



## Broadcasting Decision CRTC 2013-661

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Route reference: 2013-315

Ottawa, 6 December 2013

### **Coopérative de radiodiffusion MF 103,5 de Lanaudière Joliette, Quebec**

*Application 2012-1621-8, received 28 December 2012*

### **CJLM-FM Joliette – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CJLM-FM Joliette, Quebec, from 1 January 2014 to 31 August 2020.*

#### **Introduction**

1. Coopérative de radiodiffusion MF 103.5 de Lanaudière filed an application to renew the broadcasting licence for the French-language commercial radio station CJLM-FM Joliette, Quebec, which expires on 31 December 2013.<sup>1</sup>
2. The Commission received interventions offering general comments on this application from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) and from the ministère de la Culture et des Communications and the ministère de la Sécurité publique (the Ministères), on behalf of the Government of Quebec. The public record for this application can be found on the Commission's website at [www.crtc.gc.ca](http://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 participate voluntarily in the NPAS so that Canadians receive timely warnings of imminent perils.

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<sup>1</sup> The original expiration date of CJLM-FM's broadcasting licence was 31 August 2013. The licence was renewed administratively until 31 December 2013 in Broadcasting Decision 2013-418.

## **Non-compliance**

4. In Broadcasting Notice of Consultation 2013-315, the Commission noted that the licensee was in apparent non-compliance with section 15 of the *Radio Regulations, 1986* (the Regulations) relating to Canadian content development (CCD) contributions, for the 2009-2010 broadcast year.
5. Under section 15 of the Regulations, the licensee should have made an annual CCD contribution in effect at that time, 60% of which would have been devoted to MUSICACTION. The licensee failed to submit the necessary proof of payment of CCD contributions for 2009-2010. The Commission can only consider CCD contributions where proof of payments has been submitted.
6. The licensee explained that a change of accounting staff led to a lack of monitoring of proof of payment.
7. In light of the above, the Commission finds the licensee in non-compliance with section 15 of the Regulations for the 2009-2010 broadcast year.

## **Regulatory measures**

8. 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.
9. 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.
10. Licensees are required to provide details about the CCD initiatives funded by their stations with their annual returns on the CCD forms.
11. When documenting contributions to organizations other than FACTOR, MUSICACTION or the Community Radio Fund of Canada, licensees must provide sufficient details to demonstrate how a particular initiative meets the eligibility criteria. Supporting documentation must also demonstrate how the funds were actually used (i.e., the name of the recipient of the CCD payment, the amount paid, the cheque and/or invoice number and the proof of payment, such as copies of cancelled cheques or receipts).
12. Links between all supporting documentation and the payments made, as identified in the CCD form, should be clearly set out in the supporting documentation.

13. The Commission notes that the licensee did not explain any measures implemented to guarantee the station's future compliance. However, the Commission notes that this was the first licence term in which the licensee was in non-compliance and that it had filed proof of payment in support of its contributions for the 2009-2010 broadcast year, including that made to MUSICACTION.
14. The Commission has reviewed the record for this application and is satisfied with the licensee's explanations. Given the circumstances surrounding the licensee's non-compliance, the Commission finds it appropriate to grant CJLM-FM a full-term licence renewal.

## **Conclusion**

15. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CJLM-FM Joliette, Quebec, from 1 January 2014 to 31 August 2020. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.

## **Reminder**

16. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

## **Employment equity**

17. In accordance with Public Notice 1992-59, 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.

Secretary General

## **Related documents**

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Public Notice CRTC 2013-315, 2 July 2013
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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