



Broadcasting Decision CRTC 2021-334

PDF version

References: Part 1 licence renewal application posted on 17 June 2021; Part 1 application posted on 17 June 2021

Ottawa, 4 October 2021

Rogers Media Inc.

Chilliwack, Abbotsford and Vancouver, British Columbia

Public record for these applications: 2018-0763-7 and 2018-0760-4

CKKS-FM Chilliwack and its transmitters CKKS-FM-1 Abbotsford and CKKS-FM-2 Vancouver – Licence renewal and licence amendments

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKKS-FM Chilliwack and its transmitters CKKS-FM-1 Abbotsford and CKKS-FM-2 Vancouver from 1 January 2022 to 31 August 2028.*

*In addition, the Commission **denies** the licensee's request to amend the traffic reporting requirements set out in its condition of licence 5.*

Applications

1. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act.
2. Rogers Media Inc. (Rogers) filed an application (2018-0763-7) to renew the broadcasting licence for the English-language commercial radio station CKKS-FM Chilliwack¹ and its transmitters CKKS-FM-1 Abbotsford and CKKS-FM-2 Vancouver, British Columbia, which expires 31 December 2021.² The Commission did not receive any interventions in regard to this application.

¹ Formally, CFUN-FM Chilliwack.

² The original licence expiry date for the station was 31 August 2019. In Broadcasting Decision 2019-255, the Commission administratively renewed the broadcasting licence for the undertaking from 1 September 2019 to 31 August 2020. In Broadcasting Decision 2020-284, the Commission administratively renewed the broadcasting licence for the undertaking from 1 September 2020 to 31 August 2021. In Broadcasting Decision 2021-301, the Commission administratively renewed the broadcasting licence for the undertaking from 1 September 2021 to 31 December 2021.

3. Rogers filed a second application (2018-0760-4) to amend the broadcasting licence for CKKS-FM. Specifically, the licensee proposed to amend the traffic reporting requirements in the undertaking's condition of licence 5 as set out in the appendix to Broadcasting Decision 2012-586. The Commission did not receive any interventions in regard to this application.

Non-compliance

4. Paragraph 10(1)(i) of the Act authorizes the Commission, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.
5. Pursuant to this authority, the Commission made paragraph 9(3)(a) of the *Radio Regulations, 1986* (the Regulations), which sets out the requirement to file a complete and accurate self-assessment report, and paragraph 9(3)(b) of the Regulations, which sets out the requirements regarding the information that licensees must include in their lists of musical selections for any period specified by the Commission.
6. Commission records show a difference between the number of musical selections included in the self-assessment report and the number of musical selections included in the music list for the station's broadcast week of 6 to 12 May 2018, and these differ from the Commission's own analysis. Information was also missing from the music list.
7. Rogers submitted that certain syndicated programs airing on the station did not reconcile properly with the station's software. It stated that the instances were the result of human error when the program logs, music list and reports were manually reconciled.
8. Rogers indicated that it has implemented new procedures for syndicated shows. It provided sample broadcast reports from a broadcast day in August 2020 to demonstrate the effectiveness of these procedures.
9. In light of the above, the Commission finds Rogers in non-compliance with paragraphs 9(3)(a) and 9(3)(b) of the Regulations.

Regulatory measures

10. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608 and Broadcasting Regulatory Policy 2014-554. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the number, recurrence and seriousness of the instances of 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.

11. The Commission has examined the public record for this application and notes the explanation provided by the licensee, the steps the licensee has taken and its willingness to ensure the station's compliance with the regulatory requirements going forward. The Commission is satisfied that, in the circumstances, further remedial measures are not required.

Licence amendments

12. The licensee's condition of licence 5 reads as follows:

5. The licensee shall include in each traffic report and each weather report broadcast on CFUN-FM and its transmitters a specific reference to the areas CFUN-FM is licensed to serve, including Chilliwack and the Fraser Valley.

13. Rogers requested that this condition of licence be amended as follows (proposed changes in **bold**):

- 5.(a) The licensee shall include in **traffic reports** broadcast on **CKKS-FM** and its transmitters a specific reference to the areas **CKKS-FM** is licensed to serve, including Chilliwack and the Fraser Valley, **on a regular basis, when applicable**.

- (b) The licensee shall include in **each weather report** broadcast on **CKKS-FM** and its transmitters a specific reference to the areas **CKKS-FM** is licensed to serve, including Chilliwack and the Fraser Valley.

