



## Broadcasting Decision CRTC 2017-294

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Reference: Part 1 licence renewal application posted on 6 March 2017

Ottawa, 23 August 2017

**Radio Diffusion Sorel-Tracy inc.**  
Sorel-Tracy, Quebec

*Application 2016-0983-5*

### **CJSO-FM Sorel-Tracy – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CJSO-FM Sorel-Tracy from 1 September 2017 to 31 August 2019.*

*This short-term renewal will allow for an earlier review of the licensee's compliance with the regulatory requirements.*

#### **Application**

1. Radio Diffusion Sorel-Tracy inc. filed an application to renew the broadcasting licence for the French-language commercial radio station CJSO-FM Sorel-Tracy, Quebec, which expires 31 August 2017. The Commission did not receive any interventions regarding this application.

#### **Background**

2. In Broadcasting Decision 2010-857, the Commission granted CJSO-FM a short-term licence renewal due to the licensee's non-compliance with its requirements relating to the broadcast of French-language vocal music. In Broadcast Decision 2014-271, the Commission once again approved a short-term licence renewal due to the licensee's non-compliance with the *Radio Regulations, 1986* (the Regulations) in regard to the broadcast of content category 3 (Special Interest Music) Canadian musical selections.

#### **Non-compliance**

3. Sections 8(1)(c) and 8(4) of the Regulations set out the Commission's requirements relating, respectively, to the filing of complete programming logs and to a signed attestation to the accuracy of their content. Section 9(3)(b) of the Regulations sets out the information on musical selections that licensees must include when filing music lists for any specified period as requested by the Commission.
4. Finally, as announced in Broadcasting Regulatory Policy 2014-444, the Commission amended various regulations, standard conditions of licence and certain exemption orders for the mandatory distribution of emergency alert messages by broadcasting

undertakings. All commercial radio licensees were required to participate in the National Public Alerting System (NPAS) by 31 March 2015 and to comply with the related requirements, as set out in section 16 of the Regulations.

5. According to Commission records, CJSO-FM is in apparent non-compliance with the above sections of the Regulations, for the following reasons:
  - the licensee's program log is incomplete and does not correspond to the music list provided;
  - the licensee did not provide an attestation to the accuracy of the content in its program log, as requested by the Commission in letters dated 31 May 2016 and 4 October 2016;
  - the licensee failed to include the music list for the week of 15 to 21 May 2016, as requested by the Commission on 31 May 2016. It finally submitted the list after being contacted by Commission staff on 4 October 2016; however, the content category 3 musical selections and instrumental selections were not identified as had been requested by the Commission in the letters dated 31 May and 4 October; and
  - the licensee did not implement the NPAS by the 31 March 2015 deadline.
6. The licensee indicated that there was lack of understanding regarding the classification of the various musical selections and that with the explanations from Commission staff, it will now be able to correctly and effectively classify them. It also stated that it will provide only the simplified music list in the future.
7. In regard to the NPAS, the licensee stated that it acquired the station a few days before the 11 March 2015 deadline and had priorities other than investing in the acquisition of the necessary equipment, not considering that this was essential to the station's survival at the time. The licensee added that since the station is now in a better financial position, it plans to acquire the equipment and implement the NPAS shortly.
8. In light of the above, the Commission finds the licensee in non-compliance with sections 8(1)(c), 8(4), 9(3)(b) and 16 of the Regulations.

### **Regulatory measures**

9. 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 leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.

10. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, and depending on the nature of the non-compliance, the Commission may apply, on a case-by-case basis measures such as renewing the licence for a short term; imposing additional conditions of licence; calling the licensee to a public hearing; following a public hearing, issuing a mandatory order requiring the licensee to comply with regulatory requirements; or suspending, not renewing or revoking the licence.
11. Moreover, the full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, the Commission considers that the timely compliance of stations is mandatory and will therefore be closely monitored. The Commission could, at any time, decide to apply more stringent regulatory measures, such as those set out in Broadcasting Information Bulletin 2014-608, should the requirements relating to the broadcast of alerts not be met.
12. Although the nature of the present instances of non-compliance is not the same as that of the last two licence renewals, this is the third consecutive licence term in which the licensee is in non-compliance. In addition, the licensee did not adequately respond to the Commission's questions,<sup>1</sup> despite clear instructions to do so.

