



Broadcasting Decision CRTC 2014-209

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Route reference: 2014-47

Ottawa, 2 May 2014

Rawlco Radio Ltd.

North Battleford, Saskatchewan

Application 2013-1570-6, received 8 November 2013

CJNB North Battleford – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial AM radio station CJNB North Battleford from 1 September 2014 to 31 August 2021.*

Introduction

1. Rawlco Radio Ltd. (Rawlco) filed an application to renew the broadcasting licence for the English-language commercial AM radio station CJNB North Battleford, which expires 31 August 2014. The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2014-47, the Commission indicated that the licensee was in apparent non-compliance with its requirements relating to contributions to Canadian content development (CCD). Specifically, the licensee did not make its full contribution to CCD for the 2007-2008 broadcast year, as required under section 15 of the *Radio Regulations, 1986* (the Regulations).
3. The licensee indicated that this non-compliance had already been addressed as part of its application to acquire the assets of CJNB. Rawlco referred the Commission to its letter of reply dated 2 December 2011. In the letter, the licensee explained that there had been confusion as to which policy to apply, due to the fact that the Commission made amendments to the Regulations to implement the new CCD contribution regime some time after it published Broadcasting Public Notice 2006-158, which sets out the Commercial Radio Policy. As a result of its uncertainty, the licensee decided to make the contributions according to the rules of the previous regime (the former Canadian talent development).
4. Rawlco pointed out that once it had been informed of the apparent non-compliance, it immediately issued a cheque to FACTOR to compensate for the non-payment and provided the Commission with a copy of the cashed cheque. In Broadcasting

Decision 2012-236, the Commission noted that the licensee had rectified this situation.

5. The condition of licence requires the licensee to make an annual CCD contribution, 60% of which is to be allocated to FACTOR. The Commission therefore considers that the condition of licence clearly indicates that the licensee had to make a CCD contribution, as required under the Commercial Radio Policy.
6. In light of the above, the Commission finds Rawlco in non-compliance with its condition of licence relating to CCD contributions for the 2007-2008 broadcast year.

Regulatory measures

7. 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 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 leading to the instances of non-compliance in question, the arguments provided by the licensee and the measures taken to rectify the situation.
8. The Commission notes that the licensee has indeed paid the sum owing to FACTOR. The Commission considers that the non-compliance was due to an error of interpretation and was an isolated incident, since no other compliance issue has been identified. In addition, Rawlco took measures to rectify the problem as soon as it was informed of the situation. The Commission therefore considers it appropriate to renew the licence for CJNB for a full term of seven years.

Conclusion

9. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial AM radio programming undertaking CJNB North Battleford from 1 September 2014 to 31 August 2021. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.

Reminder

10. 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.

Employment equity

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

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-47, 7 February 2014
- *CJCQ-FM, CJHD-FM and CJNB North Battleford and CJNS-FM Meadow Lake – Acquisition of assets (corporate reorganization) and licence renewals*, Broadcasting Decision CRTC 2012-236, 24 April 2012
- *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
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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