



Broadcasting Decision CRTC 2009-391 and Broadcasting Orders CRTC 2009-392 to 2009-395

Route reference:

Broadcasting Notice of Public Hearing 2008-14

Additional references: 2009-392, 2009-393, 2009-394 and 2009-395

Ottawa, 30 June 2009

Pellpropco Inc.

St. Catharines, Ontario

Public Hearing in Orillia, Ontario

26 January 2009

CHSC St. Catharines – Issuance of mandatory orders

In this decision, the Commission issues mandatory orders directing the licensee to comply at all times with the requirements set out in sections 2.2(8), 7(3), 8(4), 8(5), 8(6) and 9(2) of the Radio Regulations, 1986 relating to the broadcast of Canadian music, the broadcast of third-language programming, the provision of complete logger tapes and program logs, and the filing of annual returns and financial statements.

*In addition, the Commission requires the licensee to operate CHSC St. Catharines under additional **conditions of licence** pertaining to the broadcast of ethnic and third-language programming between 6 a.m. and noon from Monday to Friday and the provision of English-language news on weekends.*

The Commission also requires that the licensee submit certain ownership-related information and documents within 30 days of the date of this decision.

Introduction

1. In Broadcasting Decision 2003-388, the Commission renewed the broadcasting licence for the English-language commercial radio programming undertaking CHSC St. Catharines from 1 September 2003 to 31 August 2010.
2. In Broadcasting Decision 2006-688, the Commission denied an application by the licensee Pellpropco Inc. (Pellpropco) to amend the licence for CHSC to authorize it to devote up to 40% of its programming to third-language programs. The decision noted the licensee's admitted non-compliance with the requirements of Public Notice 1999-117 and section 7(3) of the *Radio Regulations, 1986* (the Regulations), which states that non-ethnic commercial radio stations may not devote more than 15% of their schedules to third-language programming. The decision also noted Pellpropco's failure to file its

annual return for the broadcast year ending 31 August 2005, as required under section 9(2) of the Regulations. Finally, the Commission noted its longstanding practice of denying licence amendments requested by licensees that are in non-compliance with their regulatory obligations.

3. During CHSC's current licence term, monitoring of the station found it to be in apparent non-compliance with numerous sections of the Regulations, including:
 - broadcasting less than the weekly Canadian content regulatory requirement for category 2 music (section 2.2(8));
 - exceeding the weekly maximum allowable level of third-language programming (section 7(3));
 - failing to provide complete logger tapes and complete program logs (sections 8(4), 8(5) and 8(6)); and
 - failing to provide audited financial statements and complete annual Canadian talent development (CTD)¹ expenditure reports for its annual returns for the broadcast years 2004-2005, 2005-2006 and 2006-2007.
4. In addition, the Commission had received complaints alleging that since 2006 Pellpropco had reoriented CHSC's programming to serve Toronto's Italian-speaking community rather than the community it is licensed to serve, St. Catharines. Following an assessment of the complaints filed with the Commission and the licensee's response and in view of CHSC's various instances of apparent non-compliance during the current licence term, the Commission called Pellpropco to a public hearing in Orillia to show cause why a mandatory order requiring it to conform to the Regulations relating to Canadian content, the broadcasting of third-language programming, the filing of complete annual returns, and the provision of logger tapes, program logs and music lists should not be issued.²
5. The Commission also indicated that it might wish to discuss certain local programming issues, including the extent to which the local programming content and programming orientation provided on CHSC are of direct and particular relevance to St. Catharines and the surrounding area, the community CHSC is licensed to serve. The Commission signalled the possibility of imposing a new condition of licence relating to the licensee's broadcast of local programming content and its programming orientation. Further, the Commission indicated that certain ownership issues might be discussed.
6. As part of this process, the Commission received and considered interventions relating to the licensee's performance. The interventions and the licensee's reply are available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

¹ The Commission notes that, effective 1 September 2008, the Regulations were amended in order to implement the new Canadian content development contribution regime set out in Broadcasting Public Notice 2006-158. Accordingly, Pellpropco is currently subject to this new regime as set out in section 15 of the Regulations.

² See Broadcasting Notice of Public Hearing 2008-14.

