



## Broadcasting Decision CRTC 2015-241

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Reference: 2015-51

Ottawa, 8 June 2015

**Les médias acadiens universitaires inc.**  
Moncton, New Brunswick

*Application 2014-0733-8, received 30 July 2014*

### **CKUM-FM Moncton – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language community-based campus radio station CKUM-FM Moncton from 1 September 2015 to 31 August 2022.*

#### **Application**

1. Les médias acadiens universitaires inc. filed an application to renew the broadcasting licence for the French-language community-based campus radio station CKUM-FM Moncton, which expires 31 August 2015. The Commission did not receive any interventions regarding this application.

#### **Non-compliance**

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to file financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. In Broadcasting Notice of Consultation 2015-51, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns. Specifically, for the 2011-2012 and 2012-2013 broadcast years, the annual returns for CKUM-FM were filed late, in May 2013 and May 2014, respectively. Further, financial statements were not included for those broadcast years, and were only filed in December 2014.
4. The licensee explained that from 2011 to 2014, the station was without a general manager and the personnel it did have were not qualified to complete the annual returns. It stated that an accountant and a project and financial officer have been hired to oversee adherence to Commission's requirements.
5. In light of the above, the Commission finds the licensee in non-compliance in regard to CKUM-FM with section 9(2) of the Regulations for the 2011-2012 and 2012-2013 broadcast years.

## Regulatory measures

6. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
7. Compliance with deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations. Accordingly, the Commission considers the late or incomplete filing of annual returns to be a serious matter.
8. The Commission has examined the public record for this application and is satisfied with the licensee's explanations and with the measures it has put in place to address the non-compliance. Given the circumstances surrounding the licensee's non-compliance, the Commission finds it appropriate to grant CKUM-FM a full-term licence renewal.

## Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community-based campus radio programming undertaking CKUM-FM Moncton from 1 September 2015 to 31 August 2022. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304, as well as the **conditions** set out in the broadcasting licence for the undertaking.

## Reminders

10. The licensee is responsible for filing complete annual returns on time. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns and to contact the Commission if further clarification is required.
11. 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.

## Employment equity

12. The Commission considers that campus 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 2015-51, 18 February 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 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

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