## Conclusion

13. In light of all of the above and the fact that this is the third consecutive licence term in which CJSO-FM Sorel-Tracy is in non-compliance, the Commission considers it appropriate to renew the station's licence for a period of two years.
14. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CJSO-FM Sorel-Tracy from 1 September 2017 to 31 August 2019. This short-term licence renewal will enable the Commission to review, at an earlier date, the licensee's compliance with the regulatory requirements. The terms and **conditions of licence** are set out in Appendix 1 to this decision.
15. In addition, given the numerous consecutive licence terms during which the licensee has been in non-compliance, and given the seriousness of certain instances of non-compliance, the Commission finds it appropriate to require Radio Diffusion Sorel-Tracy inc. to broadcast an announcement regarding its non-compliance three times daily, between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m., for five consecutive days, within 14 days following 1 September 2017, the beginning of the new licence term. To confirm its compliance with this requirement, the licensee must provide the Commission with the audio recordings for the broadcast days during which the announcement was broadcast, and file the completed and signed *Attestation as to the broadcast of the non-compliance announcement on CJSO-FM Sorel-Tracy*,

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<sup>1</sup> set out in a letter dated 14 December 2016

set out in Appendix 2 to this decision, by no later than 14 days following the final broadcast of the announcement. A **condition of licence** to that effect is set out in Appendix 1 to this decision.

## Reminders

16. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate program logs and recordings 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 those logs and recordings 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.
17. Should the licensee continue to be in non-compliance with the regulatory requirements, the Commission may consider recourse to additional measures as part of the next licence renewal process, including the issuance of a mandatory order, or the revocation or non-renewal of the licence.
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.

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
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444, 29 August 2014
- *CJSO-FM Sorel – Licence Renewal*, Broadcasting Decision CRTC 2014-271, 23 May 2014

- *CJSO-FM Sorel-Tracy – Licence Renewal*, Broadcasting Decision CRTC 2010-857, 19 November 2010

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

## Appendix 1 to Broadcasting Decision CRTC 2017-294

### Terms, conditions of licence, expectation and encouragement for the French-language commercial radio programming undertaking CJSO-FM Sorel-Tracy

#### Terms

The licence will expire 31 August 2019.

#### 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 well as to the conditions set out in the broadcasting licence for the undertaking.
2. In order to fulfill its commitment relating to tangible benefits set out in the Commission letter dated 13 May 2015, *Transfer of shares – Change of effective control*, the licensee shall expend, in equal payments over seven consecutive years and by no later than 31 August of each year, a total amount of \$16,565, distributed as follows:
  - 3% of the value of the transaction to Radio Starmaker Fund or Fonds Radiostar – Total of \$8,283, divided equally over seven consecutive years;
  - 1.5% of the value of the transaction to FACTOR or MUSICACTION – Total of \$4,141, divided equally over seven consecutive years;
  - 1% of the value of the transaction to a Canadian content development initiative, described in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 – Total of \$2,761, divided equally over seven consecutive years; and
  - 0.5% of the value of the transaction to the Community Radio Fund of Canada – Total of \$1,380, divided equally over seven consecutive years.

In addition, the licensee shall file, no later than 30 November of each year, in a form deemed acceptable by the Commission, proof of payment of its contribution relating to tangible benefits.

3. In regard to the licensee's non-compliance with the *Radio Regulations, 1986*, as set out in the present decision:
  - a) The licensee shall broadcast the following announcement three times a day, distributed in a reasonable manner between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m., for five consecutive days, within the 14-day period immediately following 1 September 2017, the beginning of the new licence term:

Radio frequencies are a limited public resource. Holding a broadcasting licence is a privilege, and broadcasters are required to abide by a number of regulations and conditions of licence in order to operate a radio station. In Broadcasting Decision 2017-294, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The instances of non-compliance are a recurring issue. CJSO-FM has put measures in place to ensure that the instances of non-compliance in question do not reoccur.

b) The licensee shall provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast, and file a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CJSO-FM Sorel-Tracy*, set out in Appendix 2 to *CJSO-FM Sorel-Tracy – Licence renewal*, Broadcasting Decision CRTC 2017-294, 23 August 2017, by no later than 14 days following the final broadcast of the announcement.

4. The licensee has until 31 October 2017 to implement the National Public Alerting System, and to file the proof of its implementation along with its annual return for the 2016-2017 broadcast year, to be filed by 30 November 2017.

### **Expectation**

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

### **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.

## Appendix 2 to Broadcasting Decision CRTC 2017-294

### Attestation as to the broadcast of the non-compliance announcement on CJSO-FM Sorel-Tracy

In regard to the requirements set out in condition of licence 3 in Appendix 1 to *CJSO-FM Sorel-Tracy – Licence renewal*, Broadcasting Decision CRTC 2017-294, 23 August 2017, I \_\_\_\_\_ (NAME) on behalf of \_\_\_\_\_ (LICENSEE), certify that the announcement regarding CJSO-FM Sorel-Tracy's non-compliance with the *Radio Regulations, 1986* was duly broadcast three times a day, and distributed in a reasonable manner between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m., for five consecutive days, within the 14-day period immediately following 1 September 2017, the beginning of the new licence term, as follows:

<b>First date of broadcast:</b>		Times	1:	2:	3:
<b>Second date of broadcast:</b>		Times	1:	2:	3:
<b>Third date of broadcast:</b>		Times	1:	2:	3:
<b>Fourth date of broadcast:</b>		Times	1:	2:	3:
<b>Fifth date of broadcast:</b>		Times	1:	2:	3:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date