



Broadcasting Decision CRTC 2021-90

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

Ottawa, 23 February 2021

9188-7208 Québec inc.
Vaudreuil-Dorion, Quebec

Public record for this application: 2019-0668-7

CJVD-FM Vaudreuil-Dorion – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CJVD-FM Vaudreuil-Dorion, Quebec, 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.*

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.
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, 9188-7208 Québec inc. (9188-7208 Québec) filed an application to renew the broadcasting licence for the French-language commercial radio station CJVD-FM Vaudreuil-Dorion, Quebec, which expires 28 February 2021.¹ The Commission did not receive any interventions in regard to this application.

Non-compliance

Canadian content development contributions

4. Sections 3(1)(e) and (s) of the Act declare that each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and

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.

presentation of Canadian programming and that private networks and programming undertakings should, to an extent consistent with the financial and other resources available to them, contribute significantly to the creation and presentation of Canadian programming.

5. Pursuant to the authority granted by section 9(1) of the Act, and consistent with sections 3(1)(e) and 3(1)(s)(i), the Commission has imposed conditions of licence requiring programming undertakings to contribute in various ways to the creation of Canadian programming, including imposing Canadian content development (CCD) contribution requirements.
6. In Broadcasting Decision 2013-722, the Commission renewed the broadcasting licence for CJVD-FM. In that decision, the Commission imposed on the licensee of CJVD-FM the following condition of licence, set out in Appendix 4 to Broadcasting Decision 2013-722:

3. In addition to the contributions to Canadian content development (CCD) required under section 15 of the *Radio Regulations, 1986*, as amended from time to time, and in order to fulfill its original commitment to CCD set out in *Licensing of new radio stations in Montréal and Vaudreuil-Dorion, Quebec*, Broadcasting Decision CRTC 2007-217, 6 July 2007, the licensee shall contribute \$10,000 to an eligible CCD initiative as described in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, as amended from time to time, for each of the 2013-2014 and 2014-2015 broadcast years.

7. In a letter dated 9 July 2020, the Commission informed the licensee that it had not filed supporting documentation with the expenditures declared in its annual return for the 2014-2015 broadcast year. In its reply letter dated 15 July 2020, the licensee filed supporting documentation for the payment of a total amount of \$10,000. In that letter, the licensee indicated that in 2015, it had made CCD contributions for the 2014-2015 broadcast year. It submitted that an Internet problem prevented the documents from reaching the Commission at the time of the production of the annual report.
8. In regard to the supporting documentation for the amount of \$10,000, the Commission notes that the licensee filed supporting evidence for a CCD contribution of \$2,200 paid to Musicaction. The Commission considers this contribution to be in compliance. However, the supporting evidence for contributions to discretionary initiatives in the amount of \$7,800 is insufficient. More specifically, the documentation filed relating to amounts paid for the project “Passementerie” did not show how the funds were used, and did not show whether the program was eligible under Broadcasting Public Notice 2006-158 (the 2006 Commercial Radio Policy).
9. In light of the above, the Commission finds 9188-7208 Québec in non-compliance with CJVD-FM’s condition of licence 3 relating to CCD contributions, set out in appendix 4 to Broadcasting Decision 2013-722, for the 2014-2015 broadcast year.

Implementation of a National Public Alerting System

10. Section 10(1) of the Act authorizes the Commission to make regulations furthering its objects regarding the broadcasting of programs. In Broadcasting Regulatory Policy 2014-444, the Commission reiterated that the broadcasting system has a vital role to play in the provision of emergency alert messages to Canadians and that the duty to inform the public of imminent perils is at the core of the public service obligations of all broadcasters.
11. The provision of emergency alert messages is achieved through Canada's National Public Alerting System (NPAS). In Broadcasting Regulatory Policy 2014-444, the Commission announced that it was requiring broadcasters to fully participate in the NPAS and that by 31 March 2015, all broadcasters in Canada, with certain exceptions,² would be required to alert Canadians to imminent threats to life.
12. In this regard, and pursuant to the authority granted by section 10(1) of the Act, the Commission made section 16(2) of the *Radio Regulations, 1986* (the Regulations), which specifies that except as otherwise provided under a condition of its licence, a licensee shall implement on all stations that it is licensed to operate, by no later than 31 March 2015, a public alerting system that broadcasts without delay, on a given station, any audio alert that it receives from the National Alert Aggregation and Dissemination System that (a) announces an imminent or unfolding danger to life; and (b) is designated by the applicable issuing authority for immediate broadcast in all or part of the area within the station's A.M. 5 mV/m contour, F.M. 0.5 mV/m contour or digital service area, as the case may be.
13. In Broadcasting Regulatory Policy 2014-444, the Commission announced amendments to various regulations, standard conditions of licence and certain exemption orders to require the mandatory distribution of emergency alert messages by broadcasting undertakings.
14. According to Commission records, the licensee did not implement the NPAS by the 31 March 2015 deadline.
15. The licensee confirmed the installation of the NPAS and the implementation of the system on 16 September 2020, five years and six months after the deadline. The licensee recognized the importance of complying with section 16(2) of the Regulations. However, it stated that it had to choose between investing in the purchase of a NPAS device and replacing its obsolete and inefficient computer system. It also stated that it had experienced a drop in sales. The licensee indicated, however, that despite the absence of NPAS, the station still broadcast information regarding emergency situations, including the pandemic, snowstorms, school closure lists and road conditions.

