



Broadcasting Decision CRTC 2004-336

Ottawa, 11 August 2004

Silk FM Broadcasting Ltd.

Kelowna, Magna Bay and Big White Mountain, British Columbia

Application 2003-1745-5

Broadcasting Public Notice CRTC 2004-37

2 June 2004

CILK-FM Kelowna and its transmitters – Licence renewal

1. The Commission received an application by Silk FM Broadcasting Ltd. to renew the broadcasting licence for the radio programming undertaking CILK-FM Kelowna and its transmitters CILK-FM Magna Bay and VF 2329 Big White Mountain.
2. The Commission did not receive any interventions in connection with this application.
3. The Commission analyzed the programming broadcast by CILK-FM during the week of 20-26 October 2002. The analysis revealed that 33.9 % of all category 2 selections broadcast by the licensee between 6:00 a.m. and 6:00 p.m., Monday to Friday, were Canadian musical selections. This finding constitutes an infraction of section 2.2(9) of the *Radio Regulations, 1986* (the Radio Regulations), which stipulates that:

2.2(9) Except as otherwise provided under a licensee's condition of licence, and subject to subsection (6)¹, an A.M. or F.M. licensee licensed to operate a commercial station 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 35% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.
4. In *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001, the Commission clarified its approach relating to radio stations operating in non-compliance.
5. Given that this is the first such infraction by the licensee and consistent with Circular No. 444, the Commission **renews** the broadcasting licence for CILK-FM Kelowna and its transmitters from 1 September 2004 to 31 August 2008, instead of the maximum term of seven years. This period will allow the Commission to assess in the short term the licensee's compliance with the Radio Regulations regarding the distribution of category 2 Canadian popular music.

¹ Subsection 6 of the *Radio Regulations, 1986* permits a licensee to reduce the percentage of its Canadian musical selections from content category 2 if it devotes specific percentages of its musical selections in a broadcast week to instrumental selections.

6. 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.
7. 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 at the following Internet site: <http://www.crtc.gc.ca>