



## Broadcasting Notice of Consultation CRTC 2013-220

PDF version

Ottawa, 7 May 2013

### Notice of applications received

#### Various locations

**Renewal of the broadcasting licences for certain ethnic, specialty and commercial radio stations – Licensees in apparent non-compliance**  
**Deadline for submission of interventions/comments/answers: 11 June 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 ethnic, specialty and commercial radio programming undertakings, which expire 31 August 2013.

The licensees propose to operate their undertakings under the same terms and conditions as those set out in the current licences, with the exception of Canadian talent development (CTD) requirements, which have been replaced by the Canadian content development (CCD) requirements set out in section 15 of the *Radio Regulations, 1986* (the Regulations).

In addition, the licensees will be required to adhere 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 each case, the Commission has examined the licensee's compliance with requirements regarding CTD, CCD and the filing of annual returns, as set out by condition of licence and in section 9(2) of the Regulations. In certain cases, the Commission monitored logger tapes and music lists to determine the licensee's compliance with requirements 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 the Commission. 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.

Based on this examination, the licensees listed below appear to be in 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 regarding CTD contributions;
- **B:** failure to comply with section 15 of the Regulations regarding CCD contributions;

- **C:** failure to comply with the condition of licence relating to over and above CCD contributions;
- **D:** 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;
- **E:** failure to comply with section 9(2) of the Regulations relating to the provision of annual returns – the returns were incomplete when filed;
- **F:** failure to comply with section 9(2) of the Regulations relating to the provision of annual returns – the returns were not filed with the Commission.

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.

### Ethnic stations

Licensee name and address Email address/website to request an electronic version of the application	Application number, call sign and location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
9015-2018 Québec inc. 11-876, rue de Meulles Montréal, Quebec H4J 2E6 Fax: 450-963-7229 Email: <a href="mailto:Lours2003@videotron.ca">Lours2003@videotron.ca</a>	2012-1464-2 CHOU Montréal	A: 2006-2007, 2007-2008, 2008-2009, 2009-2010 and 2010-2011 D: 2009-2010 E: 2007-2008, 2009-2010 and 2010-2011	The licensee stated that its returns were filed late because the new system for filing annual returns online is complicated and it experienced technical difficulties. With respect to CTD contributions, the licensee stated that it was unable to find the contact information for the initiative cited in its condition of licence. The licensee specified that it had contacted the Commission to obtain this information and was then told to direct the sums to MUSICACTION instead.

Canadian Hellenic Toronto Radio Inc. 437 Danforth Avenue Toronto, Ontario M4K 1P1 Email: <a href="mailto:onttv@yahoo.com">onttv@yahoo.com</a>	2012-1339-7 CHTO Toronto	A: 2007-2008, 2008-2009, 2009-2010 and 2010-2011 D: 2008-2009 E: 2007-2008, 2009-2010 and 2010-2011	The previous owner, who passed away in 2010, was the only person who could account for the non-compliances to that point in time. The licensee's consultant did not inform it that financial statements must be filed with the annual returns.
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### Specialty (Christian music) stations

Licensee name and address Email address/website to request an electronic version of the application	Application number, call sign and location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
101056012 Saskatchewan Ltd. 395 Riverview Road Yorkton, Saskatchewan S3N 3V6 Fax: 306-782-4437 Email: <a href="mailto:michelle@therock985.ca">michelle@therock985.ca</a>	2012-1372-7 CJJC-FM* Yorkton	E: 2005-2006	The licensee stated that the annual returns had been completed on time but that it had failed to submit them on time.
1486781 Ontario Limited P.O. Box 1433 Kitchener, Ontario N2G 4H6 Fax: 519-575-9119 Email: <a href="mailto:info@faithfm.org">info@faithfm.org</a>	2012-1341-2 CFWC-FM Brantford	B: 2009-2010 and 2010-2011	The licensee indicated that there was confusion over the applicability of over-payments made by the previous owner, as well as the payment of any shortfalls existing at the close of sale.
Christian Hit Radio Inc. 1010 Thomas Spratt Place Suite 3 Ottawa, Ontario K1G 5L5 Fax: 613-247-7128 Email: <a href="mailto:bill@chri.ca">bill@chri.ca</a>	2012-0086-5 CHRI-FM Ottawa and its transmitters CHRI-FM-1 Cornwall and CHRI-FM-2 Pembroke	A: 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010 and 2010-2011 D: 2005-2006, 2007-2008 and 2008-2009 E: 2009-2010	The licensee stated that it was unaware of the specific requirements relating to annual returns until the 2009-2010 broadcast year. The auditor failed to provide a draft on time to meet the deadline in that year. The untimely passing of the auditor caused the delay in 2010-2011. With respect to

