



Broadcasting Decision CRTC 2006-299

Ottawa, 17 July 2006

Radio CHNC Itée

New Carlisle and Gaspé, Quebec

Application 2005-0171-9

Public Hearing at Québec, Quebec

20 March 2006

CHNC New Carlisle and its transmitter CHGM Gaspé – Licence renewal

In this decision, the Commission renews the broadcasting licence of the French-language commercial radio programming undertaking CHNC New Carlisle and its transmitter CHGM Gaspé, 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 its condition of licence concerning the provision of logger tapes.

The application

1. The Commission received an application by Radio CHNC Itée (Radio CHNC) to renew the broadcasting licence of the French-language commercial radio programming undertaking CHNC New Carlisle and its transmitter CHGM Gaspé, which expires 31 August 2006.
2. The Commission did not receive any interventions in connection with this application.

Background

3. In *Licence renewal for CHNC and its transmitter CHGM*, Decision CRTC 2001-416, 19 July 2001, the Commission renewed the licence of CHNC New Carlisle for four years, from 1 September 2001 to 31 August 2005¹ even though the licensee had not complied with requirements governing the broadcasting of French-language category 2 (popular music) vocal musical selections. In that decision, the Commission also noted the corrective measures implemented by the licensee.

¹ The licence term was subsequently extended for administrative reasons. In *Administrative renewal*, Broadcasting Decision CRTC 2005-322, 8 July 2005, the Commission extended the licence term to 31 August 2006.

4. On 10 June 2003, the Commission directed CHNC New Carlisle to submit logger tapes for the week of 1 June to 7 June 2003. In a letter dated 27 June 2003, the licensee notified the Commission that it was missing approximately 15 hours of tapes for 4 and 5 June, attributing the omission to an error made by the new host-operator. On 17 March 2004, the licensee was notified in writing of its apparent violation of the *Radio Regulations, 1986* (the Regulations), and particularly of subsections 8.(5) and 8.(6), 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.

Notice of Public Hearing

5. 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 CHNC'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 indicated that it expected the licensee to show cause why a mandatory order requiring the licensee to comply with the logger tapes provisions of the Regulations should not be issued.

Commission's analysis and determination

6. The Commission notes that owing to the licensee's non-compliance with the logger tapes provisions, it cannot appropriately study the programming performance of CHNC New Carlisle. Consequently, the Commission cannot determine whether the licensee complied with regulatory requirements for Canadian content and French-language vocal music.

7. The Commission notes that the licensee intends to equip its recording system with a mechanism that would indicate any lapse in recording so that the host on duty can remedy equipment malfunctions immediately. The Commission is of the view that the licensee demonstrated its intention to comply with the logger tapes provisions in the future, and is thus satisfied that it is not necessary to issue a mandatory order in this regard at this time. The Commission reminds the licensee that it is required to comply at all times with the provisions of section 8 of the Regulations concerning program logging and recording.
8. Nevertheless, in view of the licensee's non-compliance, the Commission considers that CHNC's licence should be renewed for a short term in order that the Commission may continue to monitor the station's performance and ensure that it has permanently solved its non-compliance issues. This short-term renewal will also allow the Commission to verify whether Radio CHNC is complying with all its regulatory requirements. The Commission considers that a licence term of 24 months is reasonable.
9. Accordingly, the Commission **renews** the broadcasting licence for the French-language radio programming undertaking CHNC New Carlisle and its transmitter CHGM Gaspé, from 1 September 2006 to 31 August 2008, subject to the **conditions** set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999.

Employment equity

10. 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>