



Broadcasting Decision CRTC 2013-461

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Route reference: 2012-372

Ottawa, 30 August 2013

Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.
Princeton, British Columbia

Application 2011-0216-0, received 1 February 2011

CIOR Princeton – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CIOR Princeton, from 1 September 2013 to 31 August 2020.*

Introduction

1. Astral Media Radio G.P.¹ (Astral) filed an application to renew the broadcasting licence for the English-language commercial radio station CIOR Princeton, British Columbia, which expires 31 August 2013.² The Commission did not receive any interventions in regard to this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2012-372, the Commission noted that the licensee was in apparent non-compliance with section 15(2) of the *Radio Regulations, 1986* (the Regulations), which relates to Canadian content development (CCD) contributions, and with section 9(2) of the Regulations, which relates to the provision of complete annual returns, for the 2007-2008 through 2010-2011 broadcast years. Specifically, the licensee did not make CCD payments or provide information on CCD payments for those broadcast years.
3. The licensee stated that it did not generate any revenues or record any expenditures for the broadcast years in question, and therefore did not make any of its required CCD contributions.

¹ Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P. was acquired by BCE Inc., as approved by the Commission in Broadcasting Decision 2013-310.

² The original licence expiry date for CIOR was 31 August 2010. The licence was administratively renewed until 31 August 2013 as a result of Broadcasting Decisions 2010-195, 2012-371 and 2013-47.

4. In light of the above, the Commission finds the licensee to be in non-compliance with sections 9(2) and 15(2) of the Regulations relating to CCD contributions and providing information on such contributions.

Operation of CIOR

5. In Broadcasting Notice of Consultation 2012-372, the Commission noted that CIOR seems to be operating as a rebroadcasting transmitter of CJOR Osoyoos rather than a standalone station. The Commission stated that it may therefore decide not to renew the broadcasting licence for CIOR, or to renew it for a short term to permit the licensee to file an amendment to the licence for CJOR to add a rebroadcasting transmitter at Princeton.
6. In this regard, the Commission notes that CIOR is currently licensed as an originating station. Despite this, CIOR does not appear to be offering any local programming in any given broadcast week. Rather, the licensee has indicated that CIOR rebroadcasts the programming of Osoyoos.
7. The licensee explained that under previous licensees, CIOR has been rebroadcasting the programming of neighbouring stations for almost 35 years. Astral noted that when it acquired CIOR in 2007, it committed to maintain the same level of service. The licensee added that given the small population and economic circumstances of Princeton, it is not currently economically viable to invest in local programming for CIOR. However, Astral noted that it intends to expand local service to the Princeton community should the market make a sufficient economic rebound to warrant it.
8. The Commission is of the view that originating stations should provide local programming. However, it acknowledges the circumstances of the Princeton market and considers that the licensee should be given the flexibility to serve the market in a manner that addresses the particular needs and interests of the community served while acknowledging the realities of a very small community. In this case, the Commission notes that CIOR is the only private radio station licensed to serve Princeton and recognizes that any local programming offering would take into account these operational realities.

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 will not only help to develop and advance the careers of emerging

Canadian artists, but will 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.

11. Given the above, the Commission is satisfied with the licensee's explanations. Accordingly, the Commission considers it appropriate to grant a full-term renewal to the station.
12. Further, the Commission requires the licensee to file, within **90 days of the date of this decision**, either of the following:
 - an application to convert CIOR Princeton into a rebroadcasting transmitter of CJOR Osoyoos; or
 - a plan detailing (a) that within one year from the date of the decision it will introduce local programming to the station in question, (b) the level of hours of local programming that will be broadcast, and (c) the manner in which the local programming that is to be introduced will meet the particular needs and interests of the Princeton population.
13. A **condition of licence** to this effect is set out in the appendix to this decision.

Conclusion

14. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CIOR Princeton, British Columbia, from 1 September 2013 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

Employment equity

15. Because this applicant 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

- *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013
- *Administrative renewals*, Broadcasting Decision CRTC 2013-47, 6 February 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2012-372, 10 July 2012, as amended by Broadcasting Notice of Consultation CRTC 2012-372-1, 26 July 2012

- *Administrative renewals*, Broadcasting Decision CRTC 2012-371, 10 July 2012
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Administrative renewals*, Broadcasting Decision CRTC 2010-195, 31 March 2010

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

Appendix to Broadcasting Decision CRTC 2013-461

Terms and conditions of licence for the English-language commercial radio programming undertaking CIOR Princeton, British Columbia

Terms

The licence will expire 31 August 2020.

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.
2. The licensee shall file, within **90 days of the date of this decision**, either of the following:
 - an application to convert CIOR Princeton into a rebroadcasting transmitter of CJOR Osoyoos; or
 - a plan detailing (a) that within one year from the date of the decision it will introduce local programming to the station in question, (b) the level of hours of local programming that will be broadcast, and (c) the manner in which the local programming that is to be introduced will meet the particular needs and interests of the Princeton population.