



Broadcasting Decision CRTC 2013-715

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Route reference: 2013-325

Ottawa, 18 December 2013

Radio Saguenay Inc.
Chicoutimi, Quebec

Application 2013-0225-7, received 25 January 2013

CKRS-FM Chicoutimi – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CKRS-FM Chicoutimi, Quebec from 1 January 2014 to 31 August 2018.*

Introduction

1. Radio Saguenay Inc. (Radio Saguenay) filed an application to renew the broadcasting licence for the commercial radio station CKRS-FM Chicoutimi, Quebec, which expires 31 December 2013.¹
2. The Commission received interventions concerning the 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 of Quebec, on behalf of the government of Quebec (the Ministères). The public record for this application is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The intervention from the Ministères related to the station's participation in the National Public Alerting System (NPAS). 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 peril.

Non-compliance

4. In a decision letter dated 12 October 2012, announced in Broadcasting Information Bulletin 2013-62, the Commission approved the change in ownership and effective control of CKRS-FM.

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

5. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with its obligations relating to French-language vocal music (FVM) and with section 15 of the *Radio Regulations, 1986* (the Regulations) relating to contributions to Canadian content development (CCD) for the 2010-2011 and 2011-2012 broadcast years.

Broadcast of French-language vocal music

6. The licensee explained that the apparent non-compliance for the broadcast week of 13 to 19 November 2011 occurred when two hockey games were broadcast. The games went into overtime, and, as a result, fewer musical selections were broadcast. The licensee indicated that it has since put in place in-house procedures designed to ensure this situation does not happen again.
7. In view of the foregoing, the Commission finds the licensee in non-compliance with its obligations relating to FVM.

Contributions to Canadian content development

8. The licensee resolved the non-payment of its CCD contribution for the 2010-2011 broadcast year in November 2012, approximately a month after purchasing the station.
9. As for the non-payment of its CCD contribution for the 2011-2012 broadcast year, the licensee filed with the Commission a copy of a letter dated 7 June 2012, stating that the contribution to the Jonquière CÉGEP had been made. It also made a contribution to the song festival “Chansons en fête de Saint-Ambroise,” for which it filed with the Commission a copy of the cheque dated January 2013, which was five months past the due date of 31 August 2012. A copy of the missing contribution to MUSICACTION, dated January 2013, was also filed with the Commission.
10. The licensee explained that the delay in remitting these contributions was due to the serious financial difficulties it experienced since purchasing the station.
11. The Commission notes that some of the initiatives funded by the contribution to the Jonquière CÉGEP are not eligible for CCD funding. According to the Commission’s calculations, Radio Saguenay is still \$5,692 short in its CCD contribution, which the licensee has committed to make up within 180 days of the renewal decision.
12. In view of the foregoing, the Commission finds that the licensee in non-compliance with section 15 of the Regulations for the 2010-2011 and 2011-2012 broadcast years.

Regulatory measures

13. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach for dealing with non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in 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, the arguments provided by the licensee, as well as the measures taken to rectify the situation.

14. In Broadcasting Decision 2009-525, the Commission renewed the broadcasting licence CKRS-FM for a short term of four years due to the station's failure to meet its obligations under sections 2.2(5) and 2.2(8) of the Regulations relating to the broadcast of FVM and Canadian content category 2 (Popular music) musical selections.
15. 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 contributions as required.
16. The Commission has reviewed the record for this application and is satisfied with the licensee's explanations regarding non-compliance. However, given the circumstances of Radio Saguenay's non-compliance with respect to CKRS-FM and the fact that there were repeated instances of non-compliance, the Commission considers that a short-term renewal is appropriate.
17. With regard to the CCD contribution shortfall amounting to \$5,692, the Commission imposes a **condition of licence**, set out in the appendix to this decision, requiring the licensee to make full payment and submit proof of payment within 90 days of this decision. This deadline is consistent with those imposed in previous licence renewals with situations of non-compliance.

Conclusion

18. In light of the foregoing, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CKRS-FM Chicoutimi, Quebec from 1 January 2014 to 31 August 2018. The licence will be subject to the terms and the **conditions of licence** set out in the appendix to this decision.
19. In order to fulfill its original commitment to CCD set out in Broadcasting Decision 2006-640, the licensee must contribute at least \$23,000 to CCD during the 2013-2014 broadcast year. A **condition of licence** to this effect is set out in the appendix to this decision. Beginning with the 2014-2015 broadcast year, CKRS-FM will be subject to section 15 of the Regulations.

Reminder

20. The Commission reminds the licensee that, in accordance with section 22 of the *Broadcasting Act*, the broadcasting licence will be of no force or effect if the broadcasting certificate issued by the Department of Industry expires.

Employment equity

21. Because the licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with Human Resources and Skills Development Canada, its employment equity practices are not examined by the Commission.

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 2013-325, 3 July 2013
- *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
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2009-525, 27 August 2009
- *CKRS Saguenay – Conversion to FM band*, Broadcasting Decision CRTC 2006-640, 24 November 2006

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

Appendix to Broadcasting Decision CRTC 2013-715

Terms, conditions of licence and commitment for the commercial radio programming undertaking CKRS-FM Chicoutimi, Quebec

Terms

The licence will expire 31 August 2018.

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 7.
2. The station shall be operated within the Specialty format 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, and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time.
3. The licensee shall devote more than 50% of the programming broadcast during the broadcast week to programming drawn from Category 1 (Spoken Word).
4. The licensee shall broadcast, in each broadcast week, not less than 21 hours of spoken word programming of direct relevance to the community served. This programming shall include local news, weather and sports and the promotion of local events and activities.
5. To fulfill its original commitment to Canadian content development (CCD) set out in *CKRS Saguenay – Conversion to FM band*, Broadcasting Decision CRTC 2006-640, 24 November 2006, the licensee shall contribute a minimum of \$23,000 during the 2013-2014 broadcast year to Canadian content development, to be allocated as follows:
 - \$3,000 to MUSICACTION;
 - \$10,000 in the form of scholarships to the Art et technologie des médias program of the CÉGEP at Jonquière; and;
 - \$10,000 to the amateur singing competition, “Chansons en fête de St-Ambroise.”
6. The licensee shall contribute \$5,692 to parties and initiatives conforming to the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, and submit proof of payment by **7 April 2013**.

Commitment

Local news

The licensee commits to broadcasting 6 hours 5 minutes of local news each week.