



Broadcasting Decision CRTC 2003-357

Ottawa, 5 August 2003

Jim Pattison Industries Ltd.
Lethbridge, Alberta

Application 2002-0858-9
Broadcasting Public Notice CRTC 2003-24
2 May 2003

Licence renewal for CHLB-FM Lethbridge

1. The Commission received an application by Jim Pattison Industries Ltd. to renew the licence for CHLB-FM Lethbridge.
2. The Commission did not receive any interventions in connection with this application.
3. The Commission analyzed the programming broadcast by CHLB-FM during the week of 20 to 26 January 2002. The analysis revealed that only 33% of all category 2 selections broadcast over the broadcast week, and only 31.1% of the category 2 musical 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 infractions of sections 2.2(8) and (9) of the *Radio Regulations, 1986* (the Radio Regulations), which stipulate that:

2.2(8) Except as otherwise provided under a licensee's condition of licence that refers expressly to this subsection and subject to subsection (6)¹, an A.M. or F.M. licensee licensed to operate a commercial station, community station or campus station shall, in a broadcast week, devote 35% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

2.2(9) Except as otherwise provided under a licensee's condition of licence, and subject to subsection (6), 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.

¹ Section 2.2(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.

5. Given that this is the first such infraction by the licensee and consistent with Circular No. 444, the Commission **renews** the licence for CHLB-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.
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. The Commission reminds the licensee that it must continue to fulfil all of the benefits commitments set out in *Acquisition by Jim Pattison Industries Ltd. of all of Monarch Broadcasting Ltd.'s television and radio interests*, Decision CRTC 2000-765, 21 December 2000, in which the Commission approved the application by Jim Pattison Industries Ltd. to acquire the assets of CHLB-FM Lethbridge from Monarch Broadcasting Ltd. The Commission expects the licensee to file a report at the conclusion of the benefits period, setting out the details concerning how it has fulfilled its commitments.
8. 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>