



Broadcasting Decision CRTC 2013-451

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Route reference: 2013-223

Ottawa, 28 August 2013

Various radio licensees

Various locations across Canada

The application numbers are set out below.

Native Type B radio programming undertakings – Licence renewals

*The Commission **renews** the broadcasting licences for the Native Type B radio stations set out in this decision. The licence expiry date for each station is set out in paragraph 35 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 2013:¹

Licensee	Application number and date received	Call sign and location
Corporation de Radio Kushapetsheken Apetuamiss Uashat	2012-1408-0 5 November 2012	CKAU-FM Maliotenam, QC and its transmitter CKAU-FM-1 Sept-Îles
Corporation Médiatique Teuehikan	2012-1541-8 5 December 2012	CHUK-FM Mashteuiatsh, QC
Gespegewag Communications Society	2012-1373-5 26 October 2012	CHRQ-FM Restigouche, QC
FDB Broadcasting Inc.	2012-1397-5 30 October 2012	CFDM-FM Meadow Lake, SK
Micmac Historical Cultural Art Society	2012-1340-5 24 October 2012	CFIC-FM Listuguj, QC

¹ 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 2012-447.

Native Communications Society of the N.W.T.	2012-1515-3 30 November 2012	CKLB-FM Yellowknife, NT and its transmitters:
		VF2069 Deline (Fort Franklin), VF2070 Fort Good Hope, VF2071 Rae-Edzo, VF2080 Fort McPherson, VF2081 Fort Resolution, VF2082 Inuvik, VF2083 Aklavik and VF2102 Fort Simpson
Radio communautaire MF Lac Simon inc.	2012-1410-6 1 November 2012	CHUT-FM Lac-Simon (Louvicourt), QC and its transmitter CHUT-FM-1 Val d'Or
Société de communication Ikito Pikogan ltée	2012-1387-6 29 October 2012	CKAG-FM Pikogan, QC

- The Commission did not receive any interventions in connection with these applications.

Non-compliance

- In Broadcasting Notice of Consultation 2013-223 (the Notice), the Commission noted that the licensees that are the subject of this decision 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 specified the broadcast years in which this apparent non-compliance occurred for each licensee.
- 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.

CKAU-FM Maliotenam and its transmitter

- In the Notice, the Commission noted that Corporation de Radio Kushapetsheken Apetuamiss Uashat was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of complete annual returns for CKAU-FM for the 2008-2009 and 2009-2010 broadcast years. The licensee did not submit financial statements with the returns.
- The licensee explained that its accountant had been on maternity leave during the 2008-2009 broadcast year, and that there had been a change in the station's

accounting firm. The Commission has since received the missing financial statements.

7. In light of the above, the Commission finds Corporation de Radio Kushapetsheken Apetuamiss Uashat in non-compliance with section 9(2) of the Regulations for CKAU-FM for the 2008-2009 and 2009-2010 broadcast years.

CHUK-FM Mashteuiatsh

8. In the Notice, the Commission noted that Corporation Médiatique Teuehikan was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CHUK-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years. The annual return for the 2008-2009 broadcast year was not filed by the 30 November deadline, and no financial statements were provided with the annual returns for the 2008-2009, 2009-2010 and 2010-2011 broadcast years.
9. The licensee explained that the non-compliance issues were the result of a lack of knowledge on the part of the person that replaced the station director. The licensee has hired an accountant to ensure the station's compliance in the future. The Commission has since received the missing financial statements.
10. In light of the above, the Commission finds Corporation Médiatique Teuehikan in non-compliance with section 9(2) of the Regulations for CHUK-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years.

CHRQ-FM Restigouche

11. In the Notice, the Commission noted that Gespegeag Communications Society was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CHRQ-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years. The licensee did not file annual returns for those broadcast years.
12. The licensee offered no explanation for the missing annual returns.
13. In light of the above, the Commission finds Gespegeag Communications Society in non-compliance with section 9(2) the Regulations for CHRQ-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years.

CFDM-FM Meadow Lake

14. In the Notice, the Commission noted that FDB Broadcasting Inc. was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CFDM-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years. No annual returns were filed for the 2008-2009 and 2010-2011 broadcast years. The 2009-2010 annual return was not filed by the 30 November deadline and did not include financial statements.

15. The licensee did not elaborate on the circumstances that led to the non-compliance. The Commission notes that, although the 2009-2010 financial statements have since been filed, the annual returns for the 2008-2009 and 2010-2011 broadcast years are still outstanding as of the date of this decision.
16. In light of the above, the Commission finds FDB Broadcasting Inc. in non-compliance with section 9(2) of the Regulations for CFDM-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years.

