



Broadcasting Decision CRTC 2019-287

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Reference: Part 1 licence renewal application posted on 28 February 2019

Ottawa, 12 August 2019

Radio communautaire Tête-à-la-Baleine

Tête-à-la-Baleine, Quebec

Public record for this application: 2018-0715-8

CJTB-FM Tête-à-la-Baleine – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CJTB-FM Tête-à-la-Baleine from 1 September 2019 to 31 August 2026.*

Application

1. Radio communautaire Tête-à-la-Baleine filed an application to renew the broadcasting licence for the French-language community radio station CJTB-FM Tête-à-la-Baleine, which expires 31 August 2019. The Commission did not receive any interventions regarding this application.

Non-compliance

2. The licensee is subject to a condition of licence that requires it to devote, in each broadcast week, at least 3.8% of its programming to programming drawn from content category 1 (Spoken Word), which includes content subcategories 11 (News) and 12 (Spoken word – other), as defined in Broadcasting Regulatory Policy 2010-819. All of the spoken word programming shall be locally produced (that is, by the station or exclusively for the station).
3. From 13 August 2018 to 8 January 2019, it appears that the station's programming consisted only of musical programming. The licensee informed the Commission of the situation, stating that the absence of spoken word programming was due to a shortage of staff.
4. In Broadcasting Decision 2013-159, the Commission indicated that CJTB-FM could only rely on a limited number of volunteers because of the remoteness of the community served and the limited number of residents. Although CJTB-FM has not met its regulatory obligations for a period of approximately five months, the Commission is of the view that the licensee acted in good faith as it immediately informed the Commission when the situation occurred, as well as when it resumed its regular programming, including spoken word programming.

5. Nonetheless, the Commission finds the licensee in non-compliance with its condition of licence relating to spoken word programming.

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. The Commission is satisfied with the licensee's explanations and acknowledges the challenges the station is facing. Consequently, the Commission is of the view that no remedial measure is required. The Commission therefore finds it appropriate to renew the station's licence for a seven-year period.

Conclusion

8. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CJTB-FM Tête-à-la-Baleine from 1 September 2019 to 31 August 2026. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

9. 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
- *CJTB-FM Tête-à-la-Baleine – Licence renewal and amendment*, Broadcasting Decision CRTC 2013-159, 27 March 2013
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2019-287

Terms, conditions of licence, expectations and encouragement for the French-language community radio programming undertaking CJTB-FM Tête-à-la-Baleine, Quebec

Terms

The licence will expire 31 August 2026.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, with the exception of condition of licence 6, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. In each broadcast week, the licensee shall devote at least 3.8% of its programming to programming drawn from content category 1 (Spoken Word), which includes content subcategories 11 (News) and 12 (Spoken word – other), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010. All of the spoken word programming shall be locally produced (that is, by the station or exclusively for the station).

Expectations

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

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their board of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such information through the Commission's website.

Encouragement

The Commission considers that campus and community radio stations should be particularly sensitive to employment equity issues in order to fully reflect the communities they serve. The Commission encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.