> <p>Email: info@cjoa.org</p> <p>Website to view electronic version of the application: www.cjoa.org</p>	<p>2011-0012-2 CJOA-FM Thunder Bay, ON</p>	<p>A: 2004-2005, 2006-2007, 2008-2009 and 2009-2010 C: 2004-2005, 2005-2006, 2007-2008, 2008-2009 and 2009-2010 D: 2008-2009 and 2009-2010</p>	<p>The late annual returns and CTD/CCD shortfalls are due to the fact that CJOA-FM's fiscal year does not coincide with the broadcasting year. The licensee intends to align its fiscal year with the CRTC's broadcast year in order to avoid future non-compliance.</p>

Procedure

Deadline for interventions/comments or answers

29 January 2013

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
1 Promenade du Portage, Room 206
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices**Nova Scotia**

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

Quebec

205 Viger Avenue West
Suite 504
Montréal, Quebec
H2Z 1G2
Tel.: 514-283-6607

Ontario

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
Tel.: 416-952-9096

Manitoba

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

Saskatchewan

2220 – 12th Avenue
Suite 620
Regina, Saskatchewan
S4P 0M8
Tel.: 306-780-3422

Alberta

100 – 4th Avenue South-West
Suite 403
Calgary, Alberta
T2P 3N2
Tel.: 403-292-6660
Fax: 403-292-6686

British Columbia

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General