			CTD, the licensee stated that it was not aware that it was supposed to expend the full amount stated in its condition of licence toward direct expenditures (in previous years, there was a form for indirect expenditures as well as for direct) or that it was supposed to provide proof of payment and eligibility.
Fondation Radio Galilée 3196 Sainte-Foy Street Québec, Quebec G1X 1R4 Fax: 418-650-3306 Email: <a href="mailto:fondation@radiogalilee.com">fondation@radiogalilee.com</a> <a href="mailto:achille.soucy@sympatico.ca">achille.soucy@sympatico.ca</a> Website: <a href="http://www.radiogalilee.com">www.radiogalilee.com</a>	2012-1386-8 CION-FM Québec and its transmitters CION-FM-1 Beauceville CION-FM-2 Chicoutimi	D: 2005-2006 and 2009-2010 E: 2010-2011	The licensee stated that it was unaware that there was a problem with the filing of its annual returns. After looking into the matter, the licensee was able to determine that the delay in filing was due to the fact that its auditing firm submitted the completed returns to the licensee at the beginning of the following year.
Houssen Broadcasting Ltd. 3030 Mountain Road Moncton, New Brunswick E1G 2W8 Fax: 506-383-9699 Email: <a href="mailto:James@houssen.com">James@houssen.com</a> <a href="mailto:jim@ckoefm.com">jim@ckoefm.com</a>	2012-1338-9 CKOE-FM* Moncton	A: 2006-2007 and 2008-2009 D: 2005-2006, 2006-2007 and 2008-2009 E: 2008-2009	The licensee stated that it was not aware of the missing 2008-2009 CTD form and indicated that it would make a payment of \$500 to FACTOR and the Christian Media Association if the Commission determined that there was a shortfall. With respect to annual returns, the licensee indicated that the station was in a tough financial situation. The owner took responsibility and explained that the focus was on maintaining the station rather than on administrative obligations.

International Harvesters for Christ Evangelistic Association Inc. 23 Sydney Avenue Riverview, New Brunswick E1B 0H6 Fax: 902-468-8851 Email: <a href="mailto:jeff@jefflutes.com">jeff@jefflutes.com</a> Website: <a href="http://www.citafm.com">www.citafm.com</a>	2012-1419-7 CITA-FM Moncton and its transmitters CITA-FM-1 Sussex and CITA-FM-2 Amherst	D: 2007-2008	The licensee stated that the non-compliance was due to the fact that the staff or bookkeepers did not understand how to fill in the forms.
United Christian Broadcasters Canada P.O. Box 23095 Belleville, Ontario K8N 5J3 Fax: 613-966-3211 Email: <a href="mailto:j.hunt@ucbcanada.com">j.hunt@ucbcanada.com</a> Website: <a href="http://www.ucbcanada.com">www.ucbcanada.com</a>	2012-1036-9 CKGW-FM Chatham	A: 2007-2008, 2008-2009, 2009-2010 and 2010-2011	The licensee indicated that the shortfalls were due to a misunderstanding in the interpretation of the condition of licence. The licensee accepted full responsibility for this mistake.

### Commercial stations

Licensee name and address Email address/website to request an electronic version of the application	Application number, call sign and location	Apparent non-compliance code	Licensee's explanation for the apparent non-compliance
Byrnes Communications 2289 Fairview Street Inc. Suite 317 Burlington, Ontario L7R 2E3 Fax: 905-332-7779 Email: <a href="mailto:chris@byrnesmedia.com">chris@byrnesmedia.com</a>	2012-0088-1 CIHR-FM* Woodstock	E: 2007-2008	The licensee indicated that to the best of its knowledge the financial statements prepared by its accounting firm had been submitted along with the annual return.

