



Broadcasting Decision CRTC 2025-277

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Gatineau, 24 October 2025

Cogeco inc.
Montréal, Quebec

Bell Media Inc.
Montréal, Quebec

Public record: 2024-0604-0

Joint application by Cogeco inc. and Bell Media Inc. regarding the broadcasting of QUB Radio content on CJPX-FM Montréal

Summary

Leclerc Communication inc. (Leclerc) rebroadcasts the spoken-word programming of QUB Radio (QUB), an online undertaking launched by Quebecor Media Inc. (Quebecor), on its French-language commercial radio station CJPX-FM Montréal, Quebec, at prime time in accordance with an agreement between Leclerc and Quebecor.

The Commission received a joint application from Cogeco inc. and Bell Media Inc. (collectively, the applicants) to have the Commission issue an order prohibiting the broadcasting of QUB content on CJPX-FM. Specifically, the applicants alleged that the agreement modifies the effective control of CJPX-FM without prior Commission approval, which is required by the *Radio Regulations, 1986*. The applicants also alleged that Quebecor is violating the cross-media ownership policy since it now controls a local radio station, a television station, and a newspaper serving the same market, and that Leclerc is violating its regulatory requirements due to the changes made to the programming of CJPX-FM.

After reviewing the parties' positions, as well as all the elements of the record of the application with regard to the current regulatory framework, the Commission determines that Leclerc continues to exercise effective control of CJPX-FM, that Quebecor is not in violation of the cross-media ownership policy, and that Leclerc is in compliance with its regulatory requirements relating to its station's non-specialty and local programming format. Consequently, the Commission denies the joint application and will not impose the requested order.

Application

1. On 20 November 2024, the Commission received a joint application from Cogeco inc. (Cogeco) on behalf of its subsidiary Cogeco Media Inc., and Bell Media Inc. (Bell Media) (collectively, the applicants) under Part 1 of the *Canadian Radio-television and*

*Telecommunications Commission Rules of Practice and Procedure*¹ to have the Commission issue an order with the aim of prohibiting Leclerc Communication inc. (Leclerc) and Quebecor Media Inc. (Quebecor) from broadcasting QUB Radio (QUB) content on the French-language commercial radio station CJPX-FM Montréal, Quebec. This station, known as 99.5 FM, is operated by Leclerc.

2. Cogeco Media Inc. is a company ultimately owned by Cogeco, with effective control ultimately exercised by the Audet family through the intermediary of Gestion Audem Inc. (Gestion Audem).
3. Bell Media is wholly owned by Bell Canada, which is a subsidiary of publicly traded BCE Inc. (BCE). The effective control of BCE is exercised by its board of directors.
4. Leclerc is an independent broadcaster owned by the Leclerc family. The Commission approved Leclerc's application to acquire CJPX-FM on 3 April 2020.²
5. QUB is an online undertaking operated by NumériQ inc.³ (NumériQ), a company ultimately owned by Quebecor Inc. Effective control of Quebecor Inc. is ultimately exercised by Pierre Karl Péladeau.
6. On 7 August 2024, Leclerc and Quebecor, through NumériQ, signed a Memorandum of Understanding (Agreement) concerning the rights to use and broadcast QUB programming. QUB offers live talk radio programs and a library of podcasts.
7. Pursuant to the Agreement, Leclerc has obtained the rights to broadcast QUB programming live and simultaneously on CJPX-FM at prime time (i.e., between 6 a.m. and 6 p.m. from Monday to Friday), effective 26 August 2024.
8. In their application, Cogeco and Bell Media asked the Commission to do the following:
 - a. determine that the Agreement has directly or indirectly resulted in changing the effective control of CJPX-FM;
 - b. determine that Leclerc violated paragraph 11(4)(a) of the *Radio Regulations, 1986* (the Regulations) by failing to obtain prior Commission approval for the change of control resulting from the Agreement;
 - c. determine that Quebecor is violating the cross-media ownership policy⁴ since it now controls a local radio station, a local television station, and a local newspaper serving the same market; and
 - d. issue an order prohibiting Leclerc and Quebecor from broadcasting QUB programming on CJPX-FM at prime time.

¹ SOR/2010-277, 26 November 2010.

² See Broadcasting Decisions 2020-114 and 2020-137.

³ For the purposes of this decision, references to Quebecor shall be understood to include NumériQ Inc.

⁴ See Broadcasting Public Notice 2008-4.

9. Furthermore, the applicants have alleged that the changes to CJPX-FM's programming contravene the station's regulatory requirements.

Interventions

10. The Commission received seven interventions in support of this application and four interventions in comment.
11. The interventions and replies are addressed below.

Regulatory framework

12. Pursuant to subsection 5(1) of the *Broadcasting Act* (the Act), the Commission regulates and supervises all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) of the Act.
13. Obtaining a licence to operate a broadcasting undertaking (in this case, a radio station) is a regulatory privilege granted by the Commission. A licensee does not have the authority to transfer a licence to a new operator as it sees fit.
14. For this reason, pursuant to subsection 11(4)(a) of the Regulations, licensees must obtain the Commission's approval before concluding any action, agreement, or transaction that changes, directly or indirectly, the effective control of the radio station.
15. When determining the effective control of a broadcasting undertaking, the Commission's practice is to rely on the criteria set out in Decision No. 297-A-1993 of the Canadian Transportation Agency, which read as follows:

There is no one standard definition of control in fact but, generally, it can be viewed as the ongoing power or ability, whether exercised or not, to determine or decide the strategic decision-making activities of an enterprise. It can also be viewed as the ability to manage and run the day-to-day operations of an enterprise.

16. The determination of effective control lies simultaneously in the substance and form of the undertaking (i.e., the determination is based on the true nature of the influence of an individual or corporation on an undertaking rather than on formal agreements alone). Therefore, consideration must also be extended to the operational, managerial, and financial control, as well as to the intent and ability of third parties to exert influence and control. Furthermore, particular importance must be accorded to agreements between the parties, including programming agreements.⁵

Issues

17. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:

⁵ See Broadcasting Decision 2022-130.