² Campus, community and Indigenous radio stations and television broadcasters, as well as radiocommunication distribution undertakings. For all of these undertakings, as noted in Broadcasting Regulatory Policy 2014-444, the deadline to implement the NPAS was 31 March 2016.

16. The Commission notes that for the NPAS to be effective, full participation by broadcasters is necessary. In regard to the present case, the Commission notes that the licensee confirmed the installation and implementation of the NPAS on 16 September 2020. Nevertheless, the implementation of the NPAS was more than five years past the required deadline.
17. In light of the above, the Commission finds 9188-7208 Québec in non-compliance with section 16(2) of the Regulations.

Regulatory measures

18. 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.
19. In regard to 9188-7208 Québec's non-compliance relating to CCD contributions, the Commission considers that the licensee acted in good faith given that it promptly filed supporting documentation for the \$7,800 CCD contribution directed to discretionary initiatives, even though the documentation proved insufficient. This is the licensee's first instance of non-compliance relating to CCD contributions and the first licence term for which CJVD-FM has been in non-compliance. However, to ensure that the licensee rectifies the CCD contribution shortfall, the Commission finds that it would be appropriate to impose a condition of licence requiring the licensee to pay \$7,800, the outstanding CCD contribution amount for the 2014-2015 broadcast year, by no later than **25 May 2021**, and to provide to the Commission by no later than **30 November 2021** proof of payment and eligibility.
20. In addition, in regard to the implementation of the NPAS before the 31 March 2015 deadline, the licensee recognized the importance of complying with section 16(2) of the Regulations. However, given its limited revenues, the licensee was not able to obtain the equipment and have it installed before 16 September 2020. It nevertheless indicated that it had broadcast information regarding emergency situations, including the pandemic, snowstorms, school closure lists and road conditions, until the equipment was installed. The Commission notes the implementation of the NPAS by the licensee. Although the implementation was late, the Commission is satisfied with the actions taken by the licensee in this regard and is confident that the licensee will now be able to operate the station in compliance with this regulatory obligation.
21. Given the licensee's non-compliance relating to CCD contributions and the implementation of the NPAS after the 31 March 2015 deadline, the Commission finds that it would be appropriate to renew the broadcasting licence for CJVD-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Conclusion

22. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CJVD-FM Vaudreuil-Dorion, Quebec, from 1 March 2021 to 31 August 2025. The **conditions of licence** are set out in the appendix to this decision.

Reminders

Canadian content development contributions

23. It is important that radio station licensees make their required contributions to CCD, given that CCD initiatives not only help to develop and advance the careers of emerging Canadian artists, but increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. The non-payment of CCD contributions therefore has the potential to cause harm to the Canadian broadcasting system.

24. It is incumbent upon licensees to provide, by the required deadlines, proof of payment to such initiatives. They must also provide sufficient documentation to support the eligibility of their contributions. Failure to do so may result in the Commission finding a contribution ineligible, which in turn may affect a station's compliance with regulatory obligations. Moreover, licensees must ensure that expenditures are not self-serving – that is, beneficiaries must be independent of licensees.

National Public Alerting System

25. The full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. The Commission holds that compliance is mandatory. Therefore, timely compliance by stations will be closely monitored. The Commission could, at any time, choose to apply more stringent regulatory measures, such as those set out in Broadcasting Information Bulletin 2014-608, should the requirements relating to the NPAS not be fulfilled.

Force and effect of broadcasting licences

26. 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
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *Various commercial radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-722, 19 December 2013
- *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 2021-90

Terms, conditions of licence, expectations and encouragement for the French-language commercial radio programming undertaking CJVD-FM Vaudreuil-Dorion, Quebec

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 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, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), as amended from time to time, in each broadcast week:
 - devote a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety;
 - between 6 a.m. and 6 p.m., Monday to Friday, devote a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the Regulations.

3. In addition to the basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall contribute \$7,800 to one or more eligible CCD initiatives. This contribution must be allocated to parties or initiatives that are eligible for CCD funding, as set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, by no later than **25 May 2021**, and proof of payment and eligibility must be filed with the Commission by no later than **30 November 2021**.

Expectations

The Commission expects the licensee to provide 100% local programming.

The Commission expects the station to air more than 39 hours of spoken-word programming during each broadcast week, and that at least 4 hours of this programming

will be devoted to news, and that news will account for 50% of all bulletins aired during the broadcast day.

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

Encouragement

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.