



Broadcasting Notice of Consultation CRTC 2013-325

PDF version

Ottawa, 5 July 2013

Notice of applications received

Various locations

Renewal of the broadcasting licences for certain religious and commercial radio stations – Licensees in apparent repeated non-compliance

**Deadline for submission of interventions/comments/answers:
9 August 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 religious 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those set out in the current licences, with the exception of Canadian talent development (CTD) requirements, which have been replaced by the Canadian content development (CCD) requirements set out in section 15 of the *Radio Regulations, 1986* (the Regulations).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 musical 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 their 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 Section 15(2) of the Regulations regarding CCD contributions;
- **B:** failure to comply with the condition of licence regarding CTD contributions;
- **C:** failure to comply with section 9(2) of the Regulations relating to the submission 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;
- **E:** failure to comply with section 9(2) of the Regulations relating to the provision of annual returns – the returns were not filed;
- **F:** failure to comply with sections 8(5) and 8(6) of the Regulations related to the filing of complete logger tapes;
- **G:** failure to comply with the Canadian content condition of licence for category 3 music;
- **H:** Failure to comply with the spoken word condition of licence;
- **I:** Failure to comply with section 2.2(5) of the Regulations related to the broadcast of French-language vocal music.

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 Commission notes that the stations in the list below were found in non-compliance with one or more of their regulatory requirements during their previous licence terms. These stations were therefore renewed for a short-term licence period at the time of their last licence renewal in order to allow for an earlier review of their compliance with their conditions of licence and/or the Regulations.

Specialty (Religious) 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
Hope FM Ministries Limited 217 Harmony Ridge Road Harmony, Nova Scotia B6L 3P4 Fax: 902-843-4673 Email: barry@hoperadio.ca Email to request electronic	2013-0043-3 CINU-FM * Truro, Nova Scotia	F: 2011-2012	Licensee took full responsibility for the missing logger tapes and noted that it was unaware that the logger machine was not recording properly. It indicated that the problem

<p>version of the application: timandlisa@eastlink.ca</p>		<p>G: 2012-2013</p>	<p>has now been fixed and the machine is working properly.</p> <p>Licensee explained that the non-compliance related to category 3 music was the result of an error in the management and handling of the broadcasting software. It noted that the station is now airing between 23% and 24% Canadian category 3 music.</p>
<p>Lighthouse Broadcasting Limited 1625A McPhee Avenue Courtenay, British Columbia V9N 3A6 Fax: 250-334-9540 Email: edwards@vistaradio.net Email to request electronic version of the application: renewalappinfo@vistaradio.net</p>	<p>2013-0312-2 CJLT-FM * Medicine Hat, Alberta</p>	<p>D: 2011-2012</p>	<p>The licensee explained that CJLT-FM was operating on a different fiscal year. It noted that it had provided correct information for the annual return but failed to adjust the previous owner's financial statements.</p>

<p>Sound of Faith Broadcasting P.O. Box 1433 Kitchener, Ontario N2G 4H6 Fax: 519-575-9119 Email: info@faithfm.org</p>	<p>2013-0007-9 CJTW-FM * Kitchener, Ontario</p>	<p>D: 2009-2010</p>	<p>The licensee explained that its bookkeeper was not aware that the financial statements were to be filed with the annual return. Sound of Faith indicated that it has hired two part-time staffers to assist its bookkeeper and that its accounting department has now been made aware of all filing requirements.</p>
	<p>2013-0078-0 CJFH-FM Woodstock, Ontario</p>	<p>B: 2009-2010</p>	<p>The licensee noted that the financial situation of the station was very fragile and funds were limited during the 2010 broadcast year.</p>
		<p>D: 2009-2010</p>	<p>The licensee indicated that it would pay CCD short fall by the end of August 2013.</p> <p>The licensee indicated that the missing information was due to a clerical error.</p>

