



Broadcasting Decision CRTC 2006-161

Ottawa, 21 April 2006

CIBM-FM Mont-Bleu ltée

Rivière-du-Loup, Trois-Pistoles, Sully and Saint-Juste-du-Lac, Quebec

Application 2005-0290-8

Broadcasting Public Notice CRTC 2005-33

18 April 2005

CIBM-FM Rivière-du-Loup and its transmitters – Licence renewal

The Commission renews the broadcasting licence for the radio programming undertaking CIBM-FM Rivière-du-Loup and its transmitters, from 1 September 2006 to 31 August 2013.

The application

1. The Commission received an application by CIBM-FM Mont Bleu ltée to renew the broadcasting licence for the commercial French-language radio programming undertaking CIBM-FM Rivière-du-Loup and its transmitters CIBM-FM-1 Rivière-du-Loup, CIBM-FM-2 Trois-Pistoles, CIBM-FM-3 Sully and CIBM-FM-4 Saint-Juste-du-Lac. This licence expires 31 August 2006.

Intervention

2. The Commission received an intervention by the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). ADISQ made general comments regarding the streamlined process set out by the Commission in *The CRTC Streamlines Radio Renewals Process*, Broadcasting Circular CRTC 2002-448, 7 June 2002 (Circular 2002-448). ADISQ noted that, in Circular 2002-448, the Commission stated that it would “assess the effectiveness of this streamlining measure after the 2003 radio renewal round has been completed.” In this respect, ADISQ noted that the assessment has not yet taken place, despite the fact that the CRTC has completed the processing of all licence renewal applications for 2003 and 2004. ADISQ questioned whether use of the streamlined process is justified in the present case, given that the question of whether the new approach achieves the intended objectives has not yet been resolved.
3. ADISQ stated that it was not opposed in principle to the streamlined process adopted by the Commission for renewal applications that do not raise any significant concern. However, it questioned the use of the streamlined process for the present application. ADISQ submitted that there were insufficient evaluations of the station's compliance and not enough information on the public file for ADISQ to determine whether or not to support the licence renewal for a seven-year term. ADISQ asked that the Commission

hold a full public proceeding on the CIBM-FM renewal application. As a condition of eligibility for future streamlined renewal processes, ADISQ further requested that CIBM-FM be required to file the following with the Commission:

- annual compliance reports on Canadian content and French-language vocal music (FVM);
 - a report demonstrating that the station provides airplay to French-language Canadian artists and broadcasts a variety of their musical recordings; and
 - a separate compliance report on Canadian talent development (CTD) contributions, to be placed on the public file.
4. ADISQ also argued that CIBM-FM's licence should be the subject of a full renewal process because the licensee's public file does not contain any study on the station's compliance with its Canadian content and FVM requirements. ADISQ contended that this is unacceptable, given that the Commission shortened CIBM-FM's current licence term to four years because of FVM compliance problems during the previous licence term.
 5. ADISQ also noted that CIBM-FM exceeded and even tripled its minimum annual CTD contribution for its market (\$400) for the years 1997 and 2001 to 2003, but described as unfortunate the fact that no contribution had been made to MusicAction.
 6. The licensee did not reply to ADISQ's intervention.

Commission's analysis and determination

7. The Commission notes ADISQ's comments regarding the streamlined renewal process for radio licences. The Commission stated in Circular 2002-448 that the streamlining initiatives it has adopted in recent years in order to lighten the regulatory burden have assisted the licensees of broadcasting undertakings and have allowed the Commission to direct its limited resources to priority sectors. With respect to the assessment of the effectiveness of these measures, the Commission will soon issue a circular explaining its findings in this regard.
8. The Commission has addressed ADISQ's concerns in a number of earlier renewal decisions. In particular, the Commission stated that, while it has adopted streamlining initiatives to lighten the regulatory burden for licensees, it will continue to carry out its supervisory role through its ongoing compliance monitoring activities. Such monitoring activities include checking logger tapes, playlists, logs and a sampling of the programming broadcast by the stations. The Commission also considers all complaints filed, as well as any negative rulings issued by the Canadian Broadcast Standards Council.

9. Further, the Commission assesses the information contained in the annual reports filed by licensees concerning CTD initiatives, and examines the performance of licensees with respect to their individual commitments or conditions of licence, as specified in previous renewal and other decisions.
10. With respect to ADISQ's comment that there was insufficient information or evaluations of the station's performance, the Commission notes that reports regarding compliance with programming requirements are placed on the licensee's public file and that commitments relating to CTD are available on the Commission's Internet site.
11. With respect to the inclusion in the reports of the names of third parties to whom CTD contributions are paid, the Commission does not consider this measure necessary. The Commission audits these contributions to ensure that each party is eligible, as set out in *An FM policy for the nineties*, Public Notice CRTC 1990-111, 17 December 1990 and in *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC 1995-196, 17 November 1995. The results are used to prepare a summary report on contributions to CTD. Accordingly, the Commission is convinced that the additional steps proposed by ADISQ, namely, that licensees be required to file additional reports, would only add to the administrative burden faced by broadcasters.
12. The Commission also wishes to point out that it analysed the programming aired by CIBM-FM during the current licence term. After checking the logger tapes and playlists for the week of 1 to 7 June 2003, the Commission finds that the licensee complied with the Canadian content requirements for category 2 music and with FVM requirements during the week in question.
13. With respect to contributions to CTD, the Commission notes that CIBM-FM is in compliance with its condition of licence requiring minimum annual contributions of \$400.
14. Accordingly, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CIBM-FM Rivière-du-Loup and its transmitters CIBM-FM-1 Rivière-du-Loup, CIBM-FM-2 Trois-Pistoles, CIBM-FM-3 Sully and CIBM-FM-4 Saint-Juste-du-Lac, from 1 September 2006 to 31 August 2013.
15. 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.
16. The Commission reminds the licensee that the amendment approved in *CIBM-FM Rivière-du-Loup – New transmitter in Saint-Juste-du-Lac*, Broadcasting Decision CRTC 2002-400, 5 December 2002, will only be valid when the Department of Industry (the Department) has confirmed that the proposed technical parameters will not create any unacceptable interference with NAV/COM services.

17. The Commission also reminds the licensee that, in accordance with section 22(1) of the *Broadcasting Act*, the authorization for the Saint-Juste-du-Lac transmitter will only be valid when the Department of Industry has confirmed that its technical requirements have been met and that a broadcasting certificate will be issued.
18. In addition, as set out in *Deadline to commence operations*, Broadcasting Decision CRTC 2005-595, 21 December 2005, the Saint-Juste-du-Lac transmitter must be operational at the earliest possible date and in any event no later than 5 December 2006, unless a request for an extension of time is approved by the Commission before that date. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 90 days before that date.

Employment equity

19. 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>