14. Rogers also requested that the call sign included in its conditions of licence 3, 4, 5 and 6 be updated to reflect the station's current call sign.
15. Rogers requested the amendment to condition of licence 5 so that it would be required to mention Chilliwack and Abbotsford in its traffic reports only when there are local traffic issues to report for those two communities. Rogers indicated that most traffic issues relate to Vancouver and that on-air hosts sometimes find it difficult to remember to report that there are no local traffic issues in Chilliwack and Abbotsford.
16. The Commission imposed condition of licence 5 in Broadcasting Decision 2007-148 to ensure that the licensee primarily served its licensed market of Chilliwack and the Fraser Valley. The Commission expects licensees to be in compliance with any condition of licence they are seeking to amend. In this case, a review has confirmed that CKKS-FM is in compliance with condition of licence 5. However, the Commission is of the view that the requirements set out in condition of licence 5 remain valid and should be maintained. The Commission considers that reporting on traffic in Chilliwack and the Fraser Valley—even at times when there are no specific traffic issues to report—provides local programming of relevance and is likely to be valued by the community.

17. In light of the above, the Commission **denies** Rogers's request to amend its condition of licence 5 relating to traffic report requirements. In regard to the request to change the call sign included in conditions of licence 3, 4, 5 and 6, the Commission has removed the call sign from all the conditions of licence to preclude the need to request any future changes of this nature. **Conditions of licence** to that effect are set out in the appendix to this decision.

Conclusion

18. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKKS-FM Chilliwack and its transmitters CKKS-FM-1 Abbotsford and CKKS-FM-2 Vancouver, British Columbia from 1 January 2022 to 31 August 2028. The **conditions of licence** are set out in the appendix to this decision.

19. In addition, the Commission **denies** the licensee's request to amend the traffic reporting requirements set out in its condition of licence 5.

Reminders

Radio monitoring materials

20. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials 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 complete and accurate radio monitoring materials 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, files material that is incomplete, 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.

Local news and information

21. Local radio stations are an important daily source of local news and information for communities. Holding a broadcasting licence comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.

22. Rogers proposed to broadcast 22.5 minutes of news each week on CKKS-FM.

23. Although Broadcasting Public Notice 2006-158 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that

public notice, the Commission reminds the licensee that the above-noted station, in its local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

Force and effect of broadcasting licences

24. Pursuant to section 22 of the 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.

Employment equity

25. Because this licensee is subject to the *Employment Equity Act* and files reports with the Department of Employment and Social Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *CKKS-FM Chilliwack and its transmitters CKKS-FM-1 Abbotsford and CKKS-FM-2 Vancouver – Administrative renewal*, Broadcasting Decision CRTC 2021-301, 30 August 2021
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-284, 21 August 2020
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-255, 16 July 2019
- *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
- *CFUN-FM Chilliwack and its transmitters CFUN-FM-1 Abbotsford and CFUN-FM-2 Vancouver – Licence renewal*, Broadcasting Decision CRTC 2012-586, 22 October 2012
- *CKCL-FM Chilliwack and its transmitters CKCL-FM-1 Abbotsford and CKCL-FM-2 Vancouver – Licence renewal*, Broadcasting Decision CRTC 2007-148, 22 May 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2021-334

Terms, conditions of licence and expectation for the English-language commercial radio station CKKS-FM Chilliwack and its transmitters CKKS-FM-1 Abbotsford and CKKS-FM-2 Vancouver, British Columbia

Terms

The licence will expire 31 August 2028.

Conditions of licence

1. The licensee shall adhere to the standard conditions of licence 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. The licensee shall broadcast at least once every hour a station identification which includes specific reference to the frequency and location of the Chilliwack transmitter.
3. The licensee shall refrain from identifying the station and its transmitters on a basis that includes exclusive reference to Vancouver.
4. The licensee shall include in the programming broadcast on the station and its transmitters on a regular basis each day coverage of local news, sports and events of direct and particular relevance to the Fraser Valley, in particular Chilliwack.
5. The licensee shall include in each traffic report and each weather report broadcast on the station and its transmitters a specific reference to the areas it is licensed to serve, including Chilliwack and the Fraser Valley.
6. For the purposes of condition of licence 8 set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, the definition of local programming shall be as set out above in conditions of licence 2 through 5, which add requirements for the station as regards local programming, as well as that set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, as follows:

Local programming includes programming that originates with the station or is produced separately and exclusively for the station. It does not include programming received from another station and rebroadcast simultaneously or at a later time; nor does it include network or syndicated programming that is five minutes or longer unless it is produced either by the station or in the local community by arrangement with the station.

In their local programming, licensees must incorporate spoken word material of direct and particular relevance to the community served. This must include local news, weather, sports coverage and the promotion of local events and activities.

Expectation

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