



Broadcasting Decision CRTC 2013-347

PDF version

Route reference: 2013-220

Ottawa, 22 July 2013

L.A. Radio Group Inc.
Lacombe, Alberta

Application 2012-1388-4, received 29 October 2012

CJUV-FM Lacombe – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CJUV-FM Lacombe, Alberta, from 1 September 2013 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with its conditions of licence and the Radio Regulations, 1986.*

Introduction

1. The Commission received an application by L.A. Radio Group Inc. (L.A. Radio) to renew the broadcasting licence for the commercial radio station CJUV-FM Lacombe, Alberta, which expires 31 August 2013.¹ The Commission did not receive any interventions regarding this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-220, the Commission noted that the licensee was in apparent non-compliance with its condition of licence relating to Canadian talent development (CTD) for the 2005-2006 and 2010-2011 broadcast years and with the requirement to file an annual return by 30 November for the 2009-2010 broadcast year.
3. The Commission considers that initiatives relating to the development of Canadian content and talent not only help to develop and advance the careers of emerging Canadian artists but to increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions to the development of Canadian content and talent.
4. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to

¹ The original expiry date for CJUV-FM's licence was 31 August 2012. The licence was administratively renewed until 31 August 2013 as a result of Broadcasting Decision 2012-447.

submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.

5. The licensee acknowledged the CTD shortfalls, noting that they were due to an internal error, and committed to paying the shortfalls (totaling \$1,333) by 31 August 2013. With respect to the late filing of the annual return, L.A. Radio cited technical difficulties with the Commission's new filing system.
6. Based on the preceding, the Commission finds the licensee in non-compliance with its condition of licence relating to CTD for the 2005-2006 and 2010-2011 broadcast years and with the requirement to file annual returns by 30 November for the 2009-2010 broadcast year.

Regulatory measures

7. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
8. The Commission has reviewed the record for this application and is satisfied with the licensee's explanations and measures it has put in place to address the non-compliance. However, given the nature and extent of the non-compliance, the Commission considers that a short-term renewal of six years for CJUV-FM is appropriate.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CJUV-FM Lacombe, Alberta, from 1 September 2013 to 31 August 2019. The terms and **conditions of licence** are set out in the appendix to this decision.
10. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory obligations. The short-term renewal granted in this decision will allow for an earlier review of the licensees' compliance with its conditions of licence and the Regulations.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-220, 7 May 2013

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-447, 17 August 2012
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

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

Appendix to Broadcasting Decision CRTC 2013-347

Terms, conditions of licence and encouragement for the commercial radio programming undertaking CJUV-FM Lacombe, Alberta

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. The licensee shall 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, as amended from time to time.
 2. The licensee shall refrain from soliciting local advertising in Red Deer, Alberta.
 3. As an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall devote to Canadian selections broadcast in their entirety:
 - a) at least 40% of its musical selections from content category 2 (Popular Music) in any broadcast week; and
 - b) at least 40% of its musical selections from content category 2 between 6 a.m. and 6 p.m. in the period from Monday to Friday of the same broadcast week.
- For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meaning as set out in the Regulations.
4. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as amended from time to time, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming.
 5. In addition to the contributions to Canadian content development required under section 15(2) of the *Radio Regulations, 1986*, the licensee shall expend the total shortfall of \$1,333 in contributions to Canadian talent development identified in this decision and provide proof of payment to the Commission **within 90 days of this decision**.

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.