



Broadcasting Decision CRTC 2015-276

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Reference: 2015-153

Ottawa, 22 June 2015

Aboriginal Multi-Media Society of Alberta
Edmonton, Alberta

Application 2014-0840-2, received 27 August 2014

CFWE-FM-4 Edmonton and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the Type B Native radio station CFWE-FM-4 Edmonton and its transmitters from 1 September 2015 to 31 August 2022.*

Introduction

1. Aboriginal Multi-Media Society of Alberta filed an application to renew the broadcasting licence for the Type B Native radio station CFWE-FM-4 Edmonton and its transmitters in Anzac, Boyer River, Bushe River, Cadotte Lake, Chard, Child Lake, Conklin, Desmarais/Wabasca, Duncan's Band, Fort Chipewyan, Fort McKay, Fort McMurray, Frog Lake, Heart Lake, Horse Lake/Hythe, John d'Or Prairie, Jossard, Lac La Biche, Little Buffalo, Loon Lake, Moose Hills, North Tallcree, Paddle Prairie, Peavine, Peerless Lake, Peigan/Blood Reserve, Sandy Lake, Slave Lake, South Tallcree, Sturgeon Lake, Trout Lake and Whitefish Lake/Atikameg, Alberta. The licence 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 submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. In Broadcasting Notice of Consultation 2015-153, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of annual returns and financial statements. Specifically, the licensee filed its annual return and financial statements for the 2011-2012 broadcast year five months after the 30 November deadline.
4. The licensee stated that the director of radio left suddenly in June 2012 and that the comptroller who completed the annual return for the 2011-2012 broadcast year left in July 2012. The remaining staff was unable to find the relevant records or files and

consequently did not file the annual return by the deadline. He added that annual returns for subsequent years were filed on time.

5. With respect to the financial statements, the licensee indicated that staff had erroneously used the licensee's audited financial statements (April to March) for the financial information, believing that this information would be the most accurate and that it could be verified by an outside source. The licensee indicated that the filing deadlines for annual returns have been entered into the calendars of the new director of radio and the administrative offices to ensure timely filing. Financial information will also be recorded and presented for the period of September to August.
6. In light of the above, the Commission finds Aboriginal Multi-Media Society of Alberta in non-compliance with section 9(2) of the Regulations for the 2011-2012 broadcast year.

Regulatory measures

7. 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.
8. 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 a serious matter.
9. 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 and the fact that this is the first licence term in which the licensee has been found to be in non-compliance, the Commission finds it appropriate to grant CFWE-FM-4 a full-term licence renewal.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the Type B Native radio programming undertaking CFWE-FM-4 Edmonton and its transmitters in Anzac, Boyer River, Bushe River, Cadotte Lake, Chard, Child Lake, Conklin, Desmarais/Wabasca, Duncan's Band, Fort Chipewyan, Fort McKay, Fort McMurray, Frog Lake, Heart Lake, Horse Lake/Hythe, John d'Or Prairie, Jousard, Lac La Biche, Little Buffalo, Loon Lake, Moose Hills, North Tallcree, Paddle Prairie, Peavine, Peerless Lake, Peigan/Blood Reserve, Sandy Lake, Slave Lake, South Tallcree, Sturgeon Lake, Trout Lake and Whitefish Lake/Atikameg, Alberta, from 1 September 2015 to 31 August 2022. The licensee shall adhere to the **conditions of**

licence set out in the appendix to this decision, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminders

11. The licensee is responsible for filing complete annual returns on time and must ensure that they cover the appropriate broadcast years (that is, the period commencing on 1 September of a given year and ending on 31 August of the following year). 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 return and to contact the Commission if further clarification is required.
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.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2015-153, 17 April 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *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.*

Appendix to Broadcasting Decision CRTC 2015-276

Terms, conditions of licence and encouragement for the Type B Native radio programming undertaking CFWE-FM-4 Edmonton and its transmitters in Anzac, Boyer River, Bushe River, Cadotte Lake, Chard, Child Lake, Conklin, Desmarais/Wabasca, Duncan's Band, Fort Chipewyan, Fort McKay, Fort McMurray, Frog Lake, Heart Lake, Horse Lake/Hythe, John d'Or Prairie, Joussard, Lac La Biche, Little Buffalo, Loon Lake, Moose Hills, North Tallcree, Paddle Prairie, Peavine, Peerless Lake, Peigan/Blood Reserve, Sandy Lake, Slave Lake, South Tallcree, Sturgeon Lake, Trout Lake and Whitefish Lake/Atikameg, Alberta

Terms

The licence will expire 31 August 2022.

Conditions of licence

1. The licensee shall devote at least 35% of its musical selections from content category 2 (Popular Music) in each broadcast week to Canadian selections broadcast in their entirety.

For the purposes of this condition of licence, the terms "broadcast week," "Canadian selection," "content category" and "musical selection" shall have the same meanings as those set out in the *Radio Regulations, 1986*.

2. The licensee shall devote at least seven hours of spoken word programming in each broadcast week to programs broadcast in an Aboriginal language.
3. The licensee shall devote at least 20% of all musical selections broadcast in each broadcast week to musical selections performed by Aboriginal artists.
4. The licensee shall devote at least 5% of all musical selections broadcast in each broadcast week to musical selections in an Aboriginal language.
5. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission, and to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Encouragement

Where the licensee intends to carry wrap-around programming, the Commission encourages it to use programming from another Aboriginal station or network with a focus on additional Aboriginal-language programming (Cree/Dene/Chipewyan) or current Aboriginal music.