



## Broadcasting Decision CRTC 2006-300

Ottawa, 17 July 2006

### **Coopérative de travail de la radio de Granby** Granby, Quebec

*Application 2005-1248-5*  
*Public Hearing at Québec, Quebec*  
*20 March 2006*

### **CFXM-FM Granby – Licence renewal**

*The Commission renews the broadcasting licence of the French-language commercial FM radio programming undertaking CFXM-FM Granby, from 1 September 2006 to 31 August 2008. This short-term renewal will allow the Commission to assess, at an earlier date, the licensee's compliance with the provisions of the Radio Regulations, 1986.*

### **The application**

1. The Commission received an application by the Coopérative de travail de la radio de Granby to renew the broadcasting licence of the French-language commercial FM radio programming undertaking CFXM-FM Granby, which expires 31 August 2006.
2. The Commission did not receive any interventions in connection with this application.

### **Background**

3. In *CFXM-FM Granby – Licence renewal*, Broadcasting Decision CRTC 2002-347, 6 November 2002, the Commission renewed the licence of CFXM-FM Granby for three years and eight months, from 1 December 2002 to 31 August 2006, even though the licensee had failed to comply with requirements governing the broadcasting of French-language vocal musical selections.

### **Non-compliance**

4. On 4 May 2004, the Commission directed the Coopérative de travail de la radio de Granby to provide the Commission with logger tapes and other related documents for the programming broadcast by CFXM-FM Granby during the week of 25 April to 1 May 2004.

5. On 11 May 2004, the licensee submitted the requested documents to the Commission and informed the Commission of its failure to comply with section 8 of the *Radio Regulations, 1986* (the Regulations) concerning logger tapes. Specifically, the licensee indicated that for the broadcast day 28 April 2004, there was a “blank” caused by a system malfunction.
  
6. The Commission’s verification of the logger tapes and broadcast reports submitted by the licensee for the week of 25 April to 1 May 2004 showed that approximately 18 hours of programming was missing from the logger tapes, and that only 54.3% of the programming broadcast between 6:00 a.m. and 6:00 p.m. from Monday to Friday was devoted to French-language category 2 (popular music) vocal musical selections, contravening subsection 2.2(1) of the Regulations. Accordingly, the Commission notified the licensee in a letter dated 13 December 2004 of its apparent violation of subsections 8.(5), 8.(6) and 2.2(10) of the Regulations, which read as follows:
  - 8.(5) A licensee shall retain a clear and intelligible tape recording or other exact copy of all matter broadcast
    - (a) for four weeks from the date of the broadcast; or
    - (b) where the Commission receives a complaint from any person regarding the matter broadcast or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of the broadcast.
  
  - 8.(6) Where, before the expiry of the applicable period referred to in subsection (5), the Commission requests from the licensee a clear and intelligible tape recording or other exact copy of matter broadcast, the licensee shall furnish it to the Commission forthwith.
  
  - 2.2(10) Except as otherwise provided under a licensee’s condition of licence, an A.M. or F.M. licensee licensed to operate a commercial station in the French language shall, 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, devote 55% or more of its vocal musical selections from content category 2 to musical selections in the French language broadcast in their entirety.
  
7. The Commission also directed the licensee to inform it of the steps it had taken to remedy the apparent non-compliance concerning the provision of logger tapes and the broadcasting of French-language vocal musical selections during prime time.

8. In a letter dated 16 December 2004, the licensee advised the Commission that it had instructed its music director to keep a daily report detailing the music programming broadcast by the station and specifying the required percentages of content, including the percentage of French-language vocal musical selections drawn from content category 2. The licensee also indicated that it had replaced its recording system with a new device.
9. In Broadcasting Notice of Public Hearing CRTC 2006-2, 19 January 2006 (Notice of Public Hearing 2006-2), the Commission indicated that it would review CFXM-FM Granby's licence renewal application at the public hearing to be held 20 March 2006 in the region of Québec. The Commission, in Notice of Public Hearing 2006-2, noted the licensee's apparent failure to comply with the provisions of the Regulations concerning logger tapes and the broadcasting of French-language vocal musical selections, and indicated that it expected the licensee to show cause why a mandatory order requiring the licensee to comply with the Regulations concerning the provision of logger tapes and the broadcast of French-language vocal music should not be issued.

### **Commission's analysis and determination**

10. The Commission notes the licensee's confirmation that it has already taken the necessary steps to remedy the non-compliance concerning the provision of logger tapes and the broadcasting of French-language category 2 vocal musical selections. The Commission reminds the licensee that it is required to comply at all times with the provisions of the Regulations, including those concerning logger tapes and the broadcasting of French-language vocal musical selections between 6:00 a.m. and 6:00 p.m., Monday to Friday.
11. The Commission has reviewed the licence renewal application and the licensee's past performance. Although this is the second time the licensee has violated the Regulations, the Commission is satisfied that the licensee has taken the necessary steps to remedy its failure to comply with the provisions of the Regulations concerning logger tapes and the broadcasting of French-language vocal musical selections. Accordingly, the Commission **renews** the broadcasting licence of the programming undertaking CFXM-FM Granby, from 1 September 2006 to 31 August 2008. This short-term renewal will allow the Commission to assess, at an earlier date, the licensee's compliance with the provisions of the Regulations concerning the broadcasting of French-language vocal musical selections and the provision of logger tapes.
12. The licence will be subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999 and to the following **condition**:

The licensee shall broadcast 126 hours of local programming each week.

13. Furthermore, in the event that the licensee again violates the provisions of the Regulations concerning the submission of logger tapes or the broadcasting of French-language vocal musical selections, the Commission notes that it may require the licensee to show cause why a mandatory order requiring the licensee to comply with the provisions of the Regulations should not be issued.

**Employment equity**

14. 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.

Secretary General

*This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*