Non-compliance

Canadian musical selections drawn from category 2

7. Section 2.2(8) of the Regulations requires radio licensees licensed to operate commercial stations to devote at least 35% of their musical selections broadcast during the broadcast week from content category 2 to Canadian selections broadcast in their entirety.
8. Monitoring of CHSC programming for the week of 20 to 26 January 2008 revealed that 28.9% of all category 2 musical selections broadcast that week were Canadian.
9. At the hearing, Pellpropco admitted that it had breached section 2.2(8) of the Regulations by failing to broadcast 35% Canadian content during the week of 20 to 26 January 2008. The licensee indicated that it had dismissed the person it held responsible for the shortfall and had taken measures to ensure that Canadian content levels would be maintained, including hiring a new music director whose duties include monitoring all of CHSC's English-language music programming to ensure compliance with Canadian content requirements. The licensee stated that the new music director now prepares and monitors the station's music lists for compliance one week in advance of their broadcast and stressed that all on-air staff are required to note and detail any deviation from the prepared lists. Finally, it offered to file with the Commission a monthly summary self-assessment report showing its compliance with the required Canadian content levels.
10. The Commission notes the measures that the licensee has taken to ensure compliance. At the same time, the Commission notes that CHSC has been operating without a centralized studio facility since May 2008. While the licensee indicated that construction of a new St. Catharines studio facility would begin as of 1 February 2009, the Commission notes that until such time as the new facility is operational, Pellpropco will continue to rely on the use of remote broadcasting from various non-centralized locations to fulfill CHSC's programming mandate.
11. The Commission is concerned that the licensee has opted to rely on the use of remote broadcasting to program CHSC for such a protracted period of time following the May 2008 loss of its St. Catharine's studio. As well, the Commission is concerned that until such time as new studio facilities are operational, the licensee will continue to rely on remote broadcasting to deliver CHSC's on-air programming. Under this scenario, the Commission questions whether the station's management can effectively monitor its on-air staff for compliance with the various measures it has put in place to ensure playlist integrity and compliance with Canadian content requirements at all times.
12. In addition, although a centralized studio operation should facilitate the licensee's ability to monitor its on-air staff, the licensee was vague in outlining how on-going compliance monitoring of its on-air staff would be undertaken within a formal studio setting. Based on discussions at the hearing, the Commission is concerned by what it views as a lack of a clearly delineated day-to-day operational management structure for the station at this time. For these reasons, the Commission is not convinced that the measures outlined by

the licensee will be sufficient to ensure that CHSC will remain in compliance with Canadian content requirements at all times.

Third-language programming

13. As noted in Broadcasting Decision 2006-688, Pellpropco acknowledged that it exceeded the allowable 15% ethnic programming level in the broadcast week commencing 13 August 2006. Monitoring of CHSC programming for the week of 20 to 26 January 2008 also found CHSC in apparent non-compliance with third-language programming levels. Specifically, in a letter dated 29 August 2008, Commission staff advised the licensee that its analysis showed that CHSC broadcast 20 hours of third-language Italian programming during that week, representing 15.9% of the broadcast week.
14. In a letter of 11 August 2008, Pellpropco provided details concerning certain steps it had taken to ensure compliance with the regulatory third-language programming maximum. Further, it suggested that the apparent non-compliance for the week of 20 to 26 January 2008 resulted from Commission staff's failure to account for English-language spoken word segments broadcast within CHSC's third-language programming. However, a second third-language programming analysis of that week undertaken by Commission staff confirmed its initial findings. The licensee was again advised of its apparent non-compliance with section 7(3) of the Regulations in a letter dated 31 August 2008. At the hearing, the licensee admitted to having exceeded the allowable maximum third-language programming level but stated that such infractions would not recur.
15. In light of the above, the Commission finds that CHSC has breached section 7(3) of the Regulations on at least two occasions within the first five years of its current licence term. Notwithstanding the licensee's verbal assurance that CHSC will operate in compliance with section 7(3) of the Regulations in the future, the Commission remains concerned that no formal procedures or plans related to the broadcast of third-language programming were brought forward at the hearing to ensure that the station will remain in compliance with third-language programming requirements at all times.

Submission of logger tapes, music lists and program logs

16. The submission of logger tapes as required under section 8 of the Regulations is a basic and fundamental requirement of all radio stations regardless of the station's location or type. Submission of logger tapes enables the Commission to conduct an analysis of a station's programming to verify compliance with the Regulations and with individual conditions of licence. The maintaining of logger tapes also enables the Commission to investigate a station's programming in the case of complaints.
17. In a letter dated 14 February 2007, Commission staff informed Pellpropco of its apparent non-compliance with sections 8(5) and 8(6) of the Regulations due to its inability to submit complete logger tapes and program logs for a performance evaluation of CHSC for the week of 7 to 13 January 2007. At the hearing, Pellpropco admitted its non-compliance and noted that it had advised the Commission in a March 2007 letter of subsequent steps it had taken to ensure its future compliance in this regard, including the purchase and implementation of a new logger system.