<p>CIMM-FM Radio Ltd. 10760 Fundy Drive Richmond, British Columbia V7E 5K7 Fax: 604-288-2489 Email: <a href="mailto:info@cimmfm.com">info@cimmfm.com</a></p>	<p>2012-1441-0 CIMM-FM Ucluelet</p>	<p>A: 2007-2008, 2008-2009, 2009-2010 and 2010-2011</p>	<p>The licensee indicated that it did not believe that it was in non-compliance and provided documentation in support of its position. The licensee also noted that the station experienced significant financial hardship.</p>
<p>Corus Radio Company Corus Quay 25 Dockside Drive Toronto, Ontario M5A 0B5 Fax: 416-479-7105 Email: <a href="mailto:Sylvie.courtemanche@corusent.com">Sylvie.courtemanche@corusent.com</a> Website: <a href="http://www.corusent.com">www.corusent.com</a></p>	<p>2012-0243-1 CFOX-FM* Vancouver and its transmitter CFOX-FM-1 Whistler</p>	<p>B: 2008-2009</p>	<p>The licensee's contribution for the 2008-2009 broadcast year was deemed ineligible by the Commission in another context and the licensee made additional payments in the 2010-2011 and 2012-2013 broadcast years to compensate for the resulting shortfall.</p>
<p>Dufferin Communications Inc. 5312 Dundas Street West Toronto, Ontario M6B 1B3 Fax: 416-233-8617 Email: <a href="mailto:carmela@evanovradio.com">carmela@evanovradio.com</a></p>	<p>2012-1357-9 CIRR-FM* Toronto</p>	<p>A: 2006-2007</p>	<p>The licensee stated that the Commission's approach on pro-rated CCD payments was not in place when the station began its operations. It would therefore be unfair to make a ruling of non-compliance in this case. The licensee further stated that it was fully caught up with its CCD payments.</p>
<p>Golden West Broadcasting Ltd. Box 950 Altona, Manitoba R0G 0B0 Fax: 204-346-5323 Email: <a href="mailto:rhildebrand@goldenwestradio.com">rhildebrand@goldenwestradio.com</a></p>	<p>2012-1391-7 CFXO-FM* High River</p>	<p>A: 2007-2008 and 2008-2009</p>	<p>The licensee stated that at the time its CTD tracking process was under-scrutinized. The licensee stated that all shortfalls would be paid up by 31 August 2013.</p>

<p>L.A. Radio Group Inc. 4725 49B Avenue Lacombe, Alberta T4L 1K1 Fax: 403-786-0199 Email: <a href="mailto:troy@laradiogroup.com">troy@laradiogroup.com</a> Website: <a href="http://www.sunny94.com">www.sunny94.com</a></p>	<p>2012-1388-4 CJUV-FM* Lacombe</p>	<p>A: 2005-2006 and 2010-2011 D: 2009-2010</p>	<p>The licensee acknowledged the CTD shortfalls. The 2010-2011 shortfall was due to an internal error in applying the contribution to another of its stations. With respect to the late filing of the annual return, it cited technical difficulties with the Commission's new filing system.</p>
<p>LE5 Communications inc. 336 Pine Street Suite 301 Sudbury, Ontario P3C 1X8 Fax: 705-222-2805 Email: <a href="mailto:plefevre@leloupfm.com">plefevre@leloupfm.com</a></p>	<p>2012-1405-6 CHYC-FM Sudbury</p>	<p>B: 2008-2009, 2009-2010 and 2010-2011 D: 2009-2010 E: 2008-2009 and 2010-2011</p>	<p>The licensee stated that it was unaware that financial statements had to be filed with the annual returns, nor that it had to make annual CCD contributions under the Regulations.</p>
	<p>2012-1407-2 CHYK-FM Timmins and its transmitters CHYK-FM-3 Hearst and CHYX-FM Kapusksing</p>	<p>B: 2008-2009, 2009-2010 and 2010-2011 D: 2009-2010 E: 2008-2009 and 2010-2011</p>	
<p>Maritime Broadcasting System Limited 5121 Sackville Street 7<sup>th</sup> Floor Halifax, Nova Scotia B3J 1K1 Fax: 902-423-2093 Email: <a href="mailto:ccrockett@mbsradio.com">ccrockett@mbsradio.com</a></p>	<p>2012-0258-0 CFCY-FM Charlottetown</p>	<p>A: 2005-2006</p>	<p>CFCY-FM began operation in July 2006 following a conversion from the AM band and the licensee believed that its first year of operation for CTD purposes would be the broadcast year 2007-2008. The licensee claims that when it learned of the error, it was informed that it could start its payments in the 2007-2008 broadcast year, as long as the total amount was paid over seven years. The shortfall was paid in full in the following</p>

			broadcast year.
	2012-0267-1 CHOY-FM Moncton	A: 2005-2006 and 2007-2008	The licensee stated that there was confusion relating to its required contributions following its acquisition of this station from Acadia Broadcasting.
	2012-0257-2 CKCW-FM Moncton	A: 2005-2006 and 2006-2007	The licensee was unaware that its over and above CTD condition of licence was carried over into the current licence term and didn't make payments at the right time. Upon discovering the error, the licensee made prompt annual payments to make up the shortfalls.
MZ Media Inc. 550 Queen Street East Suite 205 Toronto, Ontario M5A 1V2 Fax: 416-367-1742 Email: <a href="mailto:G.Grant@mzmedia.com">G.Grant@mzmedia.com</a> <a href="mailto:application@lbhmedialaw.com">application@lbhmedialaw.com</a>	2012-1342-0 CFZM Toronto	D: 2008-2009	The licensee indicated that the late filing was due to the high workload associated with the acquisition of another radio station on 30 April 2008. Numerous corporate transactions and ongoing audits were not complete before the 30 November deadline and therefore the annual return could not be submitted on time.
Newcap Inc. 745 Windmill Road Dartmouth, Nova Scotia B3B 1C2 Fax: 902-468-5661 Email: <a href="mailto:dmurray@ncc.ca">dmurray@ncc.ca</a> Website: <a href="http://www.ncc.ca">www.ncc.ca</a>	2012-0074-0 CJEG-FM* Bonnyville	A: 2006-2007	CTD payments were processed locally by this station in 2007, but since 2007, all Newcap CCD expenditures are processed centrally to ensure timeliness and consistency.

