



Broadcasting Decision CRTC 2014-294

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Route reference: 2014-128

Ottawa, 4 June 2014

Hay River Broadcasting Society
Hay River, Northwest Territories

Application 2013-1408-8, received 25 October 2013

CKHR-FM Hay River – Licence renewal

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

Application

1. Hay River Broadcasting Society (Hay River Broadcasting) filed an application to renew the broadcasting licence for the English-language community radio station CKHR-FM Hay River, which expires 31 August 2014. The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2014-128, the Commission noted that Hay River Broadcasting 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 CKHR-FM was filed after the deadline set out in section 9(2), that is, the 30 November following the end of that broadcast year. In addition, the document filed covered the station's fiscal year (i.e., 1 April 2010 to 31 March 2011) rather than the broadcast year (i.e., 1 September 2010 to 31 August 2011). 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 President of Hay River Broadcasting explained that the non-compliance was due in part to his having been ill. He added that he was unaware that the annual return that was filed was based on the wrong reporting period. To ensure compliance going forward, he indicated that the station will instruct the new station manager on how to input the forms into the Commission's system to ensure a timely submission. He also confirmed that the station's reporting period has been changed to be in line with the broadcast year.

4. In light of the above, the Commission finds Hay River Broadcasting in non-compliance with section 9(2) of the Regulations for CKHR-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 the present instance of non-compliance appears to be an isolated incident, the only observed case by CKHR-FM during the 35 years it has been on air. 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 CKHR-FM for a full seven-year term.

Conclusion

8. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CKHR-FM Hay River 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 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

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.*