



Broadcasting Decision CRTC 2011-547

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Route reference: 2011-188

Ottawa, 31 August 2011

Vancouver Co-operative Radio
Vancouver, British Columbia

Application 2011-0165-9, received 30 January 2011

Public hearing in the National Capital Region

17 May 2011

CFRO-FM Vancouver – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language community radio station CFRO-FM Vancouver from 1 September 2011 to 31 August 2016. This short-term renewal will allow for an earlier review of the licensee's compliance with the Radio Regulations, 1986.*

Introduction

1. The Commission received an application by Vancouver Co-operative Radio to renew the broadcasting licence for the English-language community radio programming undertaking CFRO-FM Vancouver, which expires 31 August 2011.
2. The Commission received numerous interventions in support of the application. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. In Broadcasting Notice of Consultation 2011-188, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) concerning the filing of annual returns for the 2008-2009 and 2009-2010 broadcast years. Given that this represented the licensee's fourth consecutive licence term with issues of non-compliance, the Commission expected the licensee to show cause why a mandatory order should not be issued requiring the licensee to comply with section 9(2) of the Regulations and why the Commission should not suspend or refuse to renew CFRO-FM's broadcasting licence.

Non-compliances

4. As set out in section 9(2) of the Regulations, on or before 30 November of each year, licensees are required to file their annual return for the broadcast year ending the previous 31 August. The Commission notes that the licensee filed its annual returns for the 2008-2009 and 2009-2010 broadcast years on 14 January 2010 and 2 February 2011 respectively.

5. At the hearing, the licensee indicated that it was unaware that its 2008-2009 annual return was filed late until it was notified by the Commission in early 2011. The licensee noted that the person responsible for filing the station's returns failed to notify staff and board members of the filing delay before leaving the station. With respect to the 2009-2010 filing, the licensee stated that the delay was due to a former staff member's inability to perform these duties. It further noted that the staff member's employment was subsequently terminated due to unsatisfactory performance.
6. The licensee stated that it took full responsibility for the delay in filing its annual returns and indicated that it had since put in place measures to ensure their timely filing, including training employees to inform them of Commission filing deadlines, compiling a calendar of all these regulatory deadlines, regular review of the calendar at staff and board meetings and the creation of an e-mail account that can be accessed by staff and station officials.

Commission's analysis and determinations

7. The Commission notes that this is the fourth consecutive licence term in which CFRO-FM has been found in non-compliance with the Regulations. However, the Commission recognizes that CFRO-FM faces significant challenges in terms of its limited resources and its reliance on a high number of volunteers. It also acknowledges the particular challenge of finding and retaining qualified personnel to manage the day-to-day operations of the station. Further, the Commission notes the service that CFRO-FM provides to the Vancouver community, notably Vancouver's Downtown Eastside, and the array of programming that it provides to its listeners, especially to under-represented and marginalized segments of the population.
8. The Commission is satisfied with the licensee's explanation of the circumstances surrounding its current non-compliances and the measures it outlined to ensure the timely filing of its annual returns in the future. The Commission also notes that the licensee has taken the necessary measures to comply with the requirements with which it was previously found in non-compliance, such that it has not repeated any past non-compliance. Nonetheless, the Commission reminds the licensee of the importance of complying with its regulatory obligations and conditions of licence at all times.

Conclusion

9. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with radio stations found in non-compliance. The Commission noted in particular that each instance of non-compliance would be evaluated in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it would consider the circumstances leading to the non-compliance, the licensee's arguments and the measures taken to rectify the situation.

10. The Commission indicated that the possible sanctions include the following:
short-term licence renewal, imposition of conditions of licence, mandatory orders or non-renewal or suspension of the licence.
11. In accordance with its revised approach regarding radio non-compliance set out in Broadcasting Information Bulletin 2011-347, the Commission considers that a short-term renewal period for CFRO-FM would be appropriate. In addition, the Commission does not consider it necessary to issue a mandatory order requiring the licensee to comply with section 9(2) of the Regulations. Accordingly, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CFRO-FM Vancouver from 1 September 2011 to 31 August 2016. This short-term renewal will allow for an earlier review of the licensee's compliance with the Regulations. The licence will be subject to the **conditions of licence** set out in the appendix to this decision.

Secretary General

Related documents

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2011-188, 16 March 2011

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2011-547

Conditions of licence, expectation and encouragement

Conditions of licence

1. The licence will be subject to the conditions set out in *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000, with the exception of conditions 1 and 9.
2. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
3. In each broadcast week, the licensee shall devote no less than 15% of its programming to Spoken Word (content category 1), which is comprised of News (subcategory 11) and Spoken word – other (subcategory 12), as defined in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000, as amended from time to time. The entirety of this spoken word programming shall be locally produced (that is, produced by or exclusively for the licensee).
4. During each broadcast week, the licensee may devote a maximum of 25 hours and 30 minutes to third-language ethnic programming.
5. During each broadcast week, the licensee shall provide programming directed to a minimum of 12 ethno-cultural groups in a minimum of 12 different languages.

For the purposes of these conditions, the term “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Expectation

Canadian content development and participation of volunteers

The Commission expects the licensee to implement the initiatives set out in its plan for Canadian content development and to give effect to the measures designed to encourage the participation of volunteers.

Encouragement

Employment equity

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