



Broadcasting Decision CRTC 2014-311

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Route reference: 2014-47

Ottawa, 10 June 2014

Native Evangelical Fellowship of Canada, Inc.
Pickle Lake, Ontario

Application 2013-1682-8, received 21 November 2013

CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay – Licence renewal

*The Commission **renews** the broadcasting licence for the English- and Aboriginal-language, low-power religious specialty radio station CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay from 1 September 2014 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with the Radio Regulations, 1986.*

Application

1. Native Evangelical Fellowship of Canada, Inc. (Native Evangelical) filed an application to renew the broadcasting licence for the English- and Aboriginal-language, low-power religious specialty radio station CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay, which expires 31 August 2014. The Commission did not receive any interventions regarding this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2014-47, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns. Specifically, the licensee has yet to file its annual returns for the 2010-2011 and 2011-2012 broadcast years, which should have been filed on 30 November 2011 and 2012 respectively.
3. The licensee explained that the station's board of directors had changed and that no one really understood the obligation relating to the filing of annual returns. The board secretary had informed the new director that the annual returns had been filed. The licensee indicated that the error occurred because the director thought that annual returns and charitable activity reports were the same. It also noted that as an organization owned by Native people, it had no broadcasting experience, but that it had learned a great deal in a relatively short period of time.

4. According to the licensee, since the board of directors was reorganized and a non-member director was named, the organization as a whole has been much more accountable. In addition, the newly appointed station manager and chair have several years of broadcasting experience. The licensee stated that the station manager had been put in charge of all matters related to compliance and programming requirements.
5. To ensure its future compliance, Native Evangelical committed to continuing to familiarize its staff with all regulations and requirements and stated that an accountability structure was in place within the organization to cross-check these issues in the future.
6. In light of the preceding, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations as it relates to the filing of annual returns for the 2010-2011 and 2011-2012 broadcast years.
7. This is the first renewal of the broadcasting licence granted to Native Evangelical for CJTL-FM. The Commission notes the measures implemented by the licensee to ensure future compliance, including the hiring of staff with the necessary experience.
8. However, the Commission is concerned by the licensee's statement that its organization overall did not have a clear understanding of its regulatory obligations when the station was launched. For that reason, the Commission considers that a short-term licence renewal for CJTL-FM is appropriate.

Regulatory measures

9. 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.
10. Compliance with the deadlines for the filing of 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.
11. The Commission considers that the non-compliance was likely the result of an accounting error. Since the licensee has taken the necessary corrective measures, the Commission considers that the licensee will comply with the requirements relating to the filing of annual returns in future.

Conclusion

12. In light of all of the above, the Commission **renews** the broadcasting licence for the English- and Aboriginal-language, low-power religious specialty radio programming

undertaking CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay from 1 September 2014 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with section 9(2) of the Regulations. The terms and **conditions of licence** are set out in the appendix to this decision.

13. Further, the Commission requires the licensee to file its annual returns for CJTL-FM for the 2010-2011 and 2011-2012 broadcast years by **8 September 2014**.

Reminder

14. 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.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-47, 7 February 2014
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

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

Appendix to Broadcasting Decision CRTC 2014-311

Terms, conditions of licence and encouragement for the English- and Aboriginal-language, low-power religious specialty radio programming undertaking CJTL-FM Pickle Lake, Ontario, and its transmitter CJTL-FM-1 Thunder Bay

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time, with the exception of condition of licence 7.
2. The licensee shall operate the station within the Specialty format as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, and *A Review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, as amended from time to time.
3. The licensee shall devote at least 80% of all musical selections broadcast each broadcast week to selections drawn from content subcategory 35 (Non-classic religious).
4. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as amended from time to time, it shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice regarding the provision of balance and ethics in religious programming.

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its human resources management.