18. In January 2008, in order to conduct a second programming evaluation of CHSC, Commission staff requested that the licensee submit logger tapes and other material related to the programming broadcast by CHSC for the week of 20 to 26 January 2008. By letter dated 25 March 2008, Commission staff informed the licensee that the submitted music lists were incomplete, making it impossible to conduct CHSC's programming evaluation. In a second letter dated 16 May 2008, Commission staff requested that the licensee submit its revised music lists. The licensee complied by the 13 June 2008 deadline.
19. With respect to program and music logs, Pellpropco acknowledged at the hearing that CHSC had had some deficiencies in this area and apologized for them. Pellpropco assured the Commission that it was addressing these deficiencies and stated that it was implementing a management system so that logs would be properly submitted and, when requested, filed immediately. Further, Pellpropco noted that it had made additional equipment upgrades to its principal logging system located at its Thorold tower site to ensure that program logs and related material are available at all times. It added that its tower technician was now responsible for a daily monitoring of the logger system.
20. The Commission acknowledges the steps taken by Pellpropco to ensure future compliance with sections 8(4), 8(5) and 8(6) of the Regulations, including the purchase of new logging equipment and a new computer to be housed at the tower site and the daily monitoring of the logger system by the station's tower technician. However, the Commission has reservations concerning the housing of the station's main logger system at its tower site. Testimony provided by the licensee at the hearing suggests that rather than being a temporary measure pending CHSC's move into new studio facilities, maintaining the principal logger system at CHSC's tower site was common practice prior to the loss of its St. Catharines studio in May 2008. In addition, comments made by the licensee suggested that this practice would continue indefinitely.
21. The Commission notes that it is standard industry practice to locate logger systems within a station's main studio/operations complex to facilitate full-time monitoring of and immediate access to the system and, if necessary, to undertake immediate repairs should problems arise. The Commission is not convinced that the measures described by the licensee to prevent future instances of non-compliance are sufficient to dispel these concerns.

Filing of annual returns and financial statements

22. In Broadcasting Decision 2006-688, the Commission noted that the licensee had not filed CHSC's annual return for the 2004-2005 broadcast year. The failure to file this annual return on a timely basis constitutes a violation of section 9(2) of the Regulations.
23. The licensee subsequently filed annual returns for CHSC for the broadcast years 2004-2005, 2005-2006 and 2006-2007. However, the licensee failed to file complete financial statements for each return for each 12-month period ending 31 August, as set out in Circular No. 404 and pursuant to section 9(2) of the Regulations. Further, the

licensee's annual CTD expenditure report filed with each of the above-referenced annual returns appeared to be incomplete in that they did not specify any CTD expenditure allocations, which expenditures are required by its condition of licence. These failures constitute apparent non-compliances with subsection 9(2) of the Regulations for the broadcast years 2004-2005, 2005-2006 and 2006-2007.

24. Subsequent to the release of Broadcasting Notice of Public Hearing 2008-14, the Commission's audit staff noted that Pellpropco was also delinquent in filing its annual return for the 2007-2008 broadcast year.
25. At the hearing, the licensee acknowledged its deficiencies in this area and stated that it had contracted an outside accountant to complete the outstanding annual returns and ensure that a system is in place so that non-compliance does not recur. It also stated that it would accept a condition of licence requiring it to file audited financial statements with the Commission. Following discussions with the licensee, the Commission requested that Pellpropco file all outstanding financial statements with the Commission by 2 March 2009 and that these financial statements be audited. The Commission also requested that the licensee file its outstanding annual return for the 2007-2008 broadcast year. The licensee agreed to undertake all of these filings by the due date.
26. Contrary to the assurances provided by the licensee at the hearing, the Commission notes with concern that the financial information filed by Pellpropco as of 2 March 2009 was incomplete. Specifically, financial statements provided for the broadcast years 2004-2005, 2005-2006, 2006-2007 and 2007-2008 were unaudited, while the licensee had agreed to file audited statements. Further, the licensee failed to provide a completed annual return for the 2007-2008 broadcast year.
27. The Commission views with seriousness Pellpropco's inability to provide the requested financial information and demonstrate its ability to operate in compliance with section 9(2) of the Regulations. As a consequence, the Commission remains concerned that the procedures and systems that the licensee indicated it would put in place to ensure compliance on a going forward basis may be insufficient.
28. In light of all of the above, the Commission directs Pellpropco to file, by 30 November 2009, a completed annual return for the 2007-2008 broadcast year and audited financial statements for the broadcast years 2004-2005, 2005-2006, 2006-2007 and 2007-2008.

