



Broadcasting Decision CRTC 2014-272

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Route reference: 2014-58

Ottawa, 27 May 2014

Utilities Consumers' Group Society
Whitehorse, Yukon Territory

Application 2013-1582-0, received 8 November 2013

CJUC-FM Whitehorse – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language community radio station CJUC-FM Whitehorse from 1 September 2014 to 31 August 2021.*

Application

1. Utilities Consumers' Group Society (UCGS) filed an application to renew the broadcasting licence for the English-language community radio station CJUC-FM Whitehorse, which expires 31 August 2014. The Commission received interventions in support of this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2014-58, the Commission noted that UCGS 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 CJUC-FM was filed after the deadline set out in section 9(2), 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. According to the licensee, it believed that it had correctly submitted its annual return through the Data Collection System (DCS) interface. It noted, however, that since this system does not generate a confirmation page, it had no way of knowing that the submission was unsuccessful.
4. UCGS further noted that it realized that the annual return for 2010-2011 had not been completed only when it filed the annual return for 2012-2013, after which it filed the missing annual return.
5. To avoid future non-compliance, the licence committed to processing its annual returns earlier in the month of November. Furthermore, noting that it is aware of problems that can occur using the DCS system, UCGS stated that it will be more

watchful, and will contact the Commission's *Single Point of Contact* to resolve any difficulties.

6. Finally, the licensee stated that it will be in contact with the National Campus and Community Radio Association given that this association conducts ongoing drives in the month before annual returns are to be filed.
7. In light of the above, the Commission finds UCGS in non-compliance with section 9(2) of the Regulations for CJUC-FM for the 2010-2011 broadcast year.

Regulatory measures

8. 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.
9. 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.
10. The Commission notes that this is the only situation of non-compliance for CJUC-FM during the current licence term. It further notes the measures put into place by the licensee to avoid future non-compliance. In light of the above, and in light of the circumstances surrounding the non-compliance, the Commission finds that it is appropriate to renew the broadcasting licence for CJUC-FM for a full seven-year term.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CJUC-FM Whitehorse 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

12. 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

13. 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 policy, licensees may submit such documentation via the Commission's website.

Employment equity

14. 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 2014-58, 13 February 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.*