<p>Radio Acadie ltée 195 Main Street Bathurst, New Brunswick E2A 1A7 Fax: 506-546-6611 Email: <a href="mailto:admin@ckle.fm">admin@ckle.fm</a> Website: <a href="http://www.ckle.fm">www.ckle.fm</a></p>	<p>2012-1375-1 CJVA Caraquet</p>	<p>A: 2007-2008 B: 2008-2009 and 2009-2010 E: 2009-2010</p>	<p>The licensee indicated that its accounting firm had a change in ownership and that the new owners were less familiar with the Commission's requirements. With respect to CTD/CCD contributions, the licensee explained that it had contacted the persons responsible for the initiative to receive documentation in French and someone was to get back to it. However, no one did and the licensee forgot to follow up. Additionally, the licensee stated that it did not know the exact amounts of the payments or when to pay them and to whom.</p>
<p>Radio de la Baie ltée 195 Main Street Bathurst, New Brunswick E2A 1A7 Fax: 506-546-6611 Email: <a href="mailto:admin@ckle.fm">admin@ckle.fm</a> Website: <a href="http://www.ckle.fm">www.ckle.fm</a></p>	<p>2012-1361-0 CKLE-FM Bathurst</p>	<p>B: 2008-2009</p>	<p>The licensee stated that it had difficulty getting clarifications regarding its obligations.</p>
<p>Radio-Classique Québec inc. 6666 Christophe-Colomb Avenue Montréal, Quebec H2S 2G8 Fax: 514-274-3127 Email: <a href="mailto:barbeaucousineau@qc.aira.com">barbeaucousineau@qc.aira.com</a></p>	<p>2012-1345-4 CJSQ-FM Québec</p>	<p>A: 2008-2009 D: 2006-2007</p>	<p>The licensee admitted that it didn't keep good records of how the CTD money was spent by the initiatives, but instead relied on verbal agreements. With respect to the annual return, the licensee stated that the station began operating on 21 August 2007, only 11 days before the end of the broadcast year. After speaking with Commission</p>

			staff, the licensee submitted the annual return as soon as it was able.
RNC MÉDIA inc. 1 Place Ville Marie Montréal, Quebec H3B 2B5 Fax: 514-866-8777 Email: <a href="mailto:rbriere@rncmedia.ca">rbriere@rncmedia.ca</a> <a href="mailto:dtessier@rncmedia.ca">dtessier@rncmedia.ca</a>	2012-0335-6 CHOI-FM Québec	A: 2008-2009, 2009-2010 and 2010-2011	The licensee stated that it was not aware that it had to make a pro-rated payment in the 2008-2009 broadcast year. Additionally, the licensee did not believe that there were shortfalls because the total CTD payments made over the course of the licence term were enough to meet the requirements of the condition of licence.
Starboard Communications Ltd. 497 Dundas Street West Belleville, Ontario K8P 1B6 Fax: 613-967-2565 Email: <a href="mailto:johns@955hitsfm.ca">johns@955hitsfm.ca</a> Website: <a href="http://www.955hitsfm.ca">www.955hitsfm.ca</a>	2012-1356-1 CJOJ-FM Belleville	A: 2006-2007 and 2009-2010 E: 2009-2010	The licensee indicated that it believed that it had made sufficient that CTD contributions over the licence term to meet its obligations. With respect to the annual return, the licensee specified that it was not aware that the financial statements were missing. The licensee also explained that there was confusion and problems with the Commission's new filing system.
Tillsonburg Broadcasting Company Limited 77 Broadway Street Tillsonburg, Ontario Fax: 519-842-4284 Email: <a href="mailto:jlamers@easy101.com">jlamers@easy101.com</a>	2012-1376-9 CJDL-FM* Tillsonburg	A: 2007-2008, 2008-2009, 2009-2010 and 2010-2011 D: 2005-2006 and 2006-2007	The licensee explained that it believed that the initiatives to which it contributed could be considered as being part of the Home Grown Country initiative. It also noted that its CTD contributions far exceeded those required by its condition of licence and that it had therefore addressed any shortfalls. With respect to annual

			returns, the licensee explained that any non-compliance was unintentional and that at times its resources were stretched to the limit.
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## Procedure

### Deadline for interventions or answers

**11 June 2013**

The *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."

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](http://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 licensees, either on their websites or upon request by contacting the 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**

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Fax: 902-426-2721

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Secretary General