



## Broadcasting Notice of Consultation CRTC 2023-6-2

PDF version

References: 2023-6 and 2023-6-1

Ottawa, 10 February 2023

*Public record: 1011-NOC2023-0006*

### Notice of hearing

**3 May 2023**

**Gatineau, Quebec**

**Amendments to the Preamble**

**Correction to Item 4**

**Addition of Item 9**

**New deadline for submission of interventions/comments/answers for items 4 and 9 only: 17 February 2023**

**New deadline for submission of the licensee's replies for items 4 and 9 only: 22 February 2023**

[\[Submit an intervention/comment/answer or view related documents\]](#)

Further to Broadcasting Notices of Consultation 2023-6 and 2023-6-1, the Commission announces the addition of the following item, which it intends to consider during the appearing phase of the hearing, as well as the following amendments and correction (changes are in bold):

**Amendments to the Preamble**

**Preamble for items 1 to 3 and 9**

The Commission announces that it has received applications to renew the broadcasting licences for certain radio stations expiring on 31 August 2023. Specifically, the present notice of consultation relates to the renewal of the broadcasting licences for licensees of certain radio stations that, during the current licence term, appear to be in serious and repeated non-compliance with regulatory requirements set out in the *Radio Regulations, 1986* (the Regulations), with certain of their conditions of licence, or with mandatory orders issued by the Commission (these instances of apparent non-compliance are detailed below). The current broadcasting licences for these stations were, **in general**, previously renewed for a short-term period due to non-compliance during their previous licence term.

The Commission is concerned with the seriousness and the recurring nature of the apparent non-compliances. The licensees were notified of their respective instances of apparent non-compliance and the potential impact of that non-compliance on their current licence renewal applications. All of the licensees were given opportunities to provide comments and respond to the Commission's questions. The relevant correspondence is available on the public record of each of the licence renewal applications set out in the present notice.

Given the number, the seriousness and the recurrence of instances of apparent non-compliance, the Commission calls the licensees to appear at the public hearing to address these issues and to show cause why the Commission should renew their broadcasting licences. In addition, the Commission expects the licensees to show cause at the hearing why:

- a renewal should not be for a short term;
- a mandatory order under section 12 of the *Broadcasting Act* (the Act) requiring the licensee to comply with the Regulations and its conditions of licence should not be imposed; and
- the licences should not be suspended or revoked pursuant to sections 9 and 24 of the Act.

The Commission will want to discuss with the licensees all of the measures they have taken to address their respective instances of apparent non-compliance. Specifically, as set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014, (Broadcasting Information Bulletin 2014-608), each instance of non-compliance will be evaluated in its context and in light of factors such as the number, recurrence and seriousness of instances of apparent non-compliance. The Commission will also consider the circumstances, the arguments provided by the licensees and the actions taken to rectify the situation in order to continue the operations of their undertakings in accordance with their respective regulatory obligations.

CPAM Radio Union.com inc. has also submitted an application (2022-0667-2) to amend the conditions of licence of CJWI Montréal.

Additional information may be added to the public record for each of these licence renewal applications as it becomes available. The Commission encourages interested persons to monitor the public record and the Commission's website for additional information that they may find useful when preparing their submissions.

#### Correction to Item 4

4. Radio-Ville-Marie  
Montréal, Quebec  
Application 2022-0613-5

Application by Radio-Ville-Marie to renew the broadcasting licence for the French-language predominantly religious commercial FM radio station CIRA-FM Montréal and its transmitters CIRA-FM-2 Trois-Rivières, CIRA-FM-3 Victoriaville and CIRA-FM-4 Rimouski, expiring 31 August 2023.

Commission records indicate that, for the current licence term, the licensee is in apparent non-compliance with the following:

- subsection 2.2(5) of the Regulations which requires the licensee to, in a broadcast week, devote at least 65% of its vocal musical selections from content category 2 (Popular Music) to musical selections in the French language broadcast in their entirety;
- subsection 2.2(8) of the Regulations which requires the licensee to, in a broadcast week, devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety;
- subsection 2.2(9) of the Regulations which requires the licensee to devote, between 6:00 a.m. and 6:00 p.m., in any period beginning on a Monday and ending on the following Friday of that week, at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; **and**
- **paragraph 9(3)(a) of the Regulations relating to the submission of a complete and accurate self-assessment report.**

#### Addition of Item 9

9. Faithway Communications Inc.  
Fredericton, New Brunswick  
Application 2022-0958-5

Application by Faithway Communications Inc. to renew the broadcasting licence for the English-language commercial specialty (Religious music) FM radio station CJRI-FM Fredericton and its transmitters CJRI-FM-1 Woodstock, CJRI-FM-2 St. Stephen, and CJRI-FM-3 New Bandon, expiring 31 August 2023.

