



## Broadcasting Decision CRTC 2013-454

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Route reference: 2013-221

Ottawa, 29 August 2013

### Various radio licensees

Various locations across Canada

*The application numbers are set out below.*

### Campus and community radio programming undertakings – Licence renewals

*The Commission renews the broadcasting licences for the campus and community radio stations set out in this decision. The licence expiry date for each station is set out in paragraph 55 of this decision. The short-term renewals, where applicable, will allow for an earlier review of each licensee's compliance with the Radio Regulations, 1986.*

#### Introduction

1. The Commission received applications to renew the broadcasting licences for the following radio programming undertakings, which expire 31 August 2013:<sup>1</sup>

#### Campus stations

Licensee	Application and date received	Call sign, location
B.C.I.T. Radio Society	2011-1455-3 31 October 2011	CFML-FM Burnaby, BC
CKDU-FM Society	2012-0357-0 21 March 2012	CKDU-FM Halifax, NS
Concordia Student Broadcasting Corporation	2012-0319-0 12 March 2012	CJLO Montréal, QC

#### Community stations

Licensee	Application and date received	Call sign, location
Community Radio Society of Saskatoon Inc.	2012-0280-4 8 March 2012	CFCR-FM Saskatoon, SK

<sup>1</sup> The original licence expiry date for these stations was 31 August 2012. The licences were administratively renewed until 31 August 2013 as a result of Broadcasting Decision 2012-434.

Coopérative Radio-Halifax-Métron limitée	2012-0218-4 29 February 2012	CKRH-FM Halifax, NS
Homegrown Community Radio	2012-0780-4 27 June 2012	CHCR-FM Killaloe, ON and its transmitter CHCR-FM-1 Wilno
La Coopérative des montagnes limitée - Radio communautaire	2012-0247-3 6 March 2012	CFAI-FM Edmundston, NB
La Co-opérative Radio Richmond limitée	2012-0283-7 9 March 2012	CITU-FM Petit-de-Grat, NS
La radio campus communautaire francophone de Shawinigan inc.	2012-0242-3 5 March 2012	CFUT-FM Shawinigan, QC
La radio communautaire de LaSalle	2012-0206-9 27 February 2012	CKVL-FM Montréal (Lasalle), QC
Radio communautaire du Saguenay inc.	2012-0260-6 7 March 2012	CKAJ-FM Jonquière, QC and its transmitter CKAJ-FM-1 La Baie
Radio communautaire Intergénération Jardin du Québec	2012-0268-9 7 March 2012	CHOC-FM Saint-Rémi, QC and its transmitter CHOC-FM-1 Napierville and its new transmitter in Saint-Jacques-le-Mineur
Radio Nord-Joli inc.	2012-0270-5 7 March 2012	CFNJ-FM Saint-Gabriel-de-Brandon, QC and its transmitter CFNJ-FM-1 Saint Zénon
Wired World Inc.	2012-0281-1 8 March 2012	CKWR-FM Kitchener, ON

2. The Commission received interventions in support of various applications.
3. The Commission also received an intervention by the Province of Ontario concerning the applications for CHCR-FM Killaloe and CKWR-FM Kitchener and an intervention by the Province of British Columbia concerning the application for CFML-FM Burnaby. These interventions related to the participation of the stations in the National Public Alerting System (NPAS). The public record for these applications is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
4. As specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS. Therefore, the Commission will not impose conditions of

licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to voluntarily participate in the NPAS so that Canadians receive timely warnings of imminent perils.

### **Non-compliance**

5. In Broadcasting Notice of Consultation 2013-221 (the Notice), the Commission noted that these licensees appeared to be in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) regarding the provision of annual returns. The Notice indicated the broadcast years in which this apparent non-compliance occurred for each licensee.
6. Section 9(2) of the Regulations requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.