Commercial Religious 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
<p>Touch Canada Broadcasting (2006) Inc. (the general partner) and C.R.A. Investments Ltd. (the limited partner), carrying on business as Touch Canada Broadcasting Limited Partnership 5324 Calgary Trail Suite 210 Edmonton, Alberta T6H 4J8 Fax: 780-469-5335 Email: applications@touchcanada.com Website: www.cjry.ca</p>	<p>2013-0198-6 CJRY-FM * Edmonton, Alberta</p>	<p>D: 2011-2012</p>	<p>Touch's Chief Financial Officer, as a first time user of the Commission's Data Collection System, did not understand that the financial statements had to be physically uploaded as data files.</p>
<p>Touch Canada Broadcasting (2006) Inc. (the general partner) and C.R.A. Investments Ltd. (the limited partner), carrying on business as Touch Canada Broadcasting Limited Partnership 4510 MacLeod Trail South Suite 100 Calgary, Alberta T2G 0A4 Fax: 403-276-1114 Email: applications@touchcanada.com Website: www.cjsi.ca</p>	<p>2013-0203-3 CJSI-FM * Calgary, Alberta</p>		

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
663975 B.C. Ltd. 9924 101 Avenue Fort St. John, British Columbia V1J 2B2 Fax: 250-263-9749 Email: areaburn@moosefm.ca Email to request electronic version of the application: reception@moosefm.ca Website: www.moosefm.ca	2013-0131-6 CKFU-FM * Fort St. John, British Columbia	A: 2009-2010, 2010-2011 and 2011-2012	<p>For its FACTOR non-payment, the licensee explained that for both 2010 and 2011 it had attempted to contact FACTOR on several occasions by phone and email to find out how to make its contributions but never received a response.</p> <p>Regarding the missing proof for the annual CCD contribution to the Kin Club of Fort St. John, the licensee advised that its bookkeeper failed to make note of those contributions in the annual return.</p>
7590474 Canada Inc. 2040 Autoroute 440 Laval, Quebec H7S 2M9 Fax: 514-368-0565 Email: js@radiohumsafar.com	2013-0045-9 CJLV Laval, Quebec	A: 2009-2010	<p>The licensee explained that it took ownership of CJLV (formerly CFAV) in May 2011, after the instance of apparent non-compliance took place.</p> <p>After being informed of the 2010 shortfall in March 2013, the licensee contacted the previous owner in order to obtain proof of payment.</p>

			The licensee was informed that the organizations that received the CCD funds required time to confirm the previous owner's payments. The licensee decided to pay the shortfall itself in order to resolve the shortfall as soon as possible.
9174-8004 Québec inc. 373 Route Cameron Sainte-Marie-de-Beauce, Quebec G6E 3E2 Fax: 418-387-3757 Email: info@cheqfm.qc.ca Email to request electronic version of the application: serge.bellerose55@gmail.com	2013-0223-1 CHEQ-FM * Sainte-Marie (Beauce), Quebec	D: 2010-2011	The incomplete financial statements were the result of an oversight on the part of the previous licensee.
Coast Broadcasting Ltd. 126 Gencoe Drive Mount Pearl, Newfoundland and Labrador A1N 4S9 Fax: 709-754-6749 Email: andyk@coast1011.com Website: www.coast1011.com	2013-0272-8 CKSJ-FM * St. John's, Newfoundland and Labrador	A: 2011-2012	The shortfall was based on the licensee's accounting department mistakenly using the current fiscal information rather than the "previous year" as required in the calculations for the 2011-2012 CCD payment.

<p>Cogeco Diffusion Acquisitions inc. 5 Place Ville Marie Bureau 1700 Montréal, Quebec H3B 0B3 Fax: 514-874-0776 Email: licence@cogeco.com</p>	<p>2013-0221-5 CKOB-FM * Trois-Rivières, Quebec</p> <p>2013-0219-0 CKOY-FM * Sherbrooke, Quebec</p>	<p>A: 2009-2010, 2010-2011 and 2011-2012</p> <p>D: 2009-2010 and 2010-2011</p>	<p>Cogeco acquired CKOB-FM (formerly CHLN-FM) and CKOY-FM (formerly CHLT-FM) in <i>Transfer of effective control of various commercial radio programming undertakings from Corus Entertainment inc. to Cogeco inc.</i>, Broadcasting Decision CRTC 2010-942, 17 December 2010.</p> <p>In 2009-2010, CKOB-FM and CKOY-FM belonged to Corus and the licensee believed that Corus submitted its annual return including all the documentation related to proof of eligibility.</p> <p>For the 2010-2011 and 2011-2012 broadcast years, the licensee indicated that the required CCD documentation was submitted with its annual return.</p> <p>Regarding its missing financial statement, Cogeco incorrectly filed each station's statement individually.</p>
<p>Newfoundland Broadcasting Company Limited 446 Logy Bay Road St. John's, Newfoundland and Labrador</p>	<p>2013-0173-8 CHOZ-FM * St. John's, Newfoundland and Labrador,</p>	<p>A: 2010-2011 and 2011-2012</p>	<p>The licensee miscalculated the CCD payment for 2010-2011 broadcast year and was not</p>