- a. whether the Agreement directly or indirectly results in changing the effective control of CJPX-FM and whether Leclerc is in violation of paragraph 11(4)(a) of the Regulations;
- b. whether Quebecor is in violation of the cross-media ownership policy; and
- c. whether Leclerc is complying with its regulatory programming requirements.

Change in effective control of CJPX-FM

Applicants' position

18. The applicants stated that the Agreement constitutes a change in effective control of CJPX-FM by Quebecor, noting that since 26 August 2024, the station has been broadcasting QUB programming in its entirety at prime time. They alleged that during this period, editorial and journalistic control of public affairs and opinion content is exercised entirely by Quebecor, which selects and edits news and information segments. In the applicants' view, the Agreement gives Quebecor absolute control over the programs broadcast on CJPX-FM during prime time.
19. In addition, the applicants explained that Quebecor has authority over all staff involved in producing and broadcasting the above-mentioned content. In their view, CJPX-FM has therefore become a Quebecor media outlet in practice.
20. The applicants have indicated that this situation corresponds to the definition of "effective control" set out in subsection 11(3) of the Regulations. The applicants argued that, in this case, Quebecor was able to cause Leclerc, which holds a licence for a station with a mainstream music format, to adopt its editorial and journalistic stance by means of the Agreement.
21. The applicants indicated that paragraph 11(4)(a) of the Regulations requires that a prior application be made to the Commission in the event of a change in the effective control of a broadcasting undertaking. They argued that Leclerc and Quebecor, anticipating a refusal from the Commission, deliberately chose not to follow this procedure. The applicants noted that section 9.2 of the Agreement provides that Leclerc may terminate the Agreement if the broadcasting of QUB programming results, following communications from the Commission, in the suspension or revocation of CJPX-FM's broadcasting licence.

Interventions

22. In its intervention, Gestion Audem added that, from listeners' point of view, Quebecor exercises effective control of CJPX-FM, particularly during prime time. It expressed the view that the perception of someone in Montréal looking for information on CJPX-FM would clearly be that Quebecor controls the station. This perception, in Gestion Audem's view, is a direct result of Quebecor's media coverage and is amplified by Quebecor's dominant position in the Montréal market.

23. Some interveners, including Golden West Broadcasting Ltd., the Association des radios communautaires du Québec (ARCQ), and the Syndicat général de la radio (SGR), supported the applicants' position, asserting that Quebecor exercises effective control over CJPX-FM's programming at prime time.
24. In this regard, ARCQ noted that the news and information programs broadcast on CJPX-FM are created, edited, and approved by Quebecor, which demonstrates Quebecor's direct influence on programming. ARCQ submitted that CJPX-FM has become a media outlet under the effective control of Quebecor, while the station's music component is now incidental.
25. Other interveners, such as Groupe Radio Simard and the Fédération nationale des communications et de la culture (Fédération nationale), supported this application and expressed similar concerns about a third party's determining influence on a local station's programming.
26. In its intervention, the Forum for Research and Policy in Communications (FRPC) argued that the Agreement could have changed the effective control of CJPX-FM without prior Commission approval, which is required by the Regulations. The intervener submitted that Leclerc cannot simply request changes to the programming provided by QUB; however, it has agreed to collaborate with QUB and to allow it to make such changes. The FRPC added that even though Leclerc may withdraw from the Agreement at any time, it must give QUB 30 days' notice. The FRPC submitted that this violates paragraph 3(1)(h) of the Act, which states that operators of broadcasting undertakings, and not a third party, must assume responsibility for the programs they broadcast.

Position of Leclerc and Quebecor

27. Leclerc and Quebecor denied the applicants' argument that the Agreement changes the effective control of CJPX-FM, arguing that it is a programming agreement common in the industry. Quebecor emphasized that there are specialized platforms whose main objective is to facilitate syndication by putting program creators in touch with radio stations around the world, thus enabling the sale and distribution of diverse content.⁶ In Quebecor's view, this is a practice that particularly benefits small independent companies seeking to expand their audience using popular programs. Leclerc added that this type of agreement makes it possible to enrich its programming while retaining full control over its schedule and the broadcasting of acquired content.
28. Leclerc and Quebecor cited several examples of content delivery to support their position. In particular, Quebecor noted that Bell Media distributes American programs such as *The*

⁶ The [Syndicast platform](#) defines radio syndication as a process where a pre-recorded radio show is made available to multiple radio stations. These stations can tailor the episodes to their needs (e.g., by adding their own jingles) and then broadcast them to their listeners.

Breakfast Club through Orbyt Media, now a division of Bell Media and Canada's leading radio content syndication group.⁷

29. Leclerc and Quebecor also indicated that Cogeco recently announced the renewal⁸ of a partnership with RNC Média Inc. (RNC) to broadcast Rythme FM content on CHLX-FM Gatineau, Quebec. This agreement enables RNC to broadcast, under the Rythme 97.1 brand, the music and content of Rythme 105.7 (CFGL-FM Montréal) for several dozen hours a week. Leclerc noted that, unlike itself, CHLX-FM does not produce local news bulletins during the simulcast of this programming.
30. Leclerc emphasized that the Agreement only provides for the acquisition of rights to broadcast certain programs from QUB's programming. In its view, the right of use does not entail an obligation to broadcast, unless such an obligation is expressly provided for in the contract. Leclerc argued that it therefore remains free to broadcast all or part of this programming, at its sole discretion. Quebecor supported this claim, noting that Leclerc is notified of QUB's programming choices and can decide in advance if it disagrees with the content and wants to replace it.
31. Furthermore, in Leclerc's view, CJPX-FM does not broadcast QUB's content in its entirety. It specified that it broadcasts its own news bulletins, which are produced locally, as well as advertising from only its local and national clientele. Leclerc also stated that it can, at any time and without notice, interrupt QUB programming to broadcast special bulletins, emergency alerts, or messages from the National Public Alerting System.
32. In addition, Leclerc emphasized that the Agreement expressly stipulates that Quebecor undertake, for the duration of the Agreement, to ensure that programming is to Leclerc's reasonable satisfaction and, where applicable, to cooperate in implementing any reasonable adjustments that may be required by Leclerc; otherwise, Leclerc may terminate the Agreement. In fact, Leclerc indicated that it regularly conducts listening days during which it evaluates the content broadcast so that Quebecor can make any necessary changes.
33. Regarding editorial and journalistic control, Leclerc submitted that it was important to preserve editorial and journalistic independence. Leclerc and QUB both argued that hosts' and columnists' freedom of expression and journalistic independence must be respected. Leclerc argued that it would be alarming for the quality and reliability of journalism if management were to demand, at its discretion, that a columnist or host change their editorial line.
34. In conclusion, Leclerc indicated that CJPX-FM still has nearly a dozen employees assigned exclusively to its activities, including senior executives, hosts, journalists, and sales representatives. With regard to control over QUB hosts, Quebecor argued that it is entirely normal for a station to retain its own employees when it acquires programming from a third party. In its view, although QUB retains the freedom to change its hosts, any programming

⁷ The Commission notes that Bell Media has also signed agreements to broadcast content such as *American Top 40 with Ryan Seacrest* on its stations, including CHUM-FM Toronto, Ontario.

⁸ In Leclerc and Quebecor's view, such a partnership also existed between 2014 and 2017.

changes must be to Leclerc's reasonable satisfaction, as provided for in section 11.3 of the Agreement.

Applicants' reply

35. The applicants indicated that, despite the wording of the Agreement, it is the conduct of Leclerc and Quebecor that must be taken into account in the Commission's analysis. In the applicants' view, the facts show that Quebecor has completely controlled the news and information content broadcast on CJPX-FM since 26 August 2024.
36. The applicants agreed that Leclerc itself broadcasts programming. However, they calculate that, excluding advertising blocks, this programming represents less than 1% (or 30 minutes out of 3,600 minutes) of programming broadcast between 6 a.m. and 6 p.m., from Monday to Friday.
37. In the applicants' view, the licensee normally plays an active role in selecting and supervising content, hosts, and various on-air interveners. When it chooses to broadcast programming based on news and information, as Leclerc is doing in this case, the licensee must ensure the exactitude and credibility of the content, the rigorous gathering of information, and respect for the station's editorial line, all the while ensuring compliance with applicable regulatory requirements.
38. The applicants reiterated that Leclerc is not in a position to change the programming at its convenience. They argued that Leclerc's assertion that it can interrupt the broadcast of QUB programming at any time and without notice in order to broadcast another segment or program is contradicted by the terms of the Agreement. In this regard, the applicants noted section 11.1 of the Agreement and argued that Leclerc is committed to broadcasting the complete programming until 26 June 2026.
39. Moreover, although Leclerc referred to a "satisfaction" requirement prior to broadcasting, the applicants argued that Leclerc waived this requirement as early as 5 August 2024 for fall programming by signing the Agreement, which clearly shows that it has no editorial power.
40. The applicants emphasized that, contrary to Leclerc's claims that it could stop broadcasting if it so wished, no clause in the Agreement grants it such power. In their view, Leclerc cannot stop programming at will, since the Agreement requires 30 days' notice before it can be terminated.
41. The applicants alleged that it was unrealistic to expect Leclerc to terminate the Agreement and replace QUB's prime-time programming with equivalent news and public affairs programming, and to do this within such a time frame.
42. In addition, the applicants argued that the financial situation of Leclerc and Quebecor must be taken into account in the analysis of effective control and rights under the Agreement. In their view, the imbalance between the two companies is obvious: Leclerc, with only two other stations and around 50 employees, is in a weak position compared to Quebecor, a major player with nearly 10,000 employees and a presence in diverse media sectors.

43. The applicants emphasized that they were unable to determine the precise financial impact of this Agreement for Leclerc, in particular the proportion of its revenues linked to this collaboration. However, they submitted that since Leclerc ceded the most sought-after time slot to Quebecor, it is reasonable to assume that the financial impact is significant.
44. Finally, the applicants emphasized that the analogies made by Leclerc and Quebecor with content acquisition or syndication agreements are erroneous and do not correspond to reality. For example, they noted that Ryan Seacrest's content, unlike QUB's, is not broadcast during any of the prime-time hours. Similarly, with regard to the affiliation between Cogeco and RNC, the latter broadcasts 42 hours of local programming per week, including 35 local news bulletins, while Leclerc does not broadcast any local programming during prime time. Moreover, in the applicants' view, the affiliation between Cogeco and RNC, which operate in distinct markets, involves music stations, which is different from news and public affairs talk radio stations, which are primarily covered by the Diversity of Voices Regulatory Policy⁹ adopted by the Commission in Broadcasting Public Notice 2008-4 (Diversity of Voices Policy).

Commission's analysis

45. In this case, no shareholder agreement was entered into between Leclerc and Quebecor, which is not a shareholder of Leclerc.¹⁰ In addition, no Quebecor representative sits on Leclerc's board of directors, and no financing agreement has been ratified.
46. The Commission notes that acquiring programming from third parties is an established practice in the television and radio broadcasting industries, whether through negotiated programs or syndicated programming. This type of agreement generally does not confer effective control of a broadcasting undertaking on a content provider.
47. However, in the present case, the Commission acknowledges that certain elements raise considerations as to the possible impact of the Agreement on CJPX-FM's effective control. The programming:
- is purchased from a single supplier;
 - occupies a period of 12 consecutive hours on weekdays, including prime time; and
 - comes from a major player in the broadcasting system who, under the current regulatory framework, cannot own a radio station in the Montréal market.
48. The Commission therefore considers that the impact of the Agreement should be analyzed in light of the two criteria¹¹ it normally uses to assess effective control:

⁹ Paragraph 7: The concept of "voice" generally refers to the editorial voice. As such, it refers to the sources of news and information programming that are essential to a functioning democracy. The presence of many sources of information in the broadcasting system is taken to mean that a diversity of voices or viewpoints will be represented.

¹⁰ In a letter dated 6 August 2025, Quebecor confirmed that it holds no direct or indirect interest in Leclerc and does not control the CJPX-FM radio frequency.

¹¹ These criteria were originally set out in Broadcasting Decision 2007-429.

- a. the power or ability, whether exercised or not, to determine the direction of an enterprise's decision-making process on its activities (decision-making or strategic control); and
 - b. the ability to manage the day-to-day activities of an enterprise (operational control).
49. Finally, the Commission considers that the allocation of risks and rewards between the parties should be taken into account in determining effective control.

Decision-making or strategic control

50. The Commission emphasizes that Quebecor provides the programming for QUB. However, it is of the view that this does not mean that Quebecor exercises strategic control over the programming broadcast on CJPX-FM.
51. First, Leclerc broadcasts its own programming during the hours when QUB programming is not broadcast. In fact, Leclerc broadcasts between 6 p.m. and 6 a.m., from Monday to Friday and on weekends, and it airs 67 hours and 30 minutes of local programming per broadcast week. There is no provision granting Quebecor a right of supervision over the programming broadcast by Leclerc when QUB's programming is not broadcast.
52. Second, even at prime time, Quebecor's powers over CJPX-FM programming remain limited. Quebecor covers the costs associated with producing QUB's content, and QUB's programming consists of a 12-hour over-the-air (OTA) broadcasting block. However, the Commission considers that Leclerc continues to exercise strategic control over programming at prime time. The decision to offer spoken-word programming rather than musical programming during prime time is Leclerc's, as is the decision to purchase programming from a single source.
53. Furthermore, according to article 11.3 of the Agreement, QUB's programming must be to Leclerc's reasonable satisfaction. Quebecor could not unilaterally decide to modify the content of QUB's programming without Leclerc's consent.¹²
54. Therefore, in the Commission's view, Quebecor could not decide entirely at its own discretion that the QUB programming broadcast on CJPX-FM should henceforth be musical or cease to be composed of public affairs programs hosted by well-known hosts. If Quebecor really exercised effective control of the programming during prime-time hours, it would be able to make changes of this kind.
55. Furthermore, Quebecor explained that, contrary to the applicants' assertion, Leclerc is notified of QUB's programming choices and can decide in advance whether to replace the content. Therefore, the Commission does not consider that the Agreement obliges Leclerc to broadcast QUB content in its entirety. The Commission is of the view that, if Leclerc finds

¹² Leclerc confirmed, in section 6 of Appendix D of the Agreement, that it was satisfied with the schedule and talent for fall 2024. The Commission is of the view that a change to the schedule and talent could therefore call into question Leclerc's satisfaction with the programming.

part of QUB's programming unsuitable, it may replace it with programming that it finds suitable, at its own expense.

56. Finally, the Commission notes that Leclerc can terminate the Agreement upon 30 days' notice.¹³ This clause concerns the complete termination of the Agreement and does not prevent Leclerc from ceasing to broadcast the programming at its convenience, contrary to what the applicants have alleged. With regard to the applicants' argument that implementing programming comparable to that of QUB would require a significant investment of time and financial resources, the Commission is of the view that this consideration is not a determining factor in this case. In fact, Leclerc is not subject to any requirement obliging it to broadcast spoken-word programming;¹⁴ it could therefore revert to a musical format at prime time without contravening its regulatory requirements. Leclerc could also acquire various blocks of spoken word programming from other companies.
57. Finally, the Commission considers that the Agreement does not affect Leclerc's power to make strategic decisions regarding CJPX-FM. In particular, Leclerc assumes responsibility for all decisions concerning the station's strategic plan, budget, and expenses (CJPX-FM studios, technical expenses, non-programming personnel, regulatory affairs), as well as the revenues generated. Leclerc is responsible for advertising pricing, negotiations with advertisers, and customer relations. In addition, it is responsible for numerous expenses that have a significant impact on the profitability, or lack thereof, of CJPX-FM. Leclerc also makes the decisions associated with news, such as the amount allocated to the news budget, third-party contracts, and the hiring of journalists. Finally, it is responsible for ensuring compliance with the station's regulatory requirements.

Operational control

58. The Commission notes that Quebecor plays an important role in the day-to-day management of programming broadcast by Leclerc at prime time, including the creation and editing of news programs, as well as in the promotion of QUB on its platforms.
59. However, Leclerc plays an important role in the day-to-day management of CJPX-FM, despite the acquisition of QUB's programming. In fact, Leclerc remains responsible for the broadcasting of news and traffic bulletins, as well as advertising¹⁵ broadcast at prime time. These bulletins are a very important part of a radio station's programming.

¹³ See section 11.3 of the Agreement.

¹⁴ On the contrary, since Leclerc does not operate a station under the Speciality format, it cannot exceed a threshold of 50% spoken content.

¹⁵ In its reply letter dated 22 October 2024, Leclerc indicated that advertising during the 6 a.m. to 6 p.m. time slot Monday through Friday is broadcast from Leclerc's studios and benefits Leclerc exclusively, as does advertising broadcast outside this time slot. See also section 1 of Appendix D of the Agreement.

60. In addition, a collaboration committee has been set up to enable Leclerc and Quebecor to exchange ideas, experiences, and feedback, as well as to ensure best practices in programming and marketing at QUB and CJPX-FM.¹⁶
61. In addition, the Commission notes that Leclerc assumes full responsibility for the technical aspects of broadcasting the programming by using its antenna and employing a technical team to ensure the quality of the rebroadcast.
62. Finally, the Commission notes that Leclerc remains responsible for ensuring regulatory compliance of programming, records, and reports to the Commission in accordance with subsections 8(1), 8(5), 9(2), and 9(3) of the *Regulations*, as well as any other requirements set out therein and in the Act. It is also responsible for ensuring compliance with the Commission's decisions, including its conditions of service. No provision in the Agreement transfers this responsibility.

Distribution of risks and benefits

63. In its Guide to Canadian Ownership and Control in Fact of Air Transportation (the Guide),¹⁷ the Canadian Transportation Agency (the Agency) sets out a series of factors to be taken into account in determining effective control. According to the Guide, the Agency expects that the parties that assume the majority of the risks and are entitled to the majority of benefits are also the parties with the ability to exercise control in fact.¹⁸ Risks are generally tied to the level of economic interests invested, while benefits generally come from an entitlement to share in the expected profit of the enterprise.
64. In this case, the evidence shows that Leclerc is the party assuming the risks. First, Quebecor did not acquire an economic interest in Leclerc. Second, the Agreement does not include any financing on the part of Quebecor, which minimizes its risk-taking. Finally, Leclerc would be solely responsible for any losses incurred during the term of the Agreement.
65. In terms of corporate profits, the Commission notes that each party retains advertising revenues from the sale of ads on its own broadcast platforms, which limits Quebecor's ability to share in the profits of Leclerc and CJPX-FM. Similarly, the Commission notes that Leclerc is the party that would benefit from the station's increased advertising revenues if the programming acquired under the Agreement translates into higher ratings.

Commission's decision

66. The Commission is of the view that Quebecor does not have the power to impose a course of action on Leclerc. The Commission also considers that Quebecor's influence on the programming broadcast by Leclerc under the Agreement is neither decisive nor

¹⁶ In the reply letter dated October 22, 2024, Leclerc indicated that, since the inception of the Agreement, this collaboration committee has met twice per week. See also section 8 of Appendix D of the Agreement.

¹⁷ Canadian Transportation Agency, [Guide to Canadian Ownership and Control in Fact of Air Transportation](#).

¹⁸ In Broadcasting Decision 2015-474, the Commission examined financing and profit sharing as part of its analysis of control in fact.

preponderant, since Leclerc continues to exercise decision-making and operational control over CJPX-FM.

67. In light of the above, the Commission finds that Leclerc remains in effective control of CJPX-FM. Furthermore, it finds that Leclerc did not violate paragraph 11(4)(a) of the *Regulations* since no effective change of control took place.

Compliance with cross-media ownership policy

Applicants' position

68. The applicants noted that although the Diversity of Voices Policy has been in place since 2008, its principles remain just as relevant today. In their view, this policy aims to ensure editorial plurality in all markets across the country so that Canadians are exposed to an adequate diversity of opinions, without undue influence from the mainstream media. They argued that the QUB case clearly illustrates the need for this policy and the importance of its application. In their view, by taking control of CJPX-FM's programming, Quebecor is deliberately circumventing regulations that it has been unable to change.
69. The applicants indicated that there are no longer distinct voices between Leclerc and Quebecor regarding the news and information programs broadcast on QUB and CJPX-FM.
70. The applicants submitted that this gives Quebecor a dominant position in the Greater Montréal advertising market. They argued that such a concentration of advertising revenues would inevitably weaken competing radio stations.
71. Finally, Cogeco, which operates talk radio station CHMP-FM Montréal (better known as 98.5 Montréal), argued that it is now in direct competition with CJPX-FM in the Montréal talk radio market.

Interventions

72. In its intervention, ARCQ expressed the view that the full broadcast of QUB's programming on CJPX-FM constitutes a violation of the cross-media ownership policy.
73. The Fédération nationale noted that such concentration gives disproportionate power to one media company or group of companies, which undermines the plurality of voices.
74. Groupe Radio Simard emphasized that compliance with the conditions of service and the Commission's policies on diversity of voices and cross-media ownership is essential to a balanced radio ecosystem. It emphasized the importance of fair distribution and independence of information sources. Groupe Radio Simard also expressed the view that any substantial change in a station's vocation must be submitted to the Commission for review. It indicated that the full retransmission of QUB's programming on a music station therefore raises questions of compliance with these principles.

Position of Leclerc and Quebecor

75. Leclerc and Quebecor stated that the Agreement is in the public interest of Quebecers, in addition to contributing to the diversity of editorial voices in the Montréal market. Quebecor emphasized that the Agreement fosters this diversity by adding a new voice to radio. Leclerc indicated that it offers a commercial alternative in news and public affairs talk radio in Montréal, a market dominated by Cogeco's CHMP-FM radio station. It considers that by promoting diversity of opinion and journalistic orientation, a second supply of prime time spoken word content is beneficial to the market.
76. Further, Leclerc indicated that the addition of QUB programming to the Montréal radio market supports the diversity of voices, since Cogeco and Bell Media's market share represents 94.1% of the joint commercial share, giving them a dominant share of Montréal advertising dollars.
77. Leclerc submitted that it is helping to improve the diversity of voices in Montréal. It explained that it does not just rebroadcast content, but rather actively participates in improving QUB's programming through a collaborative committee. In addition, Leclerc noted that it had expanded its programming with a new news and public affairs show since 17 February 2025. Leclerc also indicated that the program, which is produced locally, offers a fresh perspective on political and social issues. In addition, CJPX-FM continues to adapt its musical programming to suit the preferences of its listeners.
78. Finally, Leclerc agreed with the applicants on the importance of media plurality in ensuring quality programming, thus contributing to a functioning democracy. It submitted that the Agreement gives it access to a wide range of quality content and talent, to the benefit of both listeners and the broadcasting system. Quebecor, for its part, expressed the view that the Commission should take this opportunity to review its Diversity of Voices Policy, which it considers outdated in today's media environment.

Applicants' reply

79. The applicants reiterated that local media play a central role in shaping public opinion and provide Canadians with many of the tools they need to participate actively in democratic life. In their view, allowing a single entity to own or control all three major media sources runs counter to this objective.
80. The applicants argued that radio, television, and newspapers remain the main sources of information. They emphasized that the NETendances 2024 survey¹⁹ shows that traditional media are still the most widely used by the majority of adult Quebecers for news and current affairs.
81. Furthermore, in the applicants' view, Quebecor does not have authorization to operate a radio station, and although it has attempted to have the rules on cross-media ownership abolished, the Commission has consistently rejected its requests. The applicants noted that, in its

¹⁹ Académie de la transformation numérique, [NETendances 2024 - Portrait numérique des foyers québécois](#) (available only in French).

response to the Commission on 4 September 2024, Quebecor took the opportunity to once again call for a review of the cross-media ownership policy.

82. Finally, the applicants argued that it is essential to consider whether broadcasting rules allow one party to control a local radio station broadcasting news content, and what precedent this could set in Canada. For example, the applicants noted that if a non-Canadian broadcaster (e.g., an American broadcaster) provided the programming, it would be relevant to ask whether it would be legitimate for it to control a station between 6 a.m. and 6 p.m., from Monday to Friday.

Commission's analysis

83. The Commission adopted the Diversity of Voices Policy with the aim of ensuring the representation of diverse viewpoints and a plurality of voices. In accordance with the Diversity of Voices Policy, a single person cannot simultaneously own or control a local radio station, a local television station, and a local newspaper serving the same market.
84. In this case, Leclerc continues to own CJPX-FM. Furthermore, the Commission is of the view that Leclerc continues to exercise effective control over the station. Thus, Quebecor does not own or control a local radio station, nor does it contravene the letter of the cross-media ownership policy.
85. Nevertheless, the Commission acknowledges that the impact of the Agreement on the diversity of voices and, more specifically, on editorial plurality in the Montréal market needs to be assessed.
86. The presence of many sources of information in the broadcasting system promotes a diversity of voices or viewpoints.
87. Although Quebecor's voice plays an important role on CJPX-FM, Quebecor has no control over the station's programming. As mentioned in the section on effective control in this decision, Leclerc still exercises several levers of control over programming.
88. Leclerc also continues to maintain its own editorial presence. Its team produces and broadcasts spoken word content distinct from that of QUB. In addition, local and regional news, which is a very important aspect of the diversity of voices, is under Leclerc's responsibility, including during periods when QUB content is broadcast. Listeners have access to newscasts prepared and delivered locally by Leclerc's news department, reinforcing the diversity of information in the Montréal market.
89. Finally, the Commission notes that Leclerc's musical programming also promotes a diversity of voices. Indeed, the Diversity of Voices Policy emphasizes that the notion of diversity must be approached at three distinct levels: diversity of elements, plurality of editorial voices, and diversity of programming. The fact that Leclerc, an independent broadcaster, continues to exercise absolute control over the music programming aired on the Montréal station therefore contributes to the diversity of voices in the broadcasting system.

Commission's decision

90. In light of the above, the Commission finds that Quebecor is not in contravention of either the letter or the purpose of the cross-media ownership policy.

Compliance with regulatory programming requirements

Applicants' position

91. The applicants argued that CJPX-FM had become a talk radio station when it stopped broadcasting musical selections between 6 a.m. and 6 p.m., from Monday to Friday, in order to broadcast all of QUB's programming. They alleged that this programming change contravenes CJPX-FM's current broadcast license, which states that CJPX-FM must operate on a mainstream music format. Consequently, the applicants alleged that the change in programming was to the detriment of Quebec and Canadian artists and creators.

Interventions

92. ARCQ and Groupe Radio Simard submitted that this programming change raises doubts about CJPX-FM's compliance with its conditions of service.

93. For the Association québécoise de l'industrie du disque (ADISQ), reducing a significant portion of a station's music programming dedicated to a mainstream music format in favour of programming focused on spoken word content constitutes a loss for the music industry. ADISQ recognized that, in the current technical and economic context, Leclerc may review its programming in light of its business objectives; however, ADISQ expressed the view that any major programming changes must be aligned with the objectives of the Act and the regulatory framework established by the Commission. ADISQ added that stakeholders must put mechanisms in place to guarantee the expected visibility of local music.

94. The FRPC argued that the integrity of the Commission's licensing and renewal processes has been compromised by the Agreement, since Leclerc is not respecting the commitments it made when it acquired CJPX-FM in 2020 and when it renewed its licence in 2023. The FRPC noted that, in 2020, Leclerc had applied for a mainstream music format and that nearly half of CJPX-FM's broadcast week is now devoted to news and information. The FRPC expressed the view that if Leclerc had informed the Commission in 2020 of its intention to replace all music broadcast at prime time with public affairs programs created and produced by Quebecor, it is unlikely that the Commission would have approved the application.

95. The FRPC submitted that Leclerc indicated, in its 2023 licence renewal application, that it would broadcast 126 hours of local programming and 2.5 hours of news per week and that no programming would come from any other source. However, the FRPC alleged that this was changed during the licence term without the Commission's approval. The FRPC expressed the view that while Leclerc claimed that CJPX-FM currently broadcasts 42 hours of local programming per week (i.e., from 6 p.m. to midnight every day of the week), actual local programming may total only 35 hours per week.

96. Finally, the FRPC added that the effect of the Agreement on the station's programming results from a network relationship established in August 2024 in which Quebecor provides Leclerc with the equivalent of 60 hours of weekly programming. The FRPC considers this to be an unauthorized network.

Position of Leclerc and Quebecor

97. Leclerc submitted that the content it has been broadcasting since 26 August 2024 fully complies with its regulatory requirements and conditions of service. Leclerc stated that between 6 a.m. and 6 p.m., from Monday to Friday, it broadcasts programs prepared by Quebecor on CJPX-FM, in addition to offering listeners news bulletins prepared and delivered by its own news department, as well as commercial breaks exclusively with advertisers who are clients of its local and national sales force.

Applicants' reply

98. In their reply, the applicants expressed concerns about Leclerc's compliance with the condition requiring it, as a music station licensee, to broadcast 50.01% or more of musical programming. They indicated that as of 7 March 2025, CJPX-FM broadcast 69 hours²⁰ of spoken word content during each broadcast week, specifically between 6 a.m. and 8 p.m. Monday through Thursday, as well as between 6 a.m. and 7 p.m. on Friday, representing 54.8% of the station's programming. The applicants expressed the view that, with the programming provided for in the Agreement, Leclerc could not comply with the format consisting of 60% music programming that it had agreed to broadcast when it acquired CJPX-FM in 2020. They also indicated that Leclerc does not broadcast any local programming during prime time.

