



Broadcasting Decision CRTC 2013-716

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Route reference: 2013-325

Ottawa, 18 December 2013

663975 B.C. Ltd.

Fort St. John, British Columbia

Application 2013-0131-6, received 24 January 2013

CKFU-FM Fort St. John – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKFU-FM Fort St. John, British Columbia, from 1 January 2014 to 31 August 2018. This short-term renewal will allow for an earlier review of the licensee's compliance with its conditions of licence and the Radio Regulations, 1986.*

Introduction

1. 663975 B.C. Ltd. filed an application to renew the broadcasting licence for the English-language commercial radio station CKFU-FM Fort St. John, British Columbia, which expires 31 December 2013.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with section 15 of the *Radio Regulations, 1986* (the Regulations) relating to Canadian content development (CCD) contributions for each of the 2009-2010, 2010-2011 and 2011-2012 broadcast years.
3. Included in this apparent non-compliance for 2009-2010 and 2010-2011 was the licensee's failure to contribute to FACTOR. The licensee explained that for both of these broadcast years, it had attempted to contact FACTOR on several occasions by phone and email to find out how to make its contributions but never received a response, resulting in the non-payment.
4. The licensee added that it did not file proof of payment to the local CCD initiative for the 2011-2012 broadcast year due to an oversight. The licensee indicated that it paid the shortfalls and filed a copy of the missing proof of payment in February 2013. The licensee stated that it will contact FACTOR each July to ensure that its contributions

¹ The original expiry date of CKFU-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

are made on time and that it has the proper proof of payment for the annual return. The licensee also indicated that it will implement a new policy whereby annual returns cannot be submitted until after they have been fully reviewed by either the general manager or the station owner.

5. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to CCD contributions for the 2009-2010 to 2011-2012 broadcast years.
6. In Broadcasting Decision 2010-421, the Commission renewed CKFU-FM's broadcasting licence for a short-term period, given the station's non-compliance with section 9(2) of the Regulations relating to the provision of annual returns for the 2004-2005 to 2007-2008 broadcast years.

Regulatory measures

7. 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.
8. The Commission considers that initiatives relating to the development of Canadian content and talent not only help to develop and advance the careers of emerging Canadian artists but to increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions to the development of Canadian content and talent.
9. The Commission has reviewed the record for this application and is satisfied with the licensee's explanations and the measures it has put in place to address its non-compliance with section 15 of the Regulations. The Commission notes that the licensee paid all shortfalls and provided the appropriate proof of payment. However, given the nature and extent of the non-compliance, as well as the fact that it is the licensee's second consecutive licence term with non-compliance issues, the Commission considers that a short-term renewal for CKFU-FM is appropriate.

Conclusion

10. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKFU-FM Fort St. John, British Columbia, from 1 January 2014 to 31 August 2018. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.

11. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory obligations. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with its conditions of licence and the Regulations.

Reminder

12. 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.

Encouragement

13. In accordance with Public Notice 1992-59, 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.

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
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CKFU-FM Fort St. John – Licence renewal*, Broadcasting Decision CRTC 2010-421, 30 June 2010
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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