



Broadcasting Decision CRTC 2013-163

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Route reference: 2012-457

Ottawa, 28 March 2013

Rogers Broadcasting Limited
Halifax, Nova Scotia

Application 2011-0329-1, received 16 February 2011

CJNI-FM Halifax – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language specialty commercial radio station CJNI-FM Halifax from 1 April 2013 to 31 August 2019.*

*The Commission **approves** the applicant's request to decrease the amount of programming CJNI-FM is required to devote to local programming each broadcast week from 50% to 33%.*

Introduction

1. Rogers Broadcasting Limited (RBL) filed an application to renew the broadcasting licence for the English-language specialty commercial radio station CJNI-FM Halifax, which expires 31 March 2013.¹ The Commission received interventions in support of this application.
2. CJNI-FM operates under a news/talk format and shares live broadcasts with CHNI-FM Moncton and CKNI-FM Saint John, both of which are also operated by RBL. CJNI-FM is currently required to ensure that of the programming aired each broadcast week, at least 50% consist of material from content category 1 – Spoken Word, at least 50% consist of local programming and no more than 10% consist of musical selections.
3. RBL proposed to amend its condition of licence relating to local programming by reducing from 50% to 33% (42 hours) the minimum amount of local programming that must be aired each broadcast week. RBL indicated that this change would provide CJNI-FM with the flexibility needed to pursue different programming strategies, if it were forced to make adjustments to remain competitive and become profitable during the next licence term.

Commission's analysis and decisions

¹ The original licence expiry date for the station was 31 August 2011. The licence was administratively renewed until 31 March 2013 as a result of Broadcasting Decisions 2011-558 (as amended by 2011-558-1), 2011-790 and 2012-456.

4. After examining the application in light of applicable regulations and policies, the Commission considers that the issues to be addressed are the following:
 - the request to decrease the level of local programming; and
 - the Canadian talent development contribution for the 2007-2008 broadcast year.

Request to decrease the level of local programming

5. RBL indicated that no other news/talk station in the country devotes 50% of its programming to local programming and that it does not intend to make any changes to the programming schedule of CJNI-FM in the foreseeable future.
6. In accordance with the *Commercial Radio Policy* (Broadcasting Public Notice 2006-158), licensees of commercial FM radio stations in markets served by more than one private commercial radio station are required to devote at least one-third of the broadcast week to local programming to be allowed to solicit local advertising. CJNI-FM currently exceeds this requirement by airing 68 hours of local programming each broadcast week.
7. If the change were approved, the station would still be required to devote, of the programming aired each broadcast week, at least 33% to local programming, at least 50% to spoken word and no more than 10% to musical selections. Consequently, the Commission is of the view that the station would continue to contribute to programming diversity in its market by providing a unique spoken word format that is oriented to the local community. Moreover, the requested change would serve to alleviate the financial difficulties faced by the station, while not changing the essential orientation of its programming and meeting the expectations of the *Commercial Radio Policy* as they pertain to local programming.
8. The Commission notes that CJNI-FM has been operating at a loss since 2006 despite annual increases in revenue and the addition of its sister station CFLT-FM Dartmouth. Moreover, three new FM stations have launched in the market since 2004, creating greater competition for audiences and advertising dollars.
9. The Commission therefore finds it appropriate to delete CJNI-FM's condition of licence relating to local programming. Going forward, RBL will be subject to the standard requirement for commercial FM radio stations as set out in condition of licence 8 of Broadcasting Regulatory Policy 2009-62.

Canadian talent development contribution for the 2007-2008 broadcast year

10. In Broadcasting Decision 2004-513, the Commission required CJNI-FM to devote, by condition of licence, at least \$10,000 in direct expenditures each broadcast year to Canadian talent development (CTD). Commission records show that no contributions were made to CTD for the 2007-2008 broadcast year.

11. In its defence, RBL argued that on 29 July 2008, CJNI-FM directed its \$10,000 contribution for the 2007-2008 broadcast year to the Atlantic Media Institute (AMI) located in Halifax. However, in September 2008, AMI informed RBL that it would soon cease to exist and therefore returned that contribution. As a result, RBL indicated that it issued a cheque of \$20,000 in 2009 to the Nova Scotia Community College to make up for the previous year's shortfall.
12. The Commission is satisfied that RBL has paid the required amounts and that the nature of the apparent shortfall was not within the licensee's control. The Commission notes that CJNI-FM ended its seventh year of operations on 31 August 2012 having fulfilled its required CTD contributions.
13. Going forward, RBL will be subject to the Canadian content development requirements set out in section 15 of the *Radio Regulations, 1986*.

Conclusion

14. Given that RBL effected the full payment of its CTD related obligations, the Commission is of the view that a short-term licence renewal is not warranted. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CJNI-FM Halifax from 1 April 2013 to 31 August 2019.
15. In addition, the Commission **approves** RBL's request to decrease the amount of programming CJNI-FM is required to devote to local programming each broadcast week from 50% to 33%.
16. The terms and **conditions of licence** are set out in the appendix to this decision.

Employment equity

17. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-456, 28 August 2012
- *Administrative renewals*, Broadcasting Decision CRTC 2011-790, 19 December 2011
- *Administrative renewals*, Broadcasting Decision CRTC 2011-558, 31 August 2011

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CKNI-FM Moncton and CHNI-FM Saint John – Licence amendments*, Broadcasting Decision CRTC 2010-465, 9 July 2010
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *News / Talk commercial FM radio station in Halifax*, Broadcasting Decision CRTC 2004-513, 26 November 2004

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

Appendix to Broadcasting Decision CRTC 2013-163

Terms, conditions of licence and expectation

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence 7.
2. The licensee shall operate the station 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*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
3. The licensee shall ensure that at least 50% of all programming broadcast during each broadcast week consists of material from content Category 1 – Spoken Word.
4. The licensee shall ensure that no more than 10% of all programming broadcast each broadcast week consists of musical selections.

Expectation

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices