



## Broadcasting Decision CRTC 2018-272

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Reference: Part 1 licence renewal application posted on 23 February 2018

Ottawa, 3 August 2018

### **Bayshore Broadcasting Corporation**

Shelburne, Ontario

*Public record for this application: 2017-0733-2*

### **CFDC-FM Shelburne – Licence renewal**

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CFDC-FM Shelburne, Ontario, from 1 September 2018 to 31 August 2025.*

#### **Application**

1. Bayshore Broadcasting Corporation (Bayshore) filed an application to renew the broadcasting licence for the English-language commercial radio station CFDC-FM Shelburne, Ontario, which expires 31 August 2018. The Commission received interventions supporting this application.

#### **Non-compliance**

##### **Canadian content development contributions**

2. Appendix 3 to Broadcasting Decision 2012-123 included condition of licence 3 for CFDC-FM, which is as follows:

In addition to the required basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986* (the Regulations), as amended from time to time, the licensee shall, upon commencement of operations, make an annual contribution of \$24,000 (\$168,000 over seven consecutive broadcast years) to the promotion and development of Canadian content.

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR. The remaining amounts of this additional CCD contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

3. The licensee did not provide sufficient proof of eligibility regarding the CCD initiatives and events associated with condition of licence 3 with its 2015-2016 annual return. This placed the licensee in apparent non-compliance.

4. The licensee submitted that all of its CCD recipients were third-party, Canadian emerging artists who, in many cases, would not have had the opportunity to perform in high exposure events around Shelburne without Bayshore's support. The licensee also filed additional documentation to support its CCD contributions.
5. The Commission considers that the material that the licensee filed has resolved all issues related to CCD contributions for the 2015-2016 broadcast year. Accordingly, the Commission finds the licensee in compliance with condition of licence 3.
6. Commission records indicate that CFDC-FM began operations in the 2015-2016 broadcast year. Given that it will have operated for three broadcast years upon expiration of the current broadcasting licence, Bayshore must continue to make the additional CCD contributions set out in the above-noted condition of licence for four more years in order to complete the total contribution of \$168,000 over seven consecutive broadcast years. A condition of licence to this effect is set out in the appendix to this decision.

### **Regulatory measures**

7. 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 quantity, recurrence and seriousness of the 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.
8. In this case, the Commission finds that the licensee has now demonstrated, through the submission of adequate documentation, that it has fulfilled its condition of licence with respect to CCD contributions for the 2015-2016 broadcast year. Accordingly, the Commission considers it appropriate to grant the station a full licence term.

### **Conclusion**

9. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFDC-FM Shelburne from 1 September 2018 to 31 August 2025. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Reminders**

10. 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.

11. It is incumbent upon licensees to provide, by the required deadlines, proof of payment for such initiatives. Licensees 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.
12. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry lapse.

Secretary General

### **Related documents**

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Licensing of new radio stations to serve Shelburne and Collingwood, Ontario*, Broadcasting Decision CRTC 2012-123, 29 February 2012
- *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 2018-272

### Terms, conditions of licence, expectation and encouragement for the English-language commercial radio programming undertaking CFDC-FM Shelburne, Ontario

#### Terms

The licence will expire 31 August 2025.

#### Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as well as the conditions set out in the 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):
  - a) devote, in each broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
  - b) devote, between 6:00 a.m. and 6:00 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, a minimum of 40% of its musical selections from content category 2 (Popular Music) 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 meaning as that set out in the Regulations.

3. In addition to the required 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 make an annual contribution of \$24,000 in each of the 2018-2019, 2019-2020, 2020-2021 and 2021-2022 broadcast years (a total of \$96,000 over four consecutive broadcast years) to the promotion and development of Canadian talent.

#### Expectation

##### Cultural diversity

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

## **Encouragement**

### **Employment equity**

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.