



Broadcasting Decision CRTC 2014-262

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Route reference: 2014-128

Ottawa, 22 May 2014

La radio communautaire de Fermont inc.
Fermont, Quebec

Application 2013-1486-4, received 6 November 2013

CFMF-FM Fermont – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CFMF-FM Fermont from 1 September 2014 to 31 August 2021.*

Application

1. La radio communautaire de Fermont inc. filed an application to renew the broadcasting licence for the French-language community radio station CFMF-FM Fermont, which expires 31 August 2014. The Commission did not receive any interventions regarding this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2014-128, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the filing of annual returns. Specifically, for the 2010-2011 broadcast year, the annual return for CFMF-FM was filed after the deadline set out in section 9(2) of the Regulations, that is, the 30 November following the end of that broadcast year. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
3. The station manager stated that he was not in his current position when the non-compliance took place and that he immediately submitted the required documents with the Commission once told of the missing annual return. He further noted that he has put into place a reminder system that will allow the eventual successor not to overlook this regulatory obligation. Moreover, the station director stated that he follows up on all Commission requests and noted that there have not been any other errors since he took the position.
4. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for CFMF-FM for the 2010-2011 broadcast year.

Regulatory measures

5. 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.
6. 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.
7. The Commission notes that this is an isolated incident since there has not been another instance of non-compliance for CFMF-FM during the current licence period. It further notes that the licensee filed the missing annual return as soon as it was informed of the apparent non-compliance. Finally, the Commission recognizes that staff turnover is one of the challenges that campus radio stations face. In light of the above, and in light of the circumstances surrounding the non-compliance, the Commission finds it appropriate to renew the broadcasting licence for CFMF-FM for a full seven-year term.

Conclusion

8. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CFMF-FM Fermont from 1 September 2014 to 31 August 2021. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304, as amended from time to time.

Reminder

9. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Filing of ownership information

10. As set out in Broadcasting Regulatory Policy 2010-499, as amended from time to time, the Commission expects all community and campus radio 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 regulatory policy, licensees may submit such documentation via the Commission's website.

Employment equity

11. 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 licensee 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 2014-128, 19 March 2014
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 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 is to be appended to the licence.*