



Broadcasting Decision CRTC 2021-400

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References: Part 1 licence renewal applications posted on 29 September 2021

Ottawa, 6 December 2021

R.B. Communications Ltd.
Welland, Ontario

Public record for these applications: 2021-0521-2 and 2021-0522-0

CIXL-FM Welland and CKYY-FM Welland – Licence renewals

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. Consistent with that authority, the Commission **renews** the broadcasting licences for the English-language commercial radio programming undertakings CIXL-FM Welland and CKYY-FM Welland, Ontario, from 1 March 2022 to 31 August 2028.¹ The Commission did not receive any interventions in regard to these applications. The licensee shall adhere to the **conditions of licence** set out in the appendix to Broadcasting Regulatory Policy 2009-62, as well as to the **conditions** set out into the broadcasting licence for each station.
3. In Broadcasting Decision 2020-53, the Commission approved an application by Stingray Group Inc., on behalf of Stingray Radio Inc. (Stingray), for authority to acquire the assets of CIXL-FM and CKYY-FM from R.B. Communications Ltd. (RBC), and to obtain new broadcasting licences to continue the operation of the undertakings. Stingray subsequently informed the Commission that the close of the transaction would not occur before 31 August 2021, the previous expiry date of the licences for CIXL-FM and CKYY-FM. As a result, the Commission was unable to issue new broadcasting licences to Stingray prior to the expiry of the licences.
4. To allow RBC, the current licensee, to continue the operation of CIXL-FM and CKYY-FM, the Commission administratively renewed the broadcasting licences until 28 February 2022 in Broadcasting Decision 2021-303.

¹The original licence expiry date for CKYY-FM was 31 August 2020. Its licence was administratively renewed until 31 August 2021 in Broadcasting Decision 2020-271. The original licence expiry date for CIXL-FM was 31 August 2021. The licences for CKYY-FM and CIXL-FM were both administratively renewed until 28 February 2022 in Broadcasting Decision 2021-303.

5. Given that the transaction approved in Broadcasting Decision 2020-53 has not yet closed, the broadcasting licences renewed in this decision will be issued to RBC to allow for the continued operation of these stations.

Ownership of the transmitters

6. 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.
7. Pursuant to this authority, the Commission made paragraph 9(4)(b) of the *Radio Regulations, 1986* (the Regulations), which states that, at the request of the Commission, a licensee shall respond to any request for information regarding the licensee's adherence to these Regulations.
8. Section 10.1 of the Regulations sets out that except as otherwise provided pursuant to a condition of its licence, a licensee shall own and operate its transmitter.
9. In Broadcasting Decision 2020-53, the Commission found that RBC did not own and operate the stations' transmitters, in contravention of section 10.1 of the Regulations. In the decision, the Commission noted that Stingray, through its acquisition of the assets of the two stations, would also acquire the stations' transmitters, thereby correcting any non-compliance.
10. However, as the acquisition by Stingray has not yet closed, the issue of the ownership of the transmitters remained unresolved. In its letter to RBC requesting the submission of the present licence renewal applications, the Commission requested a confirmation that the licensee is now in compliance with section 10.1 of the Regulations.
11. In its reply, RBC confirmed that ownership of the transmitter components, the antennas and feedlines for each of CIXL-FM and CKYY-FM have been transferred to RBC, and appended copies of the bill of sale, confidentially. Therefore, the Commission is satisfied that RBC is now in compliance with section 10.1 of the Regulations.

Reminders

Force and effect of broadcasting licences

12. Pursuant to section 22 of the Act, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapses.

Local news and information

13. 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.

14. RBC proposed to broadcast 1 hour and 15 minutes of news each broadcast week on each of CIXL-FM and CKYY-FM, of which 38 minutes would be devoted to local and regional news.
15. Although Broadcasting Public Notice 2006-158 does not specify a minimum level of weekly news to be broadcasted, 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 stations, 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.

Cultural diversity

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

Employment equity

17. In accordance with Public Notice 1992-59, 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.

Secretary General

Related documents

- *CIXL-FM Welland and CKYY-FM Welland – Administrative renewals*, Broadcasting Decision CRTC 2021-303, 30 August 2021
- *CKYY-FM Welland – Administrative renewal*, Broadcasting Decision CRTC 2020-271, 14 August 2020
- *CIXL-FM Welland and CKYY-FM Welland – Acquisition of assets*, Broadcasting Decision CRTC 2020-53, 7 February 2020
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to each licence.