



Broadcasting Decision CRTC 2017-303

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

Ottawa, 24 August 2017

United Christian Broadcasters Media Canada
Cobourg, Ontario

Application 2016-0657-6

CHJJ-FM Cobourg – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial specialty (Christian music) radio station CHJJ-FM Cobourg from 1 September 2017 to 31 August 2024.*

Application

1. United Christian Broadcasters Media Canada filed an application to renew the broadcasting licence for the English-language commercial specialty (Christian music) radio station CHJJ-FM Cobourg, Ontario, which expires 31 August 2017. The Commission did not receive any interventions regarding this application.

Non-compliance

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to file financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. After examining the record for this application, the Commission notes that CHJJ-FM's financial statements for the 2014-2015 broadcast year were not included with the annual return and that its financial statements for the 2012-2013 and 2013-2014 broadcast years did not cover the broadcast year (from 1 September to 31 August).
4. The licensee indicated that human error may have contributed to these instances of non-compliance and that it has hired an in-house accountant to ensure the proper filing of annual returns in the future. Further, it has since refiled the annual returns for the broadcast years in question.
5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2012-2013 through 2014-2015 broadcast years.

Regulatory measures

6. 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.
7. Compliance with deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations. Accordingly, it considers the late or incomplete filing of annual returns a serious matter.
8. The Commission acknowledges the explanation 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. Given that this is the licensee's first instance of non-compliance, that it has filed the missing documentation and that it has taken measures to ensure the station's compliance in the future, the Commission does not consider that the imposition of additional measures is necessary at this time. Accordingly, the Commission finds it appropriate to grant the station a full-term licence renewal of seven years.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial specialty (Christian music) radio programming undertaking CHJJ-FM Cobourg from 1 September 2017 to 31 August 2024. The **conditions of licence** are set out in the appendix to this decision.

Reminders

10. Licensees are responsible for filing complete annual returns by 30 November of each year for the broadcast year ending the previous 31 August. The annual return must cover the broadcast year (the period beginning on 1 September of a given year and ending on 31 August of the following year), regardless of the end date of the licensee's fiscal or taxation year. In accordance with the requirements set out in Broadcasting Information Bulletin 2011-795, the financial statements must be included with the annual return. As set out in that information bulletin, licensees are responsible for ensuring that all appropriate forms and documentation are included with their annual returns and contacting the Commission if further clarification is required.
11. 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
- *Filing annual returns for radio programming undertakings,*
Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2017-303

Terms, conditions of licence, expectation and encouragement for the English-language commercial specialty (Christian music) radio programming undertaking CHJJ-FM Cobourg, Ontario

Terms

The licence will expire 31 August 2024.

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, with the exception of condition 7, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The station shall be operated within the specialty format as defined in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000 and *A Review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995.
3. The licensee shall devote at least 95% of all musical selections broadcast during each broadcast week to selections drawn from subcategory 35 (Non-classic religious).
4. As an exception to the percentage of Canadian musical selections set out in section 2.2(3) of the *Radio Regulations, 1986*, the licensee shall devote, in each broadcast week, at least 15% of its musical selections from category 3 (Special Interest Music) to Canadian selections.
5. When the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that notice concerning the provision of balance and ethics in religious programming.
6. The licensee shall make basic annual contributions to Canadian content development, in accordance with the regime set out in section 15 of the *Radio Regulations, 1986*.
7. To fulfill its outstanding commitments to Canadian content development (CCD) set out in condition of licence 7 of the appendix to *Christian music FM radio station in Cobourg*, Broadcasting Decision CRTC 2011-115, 21 February 2011, the licensee shall make an annual contribution of \$500 for each of the 2017-2018 and 2018-2019 broadcast years that is over and above the CCD contributions currently required under the *Radio Regulations, 1986* or by condition of licence.

Of this amount, the licensee shall allocate \$100 per broadcast year to FACTOR. The remainder shall be allocated to the parties and initiatives fulfilling the definition of

eligible initiatives identified in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

In addition, the licensee shall file, by 30 November for each of the 2017-2018 and 2018-2019 broadcast years, and in a form deemed acceptable by the Commission, the related proof of payment regarding this additional CCD contribution.

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.