*In CJRI-FM Fredericton and its transmitters CJRI-FM-1 Woodstock, CJRI-FM-2 St. Stephen and CJRI-FM-3 New Bandon – Licence renewal and technical changes, Broadcasting Decision CRTC 2014-25, 29 January 2014 (Broadcasting Decision 2014-25), the Commission renewed the broadcasting licence for CJRI-FM for a short-term period of less than two years to allow for an earlier review of the licensee's compliance with the regulatory requirements.*

In Broadcasting Decision 2014-25, the Commission found the licensee in non-compliance with subsection 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns, subsection 9(4) of the Regulations relating to the licensee's obligation to respond to Commission requests for information, and subsection 11(4) of the Regulations relating to obtaining prior Commission approval for a change to the effective control of an undertaking.

In addition, the Commission found the licensee in non-compliance with the station's condition of licence set out at paragraph 11 of *Christian music FM radio station in Fredericton*, Broadcasting Decision CRTC 2004-523, 26 November 2004, relating to contributions to Canadian talent development and Canadian content development (CCD), and subsection 15(2) of the Regulations relating to contributions to CCD.

In *Christian music radio stations - Licence renewals*, Broadcasting Decision CRTC 2015-216, 25 May 2015, the Commission renewed the broadcasting licence for CJRI-FM for a full licence term.

Commission records indicate that, in the current licence term, the licensee is in apparent non-compliance with the following:

- subsection 9(2) of the Regulations relating to the submission of complete and accurate annual returns for the 2017-2018 to 2021-2022 broadcast years;
- subsection 16(2) of the Regulations relating to the implementation of the National Public Alerting System; and
- subsection 9(4) of the Regulations requiring licensees to respond to requests for information relating to adherence to their regulatory obligations.

Given the instances of apparent non-compliance noted above and the previous instances of non-compliance identified in Broadcasting Decision 2014-25, as well as the seriousness of these instances of non-compliance, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a compliant manner. Consequently, should the Commission find that the licensee is once again in non-compliance, it will consider the possibility of suspending, not renewing or revoking the broadcasting licence for CJRI-FM pursuant to sections 9 and 24 of the *Broadcasting Act*.

Additional information may be added to the public record for this licence renewal application as it becomes available. The Commission encourages interested persons to monitor the public record and the Commission's website for additional information that they may find useful when preparing their submissions.

Licensee's address:

17 Calder Avenue  
Fredericton, New Brunswick  
E3A 4W3  
Telephone: 506-476-2024  
Fax: 506-454-7187  
E-mail: [cjrifm@gmail.com](mailto:cjrifm@gmail.com)  
E-mail to request electronic version of application: [cjrifm@gmail.com](mailto:cjrifm@gmail.com)

## **Procedure**

### **Deadline for interventions, comments or answers**

**17 February 2023**

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answers, replies and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

An intervention or an answer from a respondent must be filed with the Commission and served on the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

Interventions and answers must clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

For applications to be considered during the appearing phase of the hearing, the intervention or answer must include one of the following statements in either the first or the last paragraph:

1. I request to appear at the public hearing.
2. I do not want to appear at the public hearing.

Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position but do not wish to appear at the hearing. Information on how to file this type of submission, known as a

joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in *Changes to certain practices for filing intervention – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010.

The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

Pursuant to *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed or served. The Commission advises parties who file or serve documents by electronic means to exercise caution when using e-mail for the service of documents, as it may be difficult to establish that service has occurred.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

In the event that an application to be considered during the non-appearing phase of the hearing is brought to the oral phase of the hearing, and if parties wish to appear, they must provide reasons why their written interventions or answers are not sufficient and why an appearance is necessary. Parties requiring communication support must state their request on the first page of their intervention. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the public hearing.

Although the public hearing will be held in **Gatineau, Quebec**, the Commission will consider providing videoconference links to enable remote participation (audio or video), should it receive requests to do so.

Persons requiring communication support such as assistance listening devices and sign language interpretation are requested to inform the Commission at least twenty (20) days before the commencement of the public hearing so that the necessary arrangements can be made.

### **Important notice**

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, e-mail or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and fax numbers, etc.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

Electronic versions of the applications are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by selecting the application number within this notice. They are also available from the applicants, either on their websites or upon request by contacting the applicants at their e-mail addresses, provided above.

Links to interventions, replies and answers filed for this proceeding, as well as other documents referred to in this notice, are available on the Commission's "[Consultations and hearings: have your say](#)" page.

Documents are available upon request during normal business hours by contacting:

Documentation Centre  
[Examinationroom@crtc.gc.ca](mailto:Examinationroom@crtc.gc.ca)  
Tel.: 819-997-4389  
Fax: 819-994-0218

Client Services  
Toll-free telephone: 1-877-249-2782  
Toll-free TTY: 1-877-909-2782

Secretary General