



Broadcasting Decision CRTC 2013-692

PDF version

Route reference: 2013-325

Ottawa, 13 December 2013

Radio Témiscamingue incorporée
Ville-Marie, Quebec

Application 2013-0039-2, received 14 January 2013

CKVM-FM Ville-Marie and its transmitter CKVM-1-FM Témiscamingue – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CKVM-FM Ville-Marie, Quebec, and its transmitter CKVM-1-FM Témiscamingue from 1 January 2014 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.*

Introduction

1. Radio Témiscamingue incorporée (Radio Témiscamingue) filed an application to renew the broadcasting licence for the French-language commercial radio station CKVM-FM Ville-Marie, Quebec, and its transmitter CKVM-1-FM Témiscamingue, which expires on 31 December 2013,¹ under the same conditions in effect under the current licence.
2. The Commission received interventions commenting on this application from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ), and from the ministère de la Culture et des Communications and ministère de la Sécurité publique (the Ministères), on behalf of the Government of Quebec. The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The intervention from the Ministères related to the participation of the station in the National Public Alerting System (NPAS). In this regard, 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

¹The original licence expiry date for CKVM-FM was 31 August 2013. The licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

expects all licensees to participate voluntarily in the NPAS so that Canadians receive timely warnings of imminent perils.

Non-compliance

4. Section 9(2) of the *Radio Regulations, 1986* (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 specific filing requirements, including the requirement to submit financial statements with annual returns, are set out in Broadcasting Information Bulletin 2011-795.
5. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2009-2010 and 2010-2011 broadcast years. More specifically, the financial statements were not included in the annual returns for those years.
6. The licensee explained that it was not aware that the financial statements had not been filed with the Commission. It added that the accounting firm that had prepared the annual returns was to include the financial statements but had not done so. The licensee indicated that the annual returns would henceforth be prepared by the station's accountant and that the accounting firm would be more closely monitored. The Commission notes that Radio Témiscamingue filed the missing 2009-2010 and 2010-2011 financial statements in 2013.
7. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2009-2010 and 2010-2011 broadcast years.
8. Further, the Commission notes that this is the second consecutive licence term in which the licensee has been found in non-compliance. In Broadcasting Decision 2010-430, the Commission renewed the station's broadcasting licence for a short-term period of four years in light of the station's non-compliance with the requirement set out in section 9(2) of the Regulations regarding the filing of annual returns for the 2003-2004 and 2004-2005 broadcast years.

Regulatory measures

9. 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 leading to the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.

10. The Commission notes that compliance with deadlines for the filing of annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations and obligations. Accordingly, it considers the late or incomplete filing of annual returns a serious matter.
11. The Commission reminds the licensee that it is its responsibility to submit annual returns on time. Further, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns. If additional clarification is required, it is the licensee's responsibility to contact the Commission to obtain further direction.
12. The Commission has reviewed the record for this application and is satisfied with the measures the licensee has put in place to address the non-compliance. However, given the circumstances surrounding Radio Témiscamingue's non-compliance and the fact that this is a repeated instance of non-compliance, the Commission finds it appropriate to grant the station a short-term licence renewal.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CKMV-FM Ville-Marie, Quebec, and its transmitter CKMV-1-FM Témiscamingue from 1 January 2014 to 31 August 2019. The terms and **conditions of licence** are set out in the appendix to this decision.
14. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Reminder

15. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-325, 5 July 2013
- *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
- *CKVM-FM Ville-Marie and its transmitter – Licence renewal*, Broadcasting Decision CRTC 2010-430, 30 June 2010

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

Appendix to Broadcasting Decision CRTC 2013-692

Terms, conditions of licence and encouragement for the French-language commercial radio programming undertaking CKVM-FM Ville-Marie, Quebec, and its transmitter CKVM-1-FM Témiscamingue

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time.
2. Every three months, the licensee shall submit a self-assessment report on the programming aired during a given week. This report must demonstrate that the licensee has complied with the *Radio Regulations, 1986* (the Regulations), the Commission's policies and its conditions of licence. Further, the report must demonstrate that the licensee has complied with the requirements of section 2.2(5) of the Regulations relating to the percentage of French-language vocal musical selections broadcast in their entirety during each broadcast week.

Encouragement

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.