Commission's analysis

99. Leclerc is required to comply with the conditions of service, expectations, and encouragement set out in the Appendix of Broadcasting Decision 2023-106 with respect to CJPX-FM.

100. These conditions include compliance with the standard conditions of service for radio stations set out in Broadcasting Regulatory Policy 2022-334. In accordance with this policy, the station shall not be operated within the Specialty format²¹ and shall refrain from soliciting or accepting local advertising for broadcast during any broadcast week when less than one-third of the programming aired is local.²²

101. The Commission considers that it must address the following issues:

- a. the station's operation according to the Specialty format;

²⁰ Leclerc has announced the addition of new self-produced spoken word programs starting 17 February 2025: a new 60-minute news program, broadcast at 6 p.m. from Monday to Friday, and a 60-minute spoken word program with various public figures, broadcast at 7 p.m. from Monday to Thursday.

²¹ Standard condition of service 7.

²² Standard condition of service 8.

- b. the station's level of local programming;
 - c. whether or not an unauthorized network exists; and
 - d. Leclerc's compliance with other regulatory requirements.
102. Following the announcement of CJPX-FM's programming change in August 2024, the Commission sent requests for information to Leclerc and conducted two performance evaluations of the station's programming to verify that the licensee was complying with its regulatory requirements.

Station's format

103. Standard condition of service 7 of Broadcasting Regulatory Policy 2022-334 states that a station shall not be operated within the Specialty format, as defined in Public Notice 1995-60.²³
104. In its reply dated 4 September 2024, Leclerc confirmed that, since 26 August 2024, CJPX-FM has not been operating under the Specialty format, since its language of broadcast remains French, less than 50% of its programming is devoted to spoken word, and more than 70% of the music it broadcasts belongs to content subcategory 21 (Pop, rock and dance). Leclerc indicated that it would do everything in its power to ensure that these conditions are met at all times.
105. No party has alleged that Leclerc is not complying with the requirements regarding language of broadcast or music categories. Therefore, for the purposes of this decision, the relevant issue is whether 50% or more of CJPX-FM's programming (i.e., 63 hours per week) is devoted to spoken word.
106. In the performance evaluation report for the week of 1 to 7 September 2024, the Commission was able to confirm that CJPX-FM was not operating under the specialty format, since less than 50% of its programming consisted of spoken word.
107. Considering the results of the performance evaluation for the monitored week, the Commission is of the view that Leclerc is in compliance with standard condition of service 7 of Broadcasting Regulatory Policy 2022-334.
108. Although the applicants addressed Leclerc's addition, in February 2025, of spoken word programs following the simulcast of QUB's weekday programming, the Commission notes that advertising spot breaks during QUB's programming were not taken into account by the applicants in calculating the hours of spoken word programming. The applicants submitted that Leclerc broadcasts 69 hours of spoken word programming per week, which exceeds the permitted limit. The Commission notes that advertising spot breaks do not belong to content category 1 (Spoken word) and therefore must be excluded from spoken word content

²³ According to this policy, a private commercial FM station is operating under the Specialty format if: the language of broadcast is neither English nor French; more than 50% of the broadcast week is devoted to Spoken word; and less than 70% of the music broadcast belongs to subcategory 21 (Pop, rock and dance music) and/or subcategory 22 (Country and country-oriented music).

calculations for the purposes of monitoring and analyzing a radio station's compliance. If the 11 hours per week of spot breaks are subtracted from the 69 hours proposed by applicants, there remains a total of 58 hours of spoken word programming per week.

109. Given that radio monitoring takes place over the course of a broadcast week and that programming is subject to change due to Leclerc's flexibility to take QUB's programming off the air at any time, the Commission will conduct radio monitoring when it deems it appropriate.

Local programming

110. Under standard condition of service 8 of Broadcasting Regulatory Policy 2022-334, Leclerc shall refrain from soliciting or accepting local advertising for broadcast during any broadcast week when less than one-third (i.e., 42 hours) of the programming aired is local.
111. In response to a request for information from Commission staff, Leclerc indicated that although the Agreement provides for the acquisition of rights to simultaneously broadcast programs produced by Quebecor, which are rebroadcast between 6 a.m. and 6 p.m., from Monday to Friday, this is not the sole content broadcast during that time. More precisely, there are 11 minutes of spot breaks per hour (two segments of 5 minutes and 30 seconds) used to broadcast advertising and promotional messages, which represents 132 minutes of breakaways per day, or 11 hours per week. Leclerc submitted that this broadcast is made from its studios and that it keeps advertising revenues for the entire broadcast day and week.
112. Leclerc also indicated that it interrupts QUB programming three times between 6 a.m. and 6 p.m., from Monday to Friday, to present its own newscasts, prepared exclusively for CJPX-FM listeners by one of its employees in Montréal. This corresponds to 30 minutes of local programming per week in this time slot. In addition, Leclerc emphasized that it presents a fourth daily newscast at 6 p.m.
113. Leclerc indicated that in addition to locally produced newscasts and advertising and promotional segments broadcast between 6 a.m. and 6 p.m., from Monday to Friday, weekday programming from 6 p.m. to midnight is 100% local. As for the 6 a.m. to midnight period on Saturdays and Sundays, all programming is local, except for two programs²⁴ produced and hosted in the studios of Leclerc's CFEL-FM Québec, Quebec, for a total of 10 hours per week. Based on the programming schedule provided by Leclerc, the Commission notes that this equates to a total of 67 hours and 30 minutes of local programming each broadcast week (41 hours and 30 minutes from Monday to Friday, as well as 26 hours on Saturdays and Sundays).
114. The applicants also indicated that Leclerc does not broadcast any local programming during prime time. The Commission notes that radio stations are not subject to a requirement regarding when local programming is broadcast, unless there is an express condition of service to that effect. Leclerc is not subject to any such requirement.

²⁴ Saturdays and Sundays, from 8 a.m. to 11 a.m. and from 3 p.m. to 5 p.m.