### **CFML-FM Burnaby**

7. In the Notice, the Commission noted that the B.C.I.T Radio Society was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CFML-FM by the 30 November deadline for each of the 2005-2006, 2006-2007, 2007-2008, 2008-2009 and 2009-2010 broadcast years. The licensee did not file the returns by the 30 November deadline.
8. The licensee indicated that inefficient internal communications and a turnover in management had contributed to the late filings. The licensee also indicated that it had implemented procedures to ensure that annual returns are filed on a timely basis and that radio faculty and staff would monitor compliance in the future.
9. In light of the above, the Commission finds the B.C.I.T Radio Society in non-compliance with section 9(2) the Regulations for CFML-FM for the 2005-2006, 2006-2007, 2007-2008, 2008-2009 and 2009-2010 broadcast years.

### **CKDU-FM Halifax**

10. In the Notice, the Commission noted that the CKDU-FM Society was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CKDU-FM for each of the 2005-2006, 2006-2007 and 2007-2008 broadcast years. The licensee did not file annual returns for the years in question.
11. The licensee indicated that the annual returns were not filed due to a lack of understanding and communication between the station's board of directors and the station coordinator. The licensee indicated that it was working to locate and file the missing returns and that it had put measures in place to ensure compliance in the future.

21. The licensee indicated that the 2008-2009 annual returns were submitted late despite the best efforts of volunteers. It further stated that the financial statements were missing from the 2009-2010 annual return because the new station manager was not able to complete them on time. The financial statements have now been submitted, and the board of directors will supervise preparation of future annual returns.
22. In light of the above, the Commission finds Coopérative Radio-Halifax-Métro limitée in non-compliance with section 9(2) of the Regulations for CKRH-FM for the 2008-2009 and 2009-2010 broadcast years.

**CHCR-FM Killaloe**

23. In the Notice, the Commission noted that Homegrown Community Radio was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CHCR-FM for each of the 2008-2009, 2009-2010 and 2010-2011 broadcast years. The licensee did not file the returns by the 30 November deadline.
24. The licensee indicated that the station had moved on several occasions and some financial results had been misplaced. The board of directors is revising training manuals, and the board's calendar is being updated to include the deadlines for the submission of annual returns.
25. In light of the above, the Commission finds Homegrown Community Radio in non-compliance with section 9(2) of the Regulations for CHCR-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years.

**CFAI-FM Edmundston**

26. In the Notice, the Commission noted that La Coopérative des montagnes limité – Radio communautaire was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CFAI-FM for each of the 2007-2008 and 2008-2009 broadcast years. The licensee did not file the returns by the 30 November deadline.
27. The licensee stated that the late filings were due to the inexperience of the former Director General. The licensee indicated that it is setting up a reminder system to ensure that annual returns are prepared each year.
28. In light of the above, the Commission finds La Coopérative des montagnes limitée – Radio communautaire in non-compliance with section 9(2) of the Regulations for CFAI-FM for the 2007-2008 and 2008-2009 broadcast years.

**CITU-FM Petit-de-Grat**

29. In the Notice, the Commission noted that La Co-opérative Radio Richmond limitée was in apparent non-compliance with section 9(2) of the Regulations for CITU-FM

45. The licensee stated that it had mistakenly believed that the person responsible had sent the annual returns on time. The board of directors has made a commitment to ensure the timely filing of annual returns in the future.
46. In light of the above, the Commission finds Radio Nord-Joli inc. in non-compliance with section 9(2) of the Regulations for CFNJ-FM for the 2005-2006, 2006-2007 and 2009-2010 broadcast years.

#### **CKWR-FM Kitchener**

47. In the Notice, the Commission noted that Wired World Inc. was in apparent non-compliance with section 9(2) of the Regulations for CKWR-FM regarding the provision of its annual returns for each of the 2008-2009 and 2009-2010 broadcast years. The annual returns were not provided by the 30 November deadline.
48. The licensee indicated that the new board of directors was unaware of the requirement to submit annual returns, but has since made the fulfillment of this requirement a priority.
49. In light of the above, the Commission finds Wired World Inc. in non-compliance with section 9(2) of the Regulations for CKWR-FM for the 2008-2009 and 2009-2010 broadcast years. The Commission notes that this is the second consecutive licence term in which Wired World Inc. has been found in non-compliance with section 9(2) of the Regulations for CKWR-FM.