Local programming and station orientation

29. In Broadcasting Notice of Public Hearing 2008-14, the Commission indicated that it might discuss with the licensee certain concerns related to the level of local programming provided by CHSC and the station's overall programming orientation. These concerns were based in part on complaints received by the Commission alleging that CHSC had reoriented its programming to serve the Italian-speaking community in the Greater Toronto Area (GTA) rather than St. Catharines and the surrounding area, the community CHSC is licensed to serve. Further, Commission staff's monitoring of CHSC's programming for the week of 20 to 26 January 2008 and a review of its spoken word

programming for that period raised concerns regarding its local programming levels and the station's programming orientation.

30. The current local programming policy is set out in Broadcasting Public Notice 2006-158 and stresses the importance of local programming and local news. AM stations are not generally required to operate under a condition of licence requiring that a specific minimum level of local programming be broadcast in order to solicit or accept local advertising. However, in its local programming policy, the Commission stated that it would examine the local programming performance of AM stations and, where necessary, deal with any issues on a case-by-case basis. The Commission made it clear that this included the possible imposition on AM stations of conditions of licence requiring local programming commitments.
31. At the hearing the licensee confirmed that CHSC's current format consists of a mix of English-language popular music and spoken word broadcast weekday mornings beginning at 6 a.m., Italian popular music programming with English-language spoken word aired weekday afternoons and during various weekday evening periods, and 16 hours of third-language Italian programming aired on weekends. Pellpropco stated that its 16 hours of third-language programming were directed principally to the Italian-speaking community within the St. Catharines and Niagara area, while the bulk of its programming over the remainder of the broadcast week was directed to a broad, general audience within the St. Catharines and Niagara area radio market. While the licensee acknowledged that CHSC's format mix is unique, it submitted that this format offered the best opportunity for CHSC, a stand-alone AM station operating in a highly competitive radio market, to develop and grow an audience.
32. Regarding local programming and CHSC's orientation, Pellpropco stated that its English-language spoken word aired during English-language music and ethnic programming throughout the broadcast day featured local news, weather, sports and traffic, as well as additional local surveillance and community events content. Further, it contended that the English-language community event content provided during weekend third-language programming demonstrated its commitment to serve listeners in the St. Catharines and Niagara region.
33. Following a full discussion with the licensee concerning local programming and in particular the nature and orientation of CHSC's spoken word programming, Pellpropco agreed to file a detailed analysis of the station's spoken word programming as aired over an average broadcast week. The analysis was to include figures showing the amount of news (subcategory 11)³ and surveillance material, including weather, sports, traffic and community events, directed to listeners in the St. Catharines and Niagara region and to listeners located out of market, specifically within the GTA. As well, the analysis was to show how these elements are allocated between CHSC's English-language and Italian-language spoken word programming.

³ As defined in the appendix to Public Notice 2000-14.

34. The licensee's analysis, which it filed on 31 March 2009, provided a spoken word breakdown for the broadcast week of 15 to 21 March 2009. The analysis revealed that a portion of CHSC's combined news and surveillance spoken word was directed to listeners within the GTA. However, the analysis also revealed that the majority of CHSC's combined news and surveillance spoken word (16 hours and 8 minutes in the English language and 3 hours and 38 minutes in the Italian language) was targeted to St. Catharines and Niagara area listeners. Further, the Commission notes that the licensee's analysis revealed that CHSC aired approximately 7 hours and 19 minutes of news programming. Of this total, 3 hours and 37 minutes consisted of English-language local news content specific to St. Catharines and the Niagara area.
35. The Commission is encouraged by the information provided in the licensee's spoken word analysis. However, it is vital that CHSC maintain a clear programming orientation towards the St. Catharines and the Niagara area in the future. In this regard, the Commission notes Pellpropco's assurance that CHSC's weekday morning programming will continue to offer the current English-language music and spoken word format and, in particular, a predominance of locally oriented spoken word directed to St. Catharines and Niagara area listeners. The Commission also notes that the licensee agreed at the hearing to accept to operate CHSC under a condition of licence prohibiting the broadcasting of any ethnic or third-language programming between 6 a.m. and noon from Monday to Friday.
36. Further, in the Commission's view the provision of locally oriented spoken word, particularly local news, plays a crucial role in determining whether a station is providing a satisfactory level of local service. Based on figures provided in the licensee's analysis, the Commission is pleased with the overall level of news reportedly broadcast on CHSC and in particular the 3 hours and 37 minutes of local news content Pellpropco has determined is of direct and particular relevance to listeners in the St. Catharines and Niagara area. As a means to ensure that CHSC provides a satisfactory level of local service to the St. Catharines and Niagara area, the Commission strongly encourages the licensee to strive to maintain this same level of general and local news content.
37. However, the Commission is concerned that the licensee's analysis showed that no English-language news or surveillance material, local or otherwise, was aired over the weekend. The Commission notes that although CHSC offers 8 hours of third-language Italian programming on both Saturday and Sunday, an additional 10 hours each day remains available to provide some locally oriented English-language spoken word content, including local news, weather and other types of locally oriented surveillance material. This absence of English-language news content, more specifically local news and local surveillance, represents a serious deficiency. The Commission considers that an appropriate measure to address this concern would be to impose a condition of licence requiring the licensee to broadcast a minimum of 20 minutes of English-language news content each Saturday and each Sunday, of which 50% each day must be of direct and particular relevance to listeners in the St. Catharines and Niagara area.