115. Concerning the FRPC's comment that Leclerc had indicated, in its application for licence renewal in 2022, that it would broadcast 126 hours of local programming per week, the Commission notes that this commitment is not a regulatory requirement. As for the FRPC's allegation that seven hours of Leclerc's weekly broadcasting could possibly come from Leclerc's CFEL-FM Quebec station and would therefore not be local programming, the Commission notes that even with this program, Leclerc's other programming choices ensure that CJPX-FM Montréal continues to exceed its requirement of 42 hours of local programming per week.
116. The Commission is therefore of the view that Leclerc is in compliance with condition of service 8 of the Broadcasting Regulatory Policy 2022-334 regarding the broadcast of local programming since, although it accepts local advertising, more than a third of its programming is devoted to local programming.

Unauthorized network

117. In its intervention, the FRPC alleged that the establishment of the Agreement between Leclerc and NumériQ results in the operation, in fact, of a programming network between the two parties. The FRPC asked whether this network was authorized by the Commission, noting that, according to the Act, a network constitutes a broadcasting undertaking and cannot be operated without a licence or exemption issued by the Commission.²⁵
118. Subsection 2(1) of the Act defines network as “any operation where control over all or any part of the programs or program schedules of one or more broadcasting undertakings is delegated to another undertaking or person, but does not include such an operation that is an online undertaking.”
119. In light of the Commission's determinations related to effective control outlined above, Leclerc retains control of its business and its programming, and it remains responsible for the content broadcast. The Agreement creates a broadcast right, not a requirement, and Leclerc retains many forms of supervisory control. Consequently, the Commission is not of the view that control is being delegated as described in the definition of network.²⁶
120. The objective of network regulation is to ensure that the Commission continue to supervise all programming in the traditional broadcasting system, even when a traditional broadcasting undertaking does not produce its own programming. However, both CJPX-FM and QUB are already subject to regulation by the Commission (through both licensing and the requirements imposed on online undertakings, respectively), and the Commission finds that Leclerc remains responsible for the content broadcast on its station.
121. Furthermore, the Commission is applying a light approach to radio network regulation.²⁷ Consequently, even if Leclerc did operate a network – which is not the case here – not

²⁵ See subsections 2(1) and 31.1(1) of the Act.

²⁶ No party has argued that the Commission should apply the network policy set out in Public Notice 1989-3, and the Commission notes that this policy has not been applied for several years.

²⁷ Since the publication of Broadcasting Public Notice 2006-143, the Commission has regulated by means of an exemption order all networks that provide programming originating from licensed radio or television stations and

requiring a network licence would be consistent with the Commission's general practice for traditional radio services.

122. In light of the above, the Commission finds that a network licence would not be required by either the Act or the network regulatory objectives.

Compliance with other regulatory requirements

123. With regard to CJPX-FM's other regulatory requirements, the two performance evaluations carried out by the Commission demonstrated that Leclerc is generally in compliance with its regulatory requirements. However, issues have been raised regarding French-language vocal music (FVM) broadcasting.

124. During the first performance evaluation (carried out before the Agreement came into force), instances of apparent non-compliance were found in relation to the requirement to broadcast a minimum of 65% FVM content during the broadcast week, and 55% for the period between 6 a.m. and 6 p.m., from Monday to Friday.²⁸ These stem from apparent inappropriate use of montages, which has increased the number of English-language musical selections included in calculations and decreased the proportion of FVM content.

125. During the second performance evaluation (carried out after the Agreement came into force), the Commission again noted apparent non-compliance with the requirement to broadcast a minimum of 65% FVM during the broadcast week,²⁹ also due to the apparent inappropriate use of montages, which again had an impact on the actual number of broadcast musical selections.

126. Leclerc contested these results, arguing that it is in compliance with its FVM requirements and that the montages submitted meet the requirements for broadcasting music montages.

Commission's decision

127. The Commission considers that the above-mentioned instances of apparent non-compliance are not related to CJPX-FM's change in programming, and that they can be addressed as part of another process.

128. In light of the above, the Commission finds that Leclerc is in compliance with its requirements regarding the non-specialty format and local programming of its station, and that the relationship between NumériQ and Leclerc is not a network relationship.

that is broadcast simultaneously by one or more licensed or exempted radio stations. Due to this order, obtaining a licence is not required. Although this exemption does not apply in this case, since QUB operates as an online undertaking, it does illustrate the Commission's light-handed regulatory approach.

²⁸ This amounts to 58% for the broadcast week and 42% for the period from Monday to Friday, from 6 a.m. to 6 p.m.

²⁹ This amounts to 52.5%.

Conclusion

129. In light of all of the above, the Commission denies the joint application by Cogeco inc., on behalf of its subsidiary Cogeco Media Inc., and Bell Media Inc. to have the Commission issue an order with the aim of prohibiting Leclerc Communication inc. and Quebecor Media Inc. from broadcasting QUB Radio content on the French-language commercial radio station CJPX-FM Montréal.

Secretary General

Related documents

- *CJEC-FM Québec and CJPX-FM Montréal – Licence renewals*, Broadcasting Decision CRTC 2023-106, 18 April 2023
- *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022
- *The News Forum – Licensing of a national news discretionary service*, Broadcasting Decision CRTC 2022-130, 17 May 2022
- *CJPX-FM Montréal – Acquisition of assets and licence amendments*, Broadcasting Decision CRTC 2020-137, 28 April 2020
- *CJPX-FM Montréal – Acquisition of assets and licence amendment*, Broadcasting Decision CRTC 2020-114, 3 April 2020
- *NMTV Inc. - Change in ownership and effective control*, Broadcasting Decision CRTC 2015-474, 22 October 2015
- *Regulatory policy – Diversity of voices*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *Transfer of effective control of Alliance Atlantis Broadcasting Inc.'s broadcasting companies to CanWest MediaWorks Inc.*, Broadcasting Decision CRTC 2007-429, 20 December 2007
- *Exemption order respecting certain network operations*, Broadcasting Public Notice CRTC 2006-143, 10 November 2006
- *A review of certain matters concerning radio*, Broadcasting Public Notice CRTC 1995-60, 21 April 1995
- *Radio networks and syndication policy*, Broadcasting Public Notice CRTC 1989-3, 10 January 1989