



## Broadcasting Decision CRTC 2014-286

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Route reference: 2014-58

Ottawa, 29 May 2014

**Laurentian Student and Community Radio Corporation**  
Sudbury, Ontario

*Application 2013-1799-1, received 23 December 2013*

### **CKLU-FM Sudbury – Licence renewal**

*The Commission **renews** the broadcasting licence for the English-language campus radio station CKLU-FM Sudbury from 1 September 2014 to 31 August 2021.*

#### **Application**

1. Laurentian Student and Community Radio Corporation (Laurentian) filed an application to renew the broadcasting licence for the English-language campus radio station CKLU-FM Sudbury, which expires 31 August 2014. The Commission received an intervention in support of this application.

#### **Non-compliance**

2. In Broadcasting Notice of Consultation 2014-58, the Commission noted that Laurentian 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 2011-2012 broadcast year, the annual return for CKLU-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, the former station manager, prior to leaving the station, indicated to CKLU-FM's board of directors that the annual return had been submitted. When the new station manager realized that the annual return for 2011-2012 had not been filed, that employee quickly completed it and submitted it to the Commission.
4. Laurentian stated that in order to avoid non-compliance in the future, the board of directors will institute a check and balance process to ensure that "core duties" (such as filing of annual returns) are completed. It further stated that a list of these duties will be developed and assigned to various board members for follow-up, to ensure that they are completed in a timely manner, and that these tasks will be added to the board's meeting agenda for review.

5. In light of the above, the Commission finds Laurentian in non-compliance with section 9(2) of the Regulations for CKLU-FM for the 2011-2012 broadcast year.

### **Regulatory measures**

6. 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.
7. 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.
8. The Commission notes that this is the only situation of non-compliance for CKLU-FM during the current licence term. Further, the licensee filed the missing annual return once it became aware of the non-compliance, rather than after being contacted by the Commission. The Commission also notes the measures put into place by the licensee to avoid future non-compliance. Finally, the Commission recognizes that staff turnover is one of the challenges that campus radio stations face. Accordingly, the Commission finds that it is appropriate to renew the broadcasting licence for CKLU-FM for a full seven-year period.

### **Conclusion**

9. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language campus radio programming undertaking CKLU-FM Sudbury 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**

10. 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**

11. As set out in Broadcasting Regulatory Policy 2010-499, as amended from time to time, the Commission expects all community and campus radio station 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**

12. 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.*