CFIC-FM Listuguj

17. In the Notice, the Commission noted that Micmac Historical Cultural Art Society was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CFIC-FM for the 2005-2006, 2006-2007, 2007-2008 and 2008-2009 broadcast years. The annual returns for the 2005-2006 and 2006-2007 broadcast years were not filed by the 30 November deadline, the annual return for the 2008-2009 broadcast year did not include financial statements, and no annual return was filed for the 2007-2008 broadcast year.
18. The licensee indicated that November was a busy time of year and that it did not realize the seriousness of not filing annual returns. Going forward, the licensee indicated that the filing returns would be given priority. The Commission notes that the missing financial statements and annual returns have now been received.
19. In light of the above, the Commission finds the Micmac Historical Cultural Art Society in non-compliance with section 9(2) of the Regulations for CFIC-FM for the 2005-2006, 2006-2007, 2007-2008 and 2008-2009 broadcast years.

CKLB-FM Yellowknife

20. In the Notice, the Commission noted that Native Communications Society of the N.W.T. was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for the 2008-2009, 2009-2010 and 2010-2011 broadcast years. The annual return for the 2008-2009 broadcast year was not filed. The 2009-2010 and 2010-2011 annual returns were not filed by the 30 November deadline and no financial statements were included with the 2010-2011 annual return.
21. The licensee indicated that there had been a change in station director in 2010 and non-compliance before that time could not be explained. It also cited lack of staff, complicated electronic filing processes and a heavy administrative burden as factors that hindered compliance. The licensee indicated that it would file the missing documentation as soon as possible, but the Commission has not yet received the documentation as of the date of this decision.
22. In light of the above, the Commission finds Native Communications Society of the N.W.T. in non-compliance with section 9(2) of the Regulations for CKLB-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years.

CHUT-FM Lac-Simon (Louvicourt)

23. In the Notice, the Commission noted that Radio communautaire MF Lac Simon inc. was in apparent non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for CHUT-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years. The annual return for the 2008-2009 broadcast year was not filed by the 30 November deadline. The annual return for the 2009-2010 broadcast year was not filed by the 30 November deadline and no financial statements were included with the return. The licensee did not file an annual return for the 2010-2011 broadcast year.
24. The licensee indicated that a lack of financial resources made it impossible to hire a full-time accountant. It stated that it would hire an external accountant each August to complete the annual returns. The Commission notes that the licensee has now submitted all missing documentation.
25. In light of the above, the Commission finds Radio communautaire MF Lac Simon inc. in non-compliance with section 9(2) of the Regulations for CHUT-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years.

CKAG-FM Pikogan

26. In the Notice, the Commission noted that Société de communication Ikito Pikogan ltée was in apparent non-compliance with section 9(2) of the Regulations relating to the provision of a complete annual return for CKAG-FM for the 2010-2011 broadcast year. No financial statements were filed with the return.
27. The licensee could not explain the missing financial statements indicating that it thought the return in question was complete and filed at the proper time. The licensee indicated that it would institute a follow-up mechanism for annual returns as well as a reminder system and stay in communication with the Commission. The missing financial statements have since been received.
28. In light of the above, the Commission finds Société de communication Ikito Pikogan ltée in non-compliance with section 9(2) of the Regulations for CKAG-FM for the 2010-2011 broadcast year.

Regulatory measures

29. 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.

30. The Commission also notes that, for all stations other than CFIC-FM, this is the second consecutive licence term in which they have been found in non-compliance with their regulatory requirements.
31. The Commission notes that compliance with the deadlines for the filing of complete annual returns is important because it enables it to monitor a licensee's performance and compliance with the Regulations and its conditions of licence.
32. In light of the circumstances surrounding the non-compliance of CKAG-FM, the Commission considers that it is appropriate to renew its licence for a full seven-year term.
33. For the remainder of the stations, the Commission considers 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.
34. With respect to CKLB-FM Yellowknife, CHRQ-FM Restigouche and CFDM-FM Meadow Lake, the Commission notes that it still has not received annual returns or financial statements required under section 9(2) of the Regulations for certain broadcast years. Accordingly, the conditions of licence for these stations set out in the appropriate appendix to this decision require the licensees to file the missing documentation within **90 days of the date of this decision**.

Conclusion

35. In light of all of the above, the Commission **renews** the broadcasting licenses for the following Native Type B radio programming undertakings 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. The terms and **conditions of licence** are set out in the appropriate appendices to this decision.

