



Broadcasting Decision CRTC 2021-78

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References: Part 1 licence renewal application posted on 30 October 2020; Part 1 application posted on 30 October 2020

Ottawa, 19 February 2021

Sound of Faith Broadcasting

London, Ontario

Public record for these application: 2019-0736-2 and 2019-0734-6

CHJX-FM London – Licence renewal and licence amendment

*The Commission **renews** the broadcasting licence for the English-language specialty (Christian music) radio station CHJX-FM London, Ontario, from 1 March 2021 to 31 August 2025. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.*

*In addition, the Commission **approves in part** the licensee's application to delete CHJX-FM's condition of licence requiring the station to broadcast at least six hours of balance programming per broadcast week. The station will instead be required to broadcast at least three hours of balance programming per broadcast week.*

Applications

1. The Commission has the authority, pursuant to section 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 section 3(1) of the Act, as well as to amend those conditions on application of the licensee.
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 station submit renewal applications for their broadcasting licences.
3. In response, Sound of Faith Broadcasting (Sound of Faith) filed an application (2019-0736-2) to renew the broadcasting licence for the English-language specialty (Christian music) radio station CHJX-FM London, Ontario, which expires 28

February 2021.¹ The Commission did not receive any interventions in regard to this application.

4. In addition, Sound of Faith filed an application (2019-0734-6) to amend the broadcasting licence for CHJX-FM. Specifically, the licensee proposed to delete CHJX-FM's condition of licence number 4 set out in the appendix to Broadcasting Decision 2013-453 that requires the station to broadcast a minimum of six hours of balance programming per broadcast week. The Commission did not receive any interventions in regard to this application.

Non-compliance

5. Among other things, section 3(1) of the Act provides that the Canadian broadcasting system should provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern (section 3(1)(i)(iv)).
6. Pursuant to the authority granted by section 9(1) of the Act and consistent with the provisions set out in section 3(1), the Commission imposed on the licensee a requirement relating to the broadcast of balance programming. Specifically in the appendix to Broadcasting Decision 2013-453, the Commission imposed condition of licence 4, which requires that CHJX-FM broadcast a minimum of six hours of balance programming² per broadcast week.
7. On 5 November 2019, Sound of Faith stated in a reply to a Commission staff letter that it was broadcasting approximately 30 minutes of balance programming per broadcast week, which represents a 5.5 hour shortfall to its condition of licence requiring a minimum of 6 hours of balance programming per broadcast week.
8. In its 28 September 2020 reply to a second Commission staff letter, the licensee stated that its non-compliance was not intentional, and that it was not an indication that it objected to or rejected the provision of balance programming. Sound of Faith acknowledged and accepted its responsibility to provide balance programming. In addition, it submitted that it had made reasonable efforts to attract programming from other religions, including twice daily on-air announcements and a call for programming that represents other religions on its website.
9. Sound of Faith indicated that, since November 2019, it had added two hours of balance programming per broadcast week. It submitted that it would continue its efforts to attract balance programming and had approached a number of non-Christian organizations to obtain programming material from them. The licensee also stated that it was seeking out people from other religious groups to participate in a

¹ The original licence expiry date for the 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.

² The balance programming requirement applies to matters of public concern including 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.

long-running program that, in the past, has primarily focused on Christians active in the community as well as Christian musical artists.

10. In light of the above, the Commission finds the licensee in non-compliance with CHJX-FM's condition of licence 4 set out in the appendix to Broadcasting Decision 2013-453 that requires that CHJX-FM broadcast a minimum of six hour of balance programming per broadcast week.

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 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.
12. The Commission notes the licensee's efforts to increase the level of balance programming broadcast on CHJX-FM. However, the level of balance programming currently broadcast on the station continues to be well below the minimum of six hours per broadcast week required by its condition of licence. Given the seriousness of the licensee's non-compliance with requirements relating to the provision of balance programming, the Commission finds that it would be appropriate to renew the broadcasting licence for CHJX-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Licence amendment

13. Sound of Faith proposed to delete the above-noted condition of licence relating to the broadcast of balance programming. The licensee submitted that it had surveyed the conditions of licence for many of Ontario's religious broadcasters and found that only CHJX-FM's condition of licence specified a specific number of hours of balance programming to be broadcast each broadcast week.
14. In response to a question from Commission staff regarding an appropriate minimum level of balance programming that should be required by condition of licence, the licensee stated that it would like to be treated in the same manner as other similarly licensed broadcasters. It added, however, that if there must be a stated number of hours of balance programming to be broadcast per broadcast week, three hours per broadcast week would be acceptable.
15. The Commission has generally required religious and specialty (Christian music) stations to adhere to the following condition of licence relating to balance programming:

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.