<p>A1C 5S2 Fax: 709-722-5107 Email: ntv@ntv.ca Email to request electronic version of the application: dneal@ntv.ca</p>	<p>and its transmitters CFOZ-FM Argentia, CIOZ-FM Marystown, CJOZ-FM Elliston (Bonavista), CKMY-FM Rattling Brook (Norris Arm), CKOZ-FM Corner Brook and CJMY-FM Clarenville</p>		<p>aware that payment to the Community Radio Fund of Canada was required starting in the 2011-2012 broadcast year.</p>
<p>Pritchard Broadcasting Inc. 177 King Street East Saint John, New Brunswick E2L 1G9 Fax: 888-573-8961 Email: bob@legends103.com Website: www.legends103.com</p>	<p>2012-1619-3 CJRP-FM * Saint John, New Brunswick, and its transmitter CJRP-FM-1 Rothesay</p>	<p>B: 2005-2006 to 2008-2009 H: 2011-2012</p>	<p>The licensee was unaware that HST cannot be included in total CCD contribution amounts.</p> <p>Relating to its spoken word condition of licence, the licensee originally claimed the airing of PSAs, which it now understands are excluded from the calculation of total spoken word programming. During the week that was monitored, licensee claimed there were staffing issues and an absence of planned spoken word content due to unforeseen circumstances.</p>

<p>Radio du Golfe inc. 141 Commerciale Street West Chandler, Quebec G0C 1K0 Fax: 418-689-4621 Email: cfmv@fm96-3.com</p>	<p>2013-0016-0 CJMC-FM Sainte-Anne- des-Monts, Quebec, and its transmitters CJMC-FM-1 La Martre, CJMC-FM-2 Mont-Louis, CJMC-FM-3 Les Méchins, CJMC-FM-4 Grande-Vallée, CJMC-FM-5 Gros-Morne, CJMC-FM-6 Cloridorme and CJMC-FM-8 Murdochville</p>	<p>D: 2010-2011</p>	<p>The licensee could not account for the missing financial statement because its accountant confirmed the submission of a complete annual return.</p>
<p>Radio Saguenay inc. 121 Racine Street East Saguenay (Chicoutimi), Quebec G7H 5G4 Fax: 418-545-9186 Email: schamberland@attractionradio.ca Email to request electronic version of the application: serge.bellerose55@gmail.com</p>	<p>2013-0225-7 CKRS-FM * Chicoutimi, Quebec</p>	<p>B: 2010-2011 and 2011-2012</p> <p>I: 2011-2012</p>	<p>The licensee paid the 2010-2011 shortfall one month after the purchase of the station in October 2012.</p> <p>The 2011-2012 CCD shortfall is related to expenditures that were deemed to be ineligible. The licensee also explained that the late CCD payments were due to the severe financial problems encountered since the acquisition of the station.</p> <p>The licensee explained that the shortfall in French-language vocal music was due to the broadcast of a hockey</p>

			game that went into overtime, which resulted in fewer musical selections being broadcast.
Radio Témiscamingue incorporée 62 Ste-Anne Street Ville-Marie, Quebec J9V 2B7 Fax: 819-622-0716 Email: dg@ckvmfm.com Website: www.ckvmfm.com	2013-0039-2 CKVM-FM Ville-Marie, Quebec, and its transmitter CKVM-1-FM Témiscaming	D: 2009-2010 and 2010-2011	The licensee explained that it was not aware that its annual returns were not submitted to the Commission. The accounting firm that prepared the returns should have submitted the financial statements as well, but failed to do so.

Procedure

Deadline for interventions, comments or answers

9 August 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, 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**

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