



Broadcasting Decision CRTC 2017-351

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Reference: Part 1 licence renewal application posted on 30 March 2017

Ottawa, 4 October 2017

International Harvesters for Christ Evangelistic Association Inc.
Halifax and Wolfville, Nova Scotia

Application 2016-0906-7

CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language specialty (Christian music) radio station CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville from 1 January 2018 to 31 August 2024.*

Application

1. International Harvesters for Christ Evangelistic Association Inc. filed an application to renew the broadcasting licence for the English-language specialty (Christian music) radio station CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville, which expires 31 December 2017.¹ The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decision 2013-161, the Commission renewed the broadcasting licence for CJLU-FM for a short-term period due to the licensee's non-compliance relating to the filing of annual returns and contributions to Canadian talent development.

Non-compliance

Canadian content

3. As set out in Appendix 2 to Broadcasting Decision 2013-161, the licensee is required by condition of licence to devote 20% or more of its musical selections from content category 3 (Special Interest Music) in each broadcast week to Canadian selections.

¹ In Broadcasting Decision 2017-318, the broadcasting licence for CJLU-FM was administratively renewed from 1 September to 31 December 2017.

4. According to the Commission's records, during the week of 15 to 21 November 2015, the licensee devoted only 12.9% of its special interest music selections to Canadian selections.
5. The licensee stated that this was an isolated case due to an employee who did not follow its internal requirements and procedures and that the problem had been addressed. The licensee added that it had put measures in place to ensure the non-compliance did not recur, such as implementing bi-monthly instructions, producing playlists and calculating the percentage of Canadian songs in the overall lineups.
6. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to Canadian selections.

Balance programming

7. As set out in Appendix 2 to Broadcasting Decision 2013-161, the licensee is required by condition of licence to broadcast at least 5 hours and 30 minutes of balance programs² in each broadcast week.
8. According to the Commission's records, during the week of 15 to 21 November 2015, the licensee broadcast only 3 hours and 13 minutes of such programming.
9. The licensee stated that the problem had been addressed and that it would broadcast 6 hours and 30 minutes per broadcast week of balance programming to avoid any further non-compliance in this regard.
10. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to balance programming.

Regulatory measures

11. 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.
12. In the case of non-compliance with Canadian music programming requirements, the Commission may impose a condition of licence requiring the licensee to pay an additional contribution to Canadian content development (CCD) as a remedial measure. In this regard, it is important that licensees respect their obligations to

² The balance programming requirement applies in the context of religious programming. It requires that the undertaking make a variety of points of view available in its programming for a reasonably consistent viewer or listener over a reasonable period of time.

broadcast specific levels of Canadian content as this not only ensures that Canadian artists receive appropriate levels of exposure and royalty payments but also benefits Canadian music listeners and supports the objective of the *Broadcasting Act* that the broadcasting system safeguard, enrich and strengthen the cultural fabric of Canada.

13. When determining the amount that would be appropriate to impose on the licensee as an additional measure, the Commission may take into account factors including:
- the nature, severity and recurrence of the non-compliance;
 - the circumstances surrounding the non-compliance, such as any demonstrated, legitimate attempt by the licensee to comply with its regulatory obligations;
 - the harm caused to the Canadian broadcasting system by the non-compliance; and
 - the annual revenues of the licensee.
14. In this case, the Commission acknowledges the licensee's explanation but considers that the non-compliance relating to Canadian music programming remains severe and that it would be appropriate to impose an additional CCD contribution to address the harm caused to the broadcasting system. When questioned about remedial measures, the licensee accepted the imposition of an additional CCD contribution of \$603. A **condition of licence** requiring this CCD payment by 31 August 2018 is set out in Appendix 1 to this decision.
15. Further, considering the serious nature of CJLU-FM's non-compliance, the Commission finds it appropriate to require the licensee to broadcast an announcement regarding its non-compliance three times a day for five consecutive days within the 14-day period following the beginning of the new licence term.³ This announcement is to be distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m. To confirm compliance with this requirement, the licensee must provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast and file by no later than 14 days following the final broadcast of the announcement a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville*, as set out in Appendix 2 to this decision. A **condition of licence** to that effect is set out in Appendix 1 to this decision.

Conclusion

16. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language specialty (Christian music) radio programming undertaking CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville from 1 January 2018 to 31 August 2024. The **conditions of licence** are set out in Appendix 1 to this decision.

³ This measure is set out in Broadcasting Regulatory Policy 2014-554.

Reminders

17. The Commission reminds the licensee that it could impose additional measures should additional non-compliances be raised over the next licence term.
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

- *Various radio stations – Administrative renewals*, Broadcasting Decision CRTC 2017-318, 31 August 2017
- *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
- *Various radio programming undertakings (specialty and ethnic) – Licence renewals*, Broadcasting Decision CRTC 2013-161, 28 March 2013

This decision is to be appended to the licence.

Appendix 1 to Broadcasting Decision CRTC 2017-351

Terms, conditions of licence, expectation and encouragement for the English-language commercial specialty (Christian music) radio programming undertaking CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville

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 of licence 7, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall operate the station within the specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. The licensee shall ensure that at least 95% of all musical selections broadcast during each broadcast week are drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
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 at least 20% of its musical selections from content category 3 (Special Interest Music) during each broadcast week to Canadian selections.
5. The licensee shall broadcast at least 5 hours and 30 minutes of balance programs during each broadcast week.
6. Where 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 public notice with respect to the provision of balance and ethics in religious programming.
7. In addition to any contributions to Canadian content development (CCD) required under section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall devote \$603 to CCD by 31 August 2018.

The licensee shall allocate no less than 20% of this amount to FACTOR or MUSICACTION. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

8. Regarding the licensee's non-compliance with its conditions of licence, as set out in the present decision:

- a) For five consecutive days within the 14-day period immediately following 1 January 2018, the beginning of the new licence term, the licensee shall broadcast the following announcement three times a day, distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m.:

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 *CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville – Licence renewal*, Broadcasting Decision CRTC 2017-351, 4 October 2017, the CRTC determined that this station is in non-compliance with its conditions of licence. The instances of non-compliance occurred during the 2015-2016 broadcast year and are a recurring issue. CJLU-FM has put measures in place to ensure that the non-compliance in question does not recur.

- b) The licensee shall provide the Commission with 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 CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville*, set out in Appendix 2 to *CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville – Licence renewal*, Broadcasting Decision CRTC 2017-351, 4 October 2017, by no later than 14 days following the final broadcast of the announcement.

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 2017-351

Attestation as to the broadcast of the non-compliance announcement on CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville

As regards the requirements set out in condition of licence 8 in Appendix 1 to *CJLU-FM Halifax and its transmitter CJLU-FM-1 Wolfville – Licence renewal*, Broadcasting Decision CRTC 2017-351, 4 October 2017, I, _____ (NAME), on behalf of _____ (LICENSEE), certify that the announcement regarding CJLU-FM Halifax’s non-compliance with its conditions of licence was duly broadcast three times a day and distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m. for five consecutive days within the 14-day period immediately following 1 January 2018, the beginning of the new licence term, as follows:

First date of broadcast:		Times	1:	2:	3:
Second date of broadcast:		Times	1:	2:	3:
Third date of broadcast:		Times	1:	2:	3:
Fourth date of broadcast:		Times	1:	2:	3:
Fifth date of broadcast:		Times	1:	2:	3:

Signature

Date