#### **Regulatory measures**

50. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
51. The Commission notes that compliance with the deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with the Regulations and its conditions of licence.
52. In light of the circumstances surrounding the non-compliance, the Commission finds that it is appropriate to renew the broadcasting licences of CITU-FM and CFCR-FM for a full seven-year term.
53. For the remainder of the stations, the Commission finds that the appropriate measure is a short-term renewal, as set out below, the length of which reflects the nature and extent of the non-compliance. The short-term renewals will allow for an earlier review of each licensee's compliance with the Regulations and with its conditions of licence.

54. With respect to CKDU-FM, the Commission notes that it still has not received the annual returns for the 2005-2006, 2006-2007 and 2007-2008 broadcast years. Accordingly, the conditions of licence for CKDU-FM set out in Appendix 3 to this decision require the licensee to file the missing annual returns within **90 days of the date of this decision.**

### Conclusion

55. In light of all of the above, the Commission **renews** the broadcasting licences for the campus and community radio programming undertakings that are the subject of this decision until the expiry dates set out in the chart below. The chart also indicates the appendix in which the conditions of licence for the station appear.

Station	Expiry date
CFML-FM Burnaby, BC	31 August 2018 (See Appendix 1)
CKDU-FM Halifax, NS	31 August 2018 (See Appendix 2)
CJLO Montréal, QC	31 August 2019 (See Appendix 3)
CFCR-FM Saskatoon, SK	31 August 2020 (See Appendix 4)
CKRH-FM Halifax, NS	31 August 2019 (See Appendix 5)
CHCR-FM Killaloe, ON and its transmitter CHCR-FM-1 Wilno	31 August 2018 (See Appendix 6)
CFAI-FM Edmundston, NB	31 August 2019 (See Appendix 7)
CITU-FM Petit-de-Grat, NS	31 August 2020 (See Appendix 8)
CFUT-FM Shawinigan, QC	31 August 2019 (See Appendix 9)
CKVL-FM Montréal (Lasalle), QC	31 August 2019 (See Appendix 10)
CKAJ-FM Jonquière, QC and its transmitter CKAJ-FM-1 La Baie	31 August 2019 (See Appendix 11)
CHOC-FM Saint-Rémi, QC and its transmitter CHOC-FM-1 Napierville and its new transmitter Saint-Jacques-le-Mineur	31 August 2018 (See Appendix 12)
CFNJ-FM Saint-Gabriel-de-Brandon, QC and its transmitter CFNJ-FM-1 Saint Zénon	31 August 2019 (See Appendix 13)

56. The licensees will be subject to the **conditions of licence** set out in the appropriate appendices to this decision.
57. The Commission reminds the licensees that, pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

**Filing of ownership information**

58. As set out in Broadcasting Regulatory Policy 2010-499, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections or at any other time. As noted in Appendix 3 to that policy, licensees may submit such documentation via the Commission's website.

**Employment equity**

59. The Commission considers that campus and community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensees to consider these issues in its hiring practices and in all other aspects of its management of human resources.

**Secretary General****Related documents**

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-221, 8 May 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-434, 8 August 2012
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

*\*This decision and the appropriate appendix are to be appended to each licence.*

## **Appendix 6 to Broadcasting Decision CRTC 2013-454**

### **Terms and conditions of licence for the community radio programming undertaking CHCR-FM Killaloe, Ontario and its transmitter CHCR-FM-1 Wilno**

#### **Terms**

The licence will expire 31 August 2018.

#### **Conditions of licence**

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, as amended from time to time.