Canadian talent development

38. At the hearing, the Commission questioned the licensee concerning an apparent shortfall with respect to the annual CTD contributions it is required to allocate pursuant to condition of licence 5 set out in Public Notice 1999-137, to which its licence is subject (Broadcasting Decision 2003-388). The contributions at issue related to broadcast years 2004-2005 and 2005-2006 and were to be made in accordance with the levels set out in the Canadian Association of Broadcasters' former CTD Plan. Under that plan, CHSC was required to contribute \$5,000 annually to support Canadian talent.
39. Pellpropco acknowledged the shortfall and agreed to submit a letter confirming payment of the unmet contributions for the 2004-2005 and 2005-2006 broadcast years. Confirmation of the shortfall payments was provided by the licensee in a letter dated 12 March 2009.
40. By letter dated 24 April 2009, Commission staff acknowledged the licensee's shortfall payments and advised the licensee of an additional CTD shortfall for broadcast years 2006-2007 and 2007-2008 that came to light following the licensee's appearance at the public hearing. Further to the directions provided in the Commission staff's letter, the licensee is to file proof of the CTD shortfall payment for each of the broadcast years 2006-2007 and 2007-2008 with the Commission by 31 August 2009. In addition, the Commission reminds the licensee of its continuing financial obligation to support Canadian talent in each of the broadcast years 2008-2009 and 2009-2010, pursuant to its existing condition of licence and the new Canadian content development regulation set out in section 15 of the Regulations.

Other issues

41. At the hearing, the Commission questioned the licensee concerning the existing Management Agreement between Multimedia Management Limited and Pellpropco Inc. Following a discussion, it was found that Mr. Dominic Pellegrino, the owner of Multimedia Management Limited, was given the responsibility for the day-to-day operation of CHSC. However, the licensee Pellpropco reassured the Commission that it remains in full control of its decisions and that Multimedia Management Limited is reporting to the Board of directors for any decisions to be made. In light of this, the Commission requires that the licensee submit the following within 30 days of the date of this decision:
 - confirmation of the control statement (i.e. who exercises effective control of Pellpropco Inc. and by what means);
 - details relating to the composition of the Board of directors, their dates of appointment and position;
 - the name of the person who occupies the position of General Manager; and

- a copy of the executed Multimedia Management Agreement and any executed amendments to this agreement, should there be any.

Conclusion

42. In light of the licensee's multiple infractions to the Regulations, the Commission considers it appropriate to issue mandatory orders pursuant to section 12(2) of the *Broadcasting Act* (the Act) requiring the licensee to comply at all times with sections 2.2(8), 7(3), 8(4), 8(5), 8(6) and 9(2) of the Regulations relating to the broadcast of Canadian music, the broadcast of third-language programming, the provision of complete logger tapes and program logs, and the filing of annual returns and financial statements.
43. Consistent with section 13 of the Act, Broadcasting Mandatory Orders CRTC 2009-392, 2009-393, 2009-394 and 2009-395, as set out in the appendices to this decision, will be filed immediately with the Federal Court and become orders of that court. Failure to comply with Federal Court orders may result in resort to the compliance procedures of that court.
44. Further, to help ensure that the licensee provides a satisfactory level of local service to the St. Catharines and Niagara region, the Commission considers it appropriate to impose conditions of licence relating to the broadcast of ethnic and third-language programming and to the provision of English-language news content on weekends. Specifically, the Commission is requiring the licensee to refrain from broadcasting any ethnic or third-language programming between 6 a.m. and noon from Monday to Friday and requiring the licensee to broadcast a minimum of 20 minutes of English-language news content each Saturday and each Sunday, of which 50% each day must be of direct and particular relevance to St. Catharines and Niagara area listeners. **Conditions of licence** to this effect are set out in Appendix 5 to this decision.
45. The Commission reminds the licensee that it will monitor CHSC's performance closely over the remainder of its current licence term and will review the licensee's performance as part of its licence renewal. The Commission notes that it may consider recourse to additional measures, including short-term renewal, suspension, non-renewal or revocation of the licence, if Pellpropco again breaches the Regulations or any conditions of CHSC's licence.

