



Broadcasting Decision CRTC 2013-421

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Route reference: 2013-220

Ottawa, 20 August 2013

Radio-Classique Québec inc.
Québec, Quebec

Application 2012-1345-4, received 24 October 2012

CJSQ-FM Québec – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language specialty commercial radio station CJSQ-FM Québec 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. Radio-Classique Québec inc. (Radio-Classique) filed an application to renew the broadcasting licence for the French-language specialty commercial radio station CJSQ-FM Québec, which expires 31 August 2013.¹
2. The Commission received interventions regarding this application from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) and the ministère de la Culture et des Communications and the ministère de la Sécurité publique, on behalf of the government of Quebec (the Ministères). The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The intervention of the Ministères related to the participation of the station in the National Public Alerting System (NPAS). In this regard, as specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS. Therefore, the Commission will not impose conditions of licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to voluntarily participate in the NPAS so that Canadians receive timely warnings of imminent perils.

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

Non-compliance

4. 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 2008-2009 broadcast year and with the requirement to file annual returns by 30 November for the 2006-2007 broadcast year.
5. Further, 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 submit Canadian content development (CCD) forms, are set out in Broadcasting Information Bulletin 2011-795.
6. Radio-Classique admitted that it did not keep good records of how its CTD contributions were spent, but instead relied on verbal agreements. It stated that it would expend the shortfall amounting to \$702 for the 2008-2009 broadcast year by 31 August 2013. In addition, it committed to make an annual contribution of \$5,000 by condition of licence to CCD for its next licence term.
7. With respect to the late filing of the annual return for the 2006-2007 broadcast year, 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 staff, Radio-Classique submitted the annual return as soon as it was able to do so.
8. In light of the above, the Commission finds the licensee in non-compliance with its conditions of licence and the Regulations.

Regulatory measures

9. 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.
10. 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 also 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.
11. The Commission has reviewed the record for this application and is satisfied with the licensee's explanations and the measures it has put in place to address the non-compliance. However, the Commission considers that a short-term renewal of six years for CJSQ-FM is appropriate, given the nature and extent of the non-compliance.

Conclusion

12. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language specialty commercial radio programming undertaking CJSQ-FM Québec, Quebec, from 1 September 2013 to 31 August 2019. The terms and **conditions of licence** are set out in the appendix to this decision.
13. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements. 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 2013-421

Terms, conditions of licence and encouragement for the French-language specialty commercial radio programming undertaking CJSQ-FM Québec, Quebec

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, 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 devote at least 90% of its musical selections in each broadcast week to selections drawn from subcategory 31 (Concert), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
4. The licensee shall devote at least 35% of its musical selections from content category 3 (Special Interest Music) in each broadcast week to Canadian selections broadcast in their entirety.
5. In addition to the contributions to Canadian content development (CCD) required under section 15(2) of the *Radio Regulations, 1986*, the licensee shall expend \$5,000 in each broadcast year on eligible CCD initiatives, as defined in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.
6. In addition to the contributions required under the condition of licence 5 above, the licensee shall expend the total shortfall of \$702 in Canadian talent development contributions identified in this decision and provide proof of payment to the Commission **within 90 days of this decision**. These contributions shall be directed to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

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.