



Broadcasting Decision CRTC 2003-409

Ottawa, 21 August 2003

Blackburn Radio Inc.
Leamington, Ontario

Application 2002-0849-8
Broadcasting Public Notice CRTC 2003-5
7 February 2003

CHYR-FM Leamington - Licence renewal

1. The Commission received an application by Blackburn Radio Inc. to renew the licence for CHYR-FM Leamington.
2. The Commission did not receive any interventions in connection with this application.
3. The Commission analyzed the programming broadcast by CHYR-FM during the week of 5 November 2001. The analysis revealed that 34% 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. These findings constitute 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 licence for CHYR-FM from 1 September 2003 to 31 August 2007, 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 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. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with Human Resources Development Canada, its employment equity practices are not examined by the Commission.

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>