Secretary General

Related documents

- Broadcasting Notice of Public Hearing CRTC 2008-14, 13 November 2008

- *CHSC St. Catharines – Licence amendment*, Broadcasting Decision CRTC 2006-688, 21 December 2006
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *CHSC St. Catharines – Licence renewal*, Broadcasting Decision CRTC 2003-388, 11 August 2003
- *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Ethnic broadcasting policy*, Public Notice CRTC 1999-117, 16 July 1999
- *Requirements for the Filing of Financial Statements with the Broadcasting Annual Return*, Circular No. 404, 23 August 1994
- *Policies for local programming on commercial radio stations and advertising on campus stations*, Public Notice CRTC 1993-38, 19 April 1993

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>.

Appendix 1 to Broadcasting Decision CRTC 2009-391

Broadcasting Mandatory Order CRTC 2009-392

Pellpropco Inc., licensee of CHSC St. Catharines, is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times within the term of the licence granted in *CHSC St. Catharines – Licence renewal*, Broadcasting Decision CRTC 2003-388, 11 August 2003, with the requirements contained in subsection 2.2(8) of the *Radio Regulations, 1986*, which reads as follows:

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

Appendix 2 to Broadcasting Decision CRTC 2009-391

Broadcasting Mandatory Order CRTC 2009-393

Pellpropco Inc., licensee of CHSC St. Catharines, is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times within the term of the licence granted in *CHSC St. Catharines – Licence renewal*, Broadcasting Decision CRTC 2003-388, 11 August 2003, with the requirements contained in subsection 7(3) of the *Radio Regulations, 1986*, which reads as follows:

(3) Except as otherwise provided under a condition of its licence to devote up to 40% of a broadcast week to third language programs, an A.M. licensee, F.M. licensee or digital radio licensee that is licensed to operate a station other than an ethnic station shall devote not more than 15% of a broadcast week to third language programs.

Appendix 3 to Broadcasting Decision CRTC 2009-391

Broadcasting Mandatory Order CRTC 2009-394

Pellpropco Inc., licensee of CHSC St. Catharines, is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times within the term of the licence granted in *CHSC St. Catharines – Licence renewal*, Broadcasting Decision CRTC 2003-388, 11 August 2003, with the requirements contained in subsections 8(4), 8(5) and 8(6) of the *Radio Regulations, 1986*, which read as follows:

- (4) A licensee shall furnish, to the Commission on request, its program log or machine readable record for any day, with a certificate by or on behalf of the licensee attesting to the accuracy of its content.
- (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.
- (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.

Appendix 4 to Broadcasting Decision CRTC 2009-391

Broadcasting Mandatory Order CRTC 2009-395

Pellpropco Inc., licensee of CHSC St. Catharines, is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times within the term of the licence granted in *CHSC St. Catharines – Licence renewal*, Broadcasting Decision CRTC 2003-388, 11 August 2003, with the requirements contained in subsection 9(2) of the *Radio Regulations, 1986*, which reads as follows:

- (2) On or before November 30 of each year, a licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the year ending on the previous August 31.

Appendix 5 to Broadcasting Decision CRTC 2009-391

Conditions of Licence

In addition to the conditions of licence set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, the licence for CHSC St. Catharines is subject to the following conditions:

The licensee shall refrain from broadcasting any ethnic or third-language programming between 6 a.m. and noon from Monday to Friday.

The licensee shall broadcast a minimum of 20 minutes of English-language news content each Saturday and each Sunday, of which 50% each day must be of direct and particular relevance to listeners in the St. Catharines and Niagara region. For the purpose of this condition, news content is defined as spoken word content that meets the Commission's subcategory 11 News definition, as set out in the appendix to *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000.