16. Some stations have an additional requirement to adhere to a condition of licence that specifies the minimum number of hours that must be devoted to balance programming. As part of a competitive public hearing that resulted in the Commission granting a licence to operate a specialty (Christian music) FM radio station,³ Sound of Faith committed to broadcast a minimum of six hours of balance programming per broadcast week and agreed to abide by a condition of licence to that effect.
17. The Commission typically expects a licensee to demonstrate compliance with existing conditions of licence when it seeks a licence amendment and has generally been inclined to deny an amendment if the non-compliance is directly related to the requirement the licensee wishes to amend.
18. In light of the commitment made by Sound of Faith at the competitive hearing in which another broadcaster also applied to offer a Christian music station in London and its current non-compliance with its condition of licence number 4 related to the provision of balance programming, the Commission considers that approving the application to delete the condition of licence in its entirety would not be appropriate. However, Sound of Faith is a not-for-profit corporation and may have limited resources which could make the production of balance programming more challenging. As noted above, the licensee stated that, should the Commission deem it necessary that it be held to a minimum number of hours of balance programming per broadcast week, three hours would be acceptable. In the Commission's view, the proposed three-hour level of balance programming is appropriate in this instance.
19. In light of the above, in regard to the licensee's amendment application to delete CHJX-FM's condition of licence related to the amount of balance programming, the Commission finds it appropriate to require the licensee to broadcast a minimum of three hours of balance programming per broadcast week on CHJX-FM rather than the six hours currently required by condition of licence. A **condition of licence** stating the setting new requirement is set out in the appendix to this decision.
20. Given the size of the City of London, and the presence in that city of several post-secondary schools and multi-faith communities, the Commission encourages the licensee to pursue these resources towards offering balance programs.

Conclusion

21. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language specialty (Christian music) radio programming undertaking CHJX-FM London, Ontario, from 1 March 2021 to 31 August 2025. The conditions of licence are set out in the appendix to this decision.

³ Broadcasting Decision 2009-39

22. The Commission **approves in part** Sound of Faith's application to amend the broadcasting licence for CHJX-FM to delete its condition of licence number 4 requiring it to broadcast a minimum of six hours of balance programming per broadcast week. The new **condition of licence** set out in the appendix to this decision requires the licensee to broadcast a minimum of three hours of balance programming per broadcast week.

Reminders

Balance programming

23. The Commission reminds the licensee that the provision of balance programming need not necessarily be in the form of distinct programs that focus solely on a different religion. In addition to producing or acquiring programming, other mechanisms to achieve balance may include producing programs internally balanced by searching out alternative points of view to present or the scheduling of periods for listener reactions and providing access to complainants.

Local news and information

24. 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.
25. The applicant has proposed to broadcast 1 hour and 20 minutes of local news each broadcast week.
26. 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

27. 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.

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
- *Specialty (Christian music) radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-453, 23 August 2013
- *Licensing of new radio stations to serve London, Ontario*, Broadcasting Decision CRTC 2009-39, 2 February 2009
- *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 2021-78

Terms, conditions of licence, expectation and encouragements for the English-language specialty (Christian music) radio programming undertaking CHJX-FM London, Ontario

Terms

The licence will expire 31 August 2025.

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 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 *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. The licensee shall devote a minimum of 95% of all musical selections broadcast during each broadcast week to selections drawn from 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. The licensee shall broadcast a minimum of three hours of balance programming per broadcast week.
5. Where the licensee broadcasts religious programming as defined in the *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.

Expectation

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

Encouragements

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.

Given the size of the City of London, and the presence in that city of several post-secondary schools and multi-faith communities, the Commission encourages the licensee to pursue these resources towards offering balance programming.