



## Broadcasting Decision CRTC 2014-208

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Route reference: 2014-47

Ottawa, 2 May 2014

**Bell Media Inc.**  
Québec, Quebec

*Application 2013-1551-5, received 8 November 2013*

### **CHIK-FM Québec – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CHIK-FM Québec, from 1 September 2014 to 31 August 2019. This short-term licence renewal will allow the Commission to review, at an earlier date, the licensee's compliance with its regulatory requirements and to ensure that the licensee continues to meet the objectives of the regulatory framework and the intent of the policy on montages.*

#### **Application**

1. The Commission received an application by Bell Media Inc. (Bell) to renew the broadcasting licence for the French-language commercial radio station CHIK-FM Québec, which expires on 31 August 2014.
2. The Commission received an intervention in regard to this application from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). The public record for this proceeding is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the application number provided above.

#### **Non-compliance**

3. In Broadcasting Notice of Consultation 2014-47, the Commission indicated that the licensee was in apparent non-compliance with its requirements relating to the broadcast of Canadian content and French-language vocal music (FVM).
4. The Commission's analysis of the programming broadcast during the broadcast week of 15 to 21 April 2012 revealed that the percentage of Canadian musical selections drawn from content category 2 (Popular Music) was below the regulatory requirements. Specifically, CHIK-FM devoted only 32.4% to content category 2 Canadian musical selections during that broadcast week, and 30.7% during the period between 6 a.m. and 6 p.m., Monday to Friday, of the same broadcast week. The *Radio Regulations, 1986* (the Regulations) require licensees to broadcast a minimum of 35% for both periods.

5. The Commission's analysis also revealed that the percentage of FVM broadcast was below the regulatory requirements. Specifically, CHIK-FM devoted only 51.6% of content category 2 Canadian musical selections to FVM during the same broadcast week, and 42.4% during the period between 6 a.m. and 6 p.m., Monday to Friday of that week. For those two periods, the Regulations require licensees to broadcast a minimum of 65% and 55%, respectively. During the broadcast week in question, the licensee devoted 10% of CHIK-FM's programming to montages, which is the limit established by the Commission in Broadcasting Information Bulletin 2011-728.
6. Bell noted that Astral Media Radio Inc. (Astral) was the licensee of CHIK-FM when these instances of non-compliance took place. Bell referred to a letter from Astral (dated 28 June 2012) in which it stated that the non-compliance was due to the fact that the Commission had not accepted 17 of 105 montages broadcast and refused to consider certain FVM selections, which, according to the Commission, had been shortened.
7. To prevent a reoccurrence, Astral explained that it reminded all montage producers of the importance of being in compliance with the rules as clarified by the Commission in Broadcasting Information Bulletin 2011-728. It also asked its producers to base their montages more directly on those broadcast on other NRJ network stations, which were all determined to be acceptable. With respect to the broadcast of FVM, Astral stated that all of the shortened selections have been removed from the music lists. In addition, rigorous monitoring procedures have been put in place to ensure regular supervision of music lists.
8. Bell stated that the measures specified by Astral have all been implemented. Moreover, Bell indicated that it reviews the compliance of the montages and the accuracy of music lists at the end of each day. Further, the station's programmer is required to complete a daily self-assessment form of the programming broadcast to ensure compliance with FVM and Canadian content on a day-to-day basis.
9. Regarding montages, Bell stated that CHIK-FM hired a disc-jockey responsible for their production. The disc-jockey received clear instructions regarding Commission requirements and the clarifications made in Broadcasting Information Bulletin 2011-728.
10. Lastly, Bell indicated that it had submitted montage excerpts on a voluntary basis to the Commission's monitoring group, which determined them to be acceptable.

## **Regulatory measures**

11. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with non-compliance by radio stations. In particular, the Commission noted that each instance of non-compliance would be evaluated in light of such factors as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it would consider the circumstances leading to the

non-compliance in question, the licensee's arguments as well as the measures taken to rectify the situation.

12. The Commission notes that the airplay devoted to the broadcast of montages during the broadcast week reviewed does not exceed the established limit of 10%. However, the Commission remains concerned about the gap relating to regulatory requirements regarding the broadcast of Canadian musical and FVM selections and the results obtained by the station.
13. In light of the above, the Commission finds that Bell is in non-compliance with its requirements relating to the broadcast of Canadian content and FVM for CHIK-FM. It therefore finds that a short-term licence renewal for the station is appropriate.
14. In addition, the Commission is satisfied with the measures put in place by the licensee to ensure that it complies with regulatory requirements with respect to musical programming.

## Conclusion

15. In light of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CHIK-FM Québec from 1 September 2014 to 31 August 2019. This short-term licence renewal will allow the Commission to review, at an earlier date, the licensee's compliance with its regulatory requirements and to ensure that the licensee continues to meet the objectives of the regulatory framework and the intent of the policy on montages. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time, and the **conditions of licence** approved by administrative decision letter<sup>1</sup> relating to application 2013-1099-5.

## Reminders

16. The licensee must fulfill all of its remaining tangible benefits commitments pursuant to the terms set out in Broadcasting Decision 2014-62.
17. As set out in Broadcasting Decision 2013-310, the licensee must ensure that CHIK-FM devotes 25% of the musical selections broadcast each broadcast week to selections from French-language Canadian emerging artists, and to report to the Commission according to the terms specified in that decision.
18. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

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<sup>1</sup> See the Commission's administrative decision [letter](#) dated 27 January 2014.

## Employment equity

19. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development, its employment equity practices are not examined by the Commission.

Secretary General

## Related documents

- *Astral broadcasting undertakings – Change of effective control – Follow-up to the Astral-BCE transaction*, Broadcasting Decision 2014-62, 17 February 2014
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-47, 7 February 2014
- *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013
- *Requirements for the broadcast of radio montages*, Broadcasting Information Bulletin CRTC 2011-728, 24 November 2011
- *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

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