



Broadcasting Decision CRTC 2013-689

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Route reference: 2013-307

Ottawa, 13 December 2013

New Song Communications Ministries Ltd.
Saint John, New Brunswick

Application 2013-0129-1, received 23 January 2013

CINB-FM Saint John – Licence renewal

*The Commission **renews** the broadcasting licence for the specialty (Christian music) radio station CINB-FM Saint John, New Brunswick, from 1 January 2014 to 31 August 2020.*

Introduction

1. New Song Communications Ministries Ltd. (New Song) filed an application to renew the broadcasting licence for the specialty (Christian music) radio station CINB-FM Saint John, New Brunswick, which expires 31 December 2013.¹ The Commission received interventions in support of this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-307, the Commission noted that the licensee was in apparent non-compliance with its condition of licence relating to Canadian talent development (CTD) contributions for the 2007-2008 to 2011-2012 broadcast years.
3. The licensee was required, by condition of licence, to contribute \$1,000 annually to the development and promotion of Canadian talent. The Commission notes that New Song did not claim any CTD expenditures for the broadcast years in question.
4. The licensee stated that it had been contributing at least \$1,000 per year to CTD² by providing artists with recording time at a local professional recording studio to record a professional CD. In response to letters from Commission staff, the licensee provided copies of agreements that it had entered into with Ripple Effect Music and

¹ The original expiry date of CINB-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

² In Broadcasting Public Notice 2006-158, the Commission replaced the expression "Canadian talent development" with "Canadian content development".

Golden Harmony Studio, demonstrating that it exchanged \$1,000 of radio promotion for \$1,000 of studio recording time on a yearly basis.

5. However, according to Broadcasting Public Notice 2006-158 (the Commercial radio policy), these types of agreements do not qualify as eligible Canadian content development (CCD) contributions since they do not result in “out-of-pocket” expenses for the licensee. Consequently, New Song is left with a \$6,000 CCD shortfall.
6. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to CCD contributions for the 2007-2008 to 2011-2012 broadcast years.

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 notes the licensee’s explanation for the non-compliance. The Commission notes that since New Song operates as a not-for-profit organization, it will not be required in the next licence term to make contributions under section 15 of the *Radio Regulations, 1986* relating to CCD contributions. Consequently, the Commission is of the view that New Song should not be required to redirect the amount of \$6,000 that was deemed ineligible to another CCD initiative. Given the circumstances surrounding New Song’s non-compliance for CINB-FM, the Commission finds it appropriate to grant the station a full-term renewal licence.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the specialty (Christian music) radio programming undertaking CINB-FM Saint John, New Brunswick, from 1 January 2014 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

10. 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.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-307, 25 June 2013
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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

Appendix to Broadcasting Decision CRTC 2013-689

Terms, conditions of licence and encouragement for the specialty (Christian music) radio programming undertaking CINB-FM Saint John, New Brunswick

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, as amended from time to time, with the exception of condition of licence 7.
2. The station shall be operated within the Specialty format as defined in *A Review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, as amended from time to time, 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 ensure that at least 95% of the musical selections broadcast each broadcast week are drawn from subcategory 35 (Non-classic religious), 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 ensure that at least 20% of all content category 3 (Special Interest Music) musical selections broadcast each broadcast week are Canadian selections.
5. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, 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, as amended from time to time.
6. The licensee shall not broadcast commercial messages.

Encouragement

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.