



Broadcasting Decision CRTC 2016-237

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Reference: Part 1 licence renewal application posted on 26 January 2016

Ottawa, 21 June 2016

Radio Beauce inc.
Saint-Georges-de-Beauce, Quebec

Application 2015-0575-2

CKRB-FM Saint-Georges-de-Beauce – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CKRB-FM Saint-Georges-de-Beauce from 1 September 2016 to 31 August 2020.*

This shortened licence renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Application

1. Radio Beauce inc. (Radio Beauce) filed an application to renew the broadcasting licence for the French-language commercial radio station CKRB-FM Saint-Georges-de-Beauce, Quebec, which expires 31 August 2016.

Interventions

2. The Commission received interventions commenting on several commercial radio licence renewal applications, including this application, from the Canadian Association of Broadcasters (CAB) and l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ), to which the licensee replied. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.
3. Among its comments, the CAB raised concerns about new measures imposed by the Commission regarding stations in non-compliance.
4. For its part, ADISQ submitted that CKRB-FM surpassed its regulatory requirements with respect to the broadcast of Canadian content, but nonetheless criticized the fact that the broadcast of French-language vocal music (FVM) was well below its regulatory requirements. It also submitted that these results were poor due to the lack and bad quality of the audio material and music lists submitted by the licensee. ADISQ was also critical of the fact that the Commission has only conducted one performance analysis for CKRB-FM since 2002. ADISQ therefore recommended that the Commission grant the station a shortened licence term to ensure that the station puts in place all the necessary measures to come into full compliance.

Reply by Radio Beauce

5. In reply to the intervention by ADISQ, Radio Beauce specified that CKRB-FM's non-compliance regarding the broadcast of FVM was a result of deficient recording equipment and confirmed that the equipment has since been replaced. The licensee also indicated that it has always fulfilled its regulatory requirements and that penalizing CKRB-FM by imposing restrictive measures is unnecessary given that the reason for the apparent non-compliance has already been rectified.
6. With respect to the intervention by the CAB, the licensee indicated that it shares its analysis and conclusions.

Non-compliance

7. Sections 8(1) and 8(5) of the Regulations relate to a licensee's responsibilities regarding program logs, logger tapes and music lists. These provisions require, among other things, that a licensee keep and retain program logs and logger tapes.
8. Sections 2.2(5) and 2.2(10) of the Regulations require licensees of French-language commercial radio stations to devote, each broadcast week, at least 65% of their vocal musical selections from content category 2 to musical selections in the French language broadcast in their entirety, and between 6 a.m. and 6 p.m., in any period beginning on a Monday and ending on the Friday of that week, at least 55% of their vocal musical selections from content category 2 to musical selections in the French language broadcast in their entirety.
9. Radio Beauce is in apparent non-compliance with sections 8(1)(c) and 8(5) of the *Radio Regulations, 1986* (the Regulations) regarding the retention of complete and accurate program logs and records, and sections 2.2(5) and 2.2(10) of the Regulations regarding the broadcast of FVM.
10. Specifically, the licensee submitted an incomplete music list and incomplete audio recordings for the 22 to 28 February 2015 broadcast week. Many of the musical selections on the list were erroneously classified, and the audio recordings were missing 12 minutes and 45 seconds of material each broadcast day, for a total of 1 hour and 30 minutes during that broadcast week.
11. In addition, during that broadcast week, the licensee devoted 11.9% of its programming to FVM selections and 10.1% of its programming between 6 a.m. and 6 p.m. of that same broadcast week to FVM selections. These levels are below the regulatory requirements by 53.1% and 44.9%, respectively.
12. The licensee indicated that it had assigned a station employee with the task of ensuring the future compliance of the station regarding its FVM programming requirements. Radio Beauce also indicated that it would analyze its musical selections broadcast each day (approximately 80 selections per day) and would complete the required information for the radio monitoring material at the same time.

13. In light of the above, the Commission finds the licensee in non-compliance with sections 8(1)(c) and 8(5) of the Regulations regarding the retention of complete and accurate program logs and records, and sections 2.2(5) and 2.2(10) of the Regulations regarding the broadcast of FVM.

Regulatory measures

14. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
15. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate program logs, logger tapes and music lists enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory requirements and conditions of licence. The retention of logger tapes also makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file requested material in a timely manner, or does not file such material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.
16. Further, as set out in the *Broadcasting Act* (the Act), each element of the Canadian broadcasting system must contribute in an appropriate manner to the creation and presentation of Canadian programming. The Act also states that the Canadian broadcasting system must reflect Canada's linguistic duality through its programming. The Commission considers that the regulatory requirements relating to the broadcast of FVM selections contribute in an important way to implement the objectives of the Act and that it is the responsibility of French-language broadcasters to continue their efforts to contribute to the development of French-language expression.
17. Accordingly, the Commission considers any breach of these requirements a serious matter. In the case of CKRB-FM, the non-compliance with regard to the broadcast of FVM is directly related to the inaccurate and incomplete audio recording and music list.
18. The Commission acknowledges the explanations provided by the licensee and notes the measures it has put in place to address the various instances of non-compliance and to ensure compliance going forward. In light of the circumstances of this case, the Commission does not consider that the imposition of additional measures is necessary at this time. However, the Commission finds it appropriate to grant CKRB-FM a shortened licence renewal of four years.

19. The Commission reminds the licensee that it could impose additional measures should additional non-compliances relating to the submission of monitoring materials and FVM selections occur over the next licence term.

Conclusion

20. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CKRB-FM Saint-Georges-de-Beauce from 1 September 2016 to 31 August 2020. This shortened licence term will allow for an earlier review of the licensee's compliance with its regulatory requirements. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62 and to the **conditions** set out in the broadcasting licence for this undertaking.

Reminder

21. 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.

Cultural diversity

22. The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Employment equity

23. 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

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *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.*