Station	Expiry date
CKAU-FM Maliotenam, QC and its transmitter CKAU-FM-1 Sept-Îles	31 August 2019 (See Appendix 1)
CHUK-FM Mashteuiatsh, QC	31 August 2019 (See Appendix 2)
CHRQ-FM Restigouche, QC	31 August 2016 (See Appendix 3)
CFDM-FM Meadow Lake, SK	31 August 2016 (See Appendix 4)

CFIC-FM Listuguj, QC	31 August 2019 (See Appendix 5)
CKLB-FM Yellowknife, NT	31 August 2019 (See Appendix 6)
CHUT-FM Lac-Simon (Louvicourt), QC	31 August 2019 (See Appendix 7)
CKAG-FM Pikogan, QC	31 August 2020 (See Appendix 8)

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-223, 8 May 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-447, 17 August 2012, as corrected by Broadcasting Decision CRTC 2012-447-1, 22 August 2012
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Licence renewals*, Broadcasting Decision CRTC 2008-241, 29 August 2008

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

Appendix 1 to Broadcasting Decision CRTC 2013-451

Terms and conditions of licence for the Native Type B radio programming undertaking CKAU-FM Maliotenam, Quebec and its transmitter CKAU-FM-1 Sept-Îles

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. In each broadcast week, a minimum of 35% of all musical selections from Category 2 (Popular music) shall be devoted to Canadian selections played in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Appendix 2 to Broadcasting Decision CRTC 2013-451

Terms and conditions of licence for the Native Type B radio programming undertaking CHUK-FM Mashteuiatsh, Quebec

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. In each broadcast week, a minimum of 35% of all musical selections from Category 2 (Popular music) shall be devoted to Canadian selections played in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Appendix 3 to Broadcasting Decision CRTC 2013-451

Terms and conditions of licence for the Native Type B radio programming undertaking CHRQ-FM Restigouche, Quebec

Terms

The licence will expire 31 August 2016.

Conditions of licence

1. In each broadcast week, a minimum of 35% of all musical selections from Category 2 (Popular music) shall be devoted to Canadian selections played in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
4. The licensee shall file CHRQ-FM's annual returns for each of the 2008-2009, 2009-2010 and 2010-2011 broadcast years within **90 days of the date of this decision**.

Appendix 4 to Broadcasting Decision CRTC 2013-451

Terms and conditions of licence for the Native Type B radio programming undertaking CFDM-FM Meadow Lake, Saskatchewan

Terms

The licence will expire 31 August 2016.

Conditions of licence

1. In each broadcast week, a minimum of 35% of all musical selections from Category 2 (Popular music) shall be devoted to Canadian selections played in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
4. The licensee shall file CFDM-FM's annual returns for each of the 2008-2009 and 2010-2011 broadcast years within **90 days of the date of this decision**.

Appendix 5 to Broadcasting Decision CRTC 2013-451

Terms and conditions of licence for the Native Type B radio programming undertaking CFIC-FM Listuguj, Quebec

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. In each broadcast week, a minimum of 35% of all musical selections from Category 2 (Popular music) shall be devoted to Canadian selections played in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Appendix 6 to Broadcasting Decision CRTC 2013-451

Terms and conditions of licence for the Native Type B radio programming undertaking CKLB-FM Yellowknife, Northwest Territories and its transmitters VF2069 Deline (Fort Franklin), VF2070 Fort Good Hope, VF2071 Rae-Edzo, VF2080 Fort McPherson, VF2081 Fort Resolution, VF2082 Inuvik, VF2083 Aklavik and VF2102 Fort Simpson

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. In each broadcast week, a minimum of 35% of all musical selections from Category 2 (Popular music) shall be devoted to Canadian selections played in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
4. The licensee shall file CKLB-FM's annual return for the 2008-2009 broadcast year as well as CKLB-FM's financial statements for the 2010-2011 broadcast year **within 90 days of the date of this decision.**

Appendix 7 to Broadcasting Decision CRTC 2013-451

Terms and conditions of licence for the Native Type B radio programming undertaking CHUT-FM Lac Simon (Louvicourt), Quebec and its transmitter CHUT-FM-1 Val d'Or

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. In each broadcast week, a minimum of 35% of all musical selections from Category 2 (Popular music) shall be devoted to Canadian selections played in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Appendix 8 to Broadcasting Decision CRTC 2013-451

Terms and conditions of licence for the Native Type B radio programming undertaking CKAG-FM Pikogan, Quebec

Terms

The licence will expire 31 August 2020.

Conditions of licence

1. In each broadcast week, a minimum of 35% of all musical selections from Category 2 (Popular music) shall be devoted to Canadian selections played in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.