



Broadcasting Decision CRTC 2021-66

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Reference: Part 1 licence renewal application posted on 30 October 2020

Ottawa, 16 February 2021

Maritime Broadcasting System Limited
Sydney, Nova Scotia

Public record for this application: 2019-0870-9

CHER-FM Sydney – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station **CHER-FM Sydney**, Nova Scotia, from 1 March 2021 to 31 August 2026. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.*

Application

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting 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 section 3(1) of the *Broadcasting Act*.
2. On 3 June 2019, the Commission issued Broadcasting Notice of Consultation 2019-194, which listed the radio stations for which the broadcasting licences would expire 31 August 2020 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those stations submit renewal applications for their broadcasting licences.
3. In response, Maritime Broadcasting System Limited (Maritime Broadcasting) filed an application to renew the broadcasting licence for the English-language commercial radio station **CHER-FM Sydney**, Nova Scotia, which expires 28 February 2021.¹ The Commission did not receive any interventions in regard to this application.

Non-compliance

4. Section 10(1)(i) of the *Broadcasting Act* authorizes the Commission, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such

¹ The original licence expiry date for this station was 31 August 2020. The licence was administratively renewed from 1 September 2020 until 28 February 2021 as a result of Broadcasting Decision 2020-284.

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 section 9(3)(b) of the *Radio Regulations, 1986* (the Regulations), which sets out the requirements regarding the information on musical selections that licensees must include in their lists of musical selections for any period specified by the Commission.
6. In a letter dated 15 July 2020, the Commission informed Maritime Broadcasting that, for the 28 October to 3 November 2018 broadcast week, 12 of the musical selections aired during that broadcast week were not included in the music list.
7. In its reply, the licensee indicated that the 12 musical selections in question were part of a request show, and that the MusicMaster software for CHER-FM was programmed to include only selections that were part of the station's core library. In addition, the licensee submitted that the broadcast of three specific musical selections beginning just prior to midnight of one broadcast day and being carried forward into the next broadcast day led to the incorrect broadcast day being indicated in the music list for each of those musical selections.
8. Maritime Broadcasting stated that the musical reconciliation software now includes all musical categories, not only the selections that are a part of the core library, and that this will help ensure compliance with the Regulations going forward.
9. In light of the above, in regard to CHER-FM, the Commission finds the licensee in non-compliance with section 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. 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. In regard to the licensee's non-compliance with section 9(3)(b) of the Regulations, Maritime Broadcasting has acknowledged the non-compliance, has demonstrated an understanding of the regulatory requirements, and has taken the appropriate corrective actions to address the issues leading to non-compliance. In the Commission's view, the measures put in place by the licensee should allow it to operate the station in compliance with regulatory requirements going forward. Nevertheless, given this instance of non-compliance, the Commission finds that it would be appropriate to renew the broadcasting licence for CHER-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Conclusion

12. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CHER-FM Sydney, Nova Scotia, from 1 March 2021 to 31 August 2026. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminders

Radio monitoring materials

13. 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. The retention of these 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

14. 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.
15. Maritime Broadcasting proposed to broadcast one hour and 15 minutes of news each week on CHER-FM.
16. 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

17. 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.

Cultural diversity

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

Employment equity

19. 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

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-284, 21 August 2020
- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-194, 3 June 2019
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *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

This decision is to be appended to the licence.