



Broadcasting Decision CRTC 2016-241

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Reference: 2016-48

Ottawa, 27 June 2016

Hope FM Ministries Limited

Truro, Nova Scotia

Application 2015-1030-6, received 1 September 2015

CINU-FM Truro – Licence renewal

*The Commission **renews** the broadcasting licence for the specialty (Christian music) radio station CINU-FM Truro from 1 September 2016 to 31 August 2019. This shortened licence term will allow for an earlier review of the licensee's compliance with its regulatory obligations.*

Application

1. Hope FM Ministries Limited (Hope FM) filed an application to renew the broadcasting licence for the specialty (Christian music) radio station CINU-FM Truro, Nova Scotia, which expires 31 August 2016. The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decision 2010-434, the Commission renewed CINU-FM's broadcasting licence for a short-term period due to its non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) regarding the filing of annual returns for the 2003-2004, 2005-2006, 2006-2007 and 2007-2008 broadcast years, as well as with its condition of licence relating to Canadian talent development contributions for the 2005-2006 broadcast year.
3. Subsequently, in Broadcasting Decision 2013-746, CINU-FM's licence was again renewed for a short-term period due to its non-compliance with sections 8(5) and 8(6) of the Regulations relating to the filing of logger tapes, as well as with its condition of licence relating to the broadcast of Canadian musical selections from content category 3 (Special Interest Music).

Non-compliance

4. In Broadcasting Notice of Consultation 2016-48, the Commission noted that the licensee was in apparent non-compliance with regulatory requirements regarding Canadian musical selections and the submission of radio monitoring material.

5. Specifically, during the broadcast week of 3 to 9 May 2015, Hope FM did not devote 35% of its selections from content category 2 (Popular Music) over the week and between 6 a.m. and 6 p.m. to Canadian selections, contrary to sections 2.2(8) and 2.2(9) of the Regulations. Further, when asked to provide complete audio material and music lists for that week, the licensee filed incomplete logger tapes (14 hours missing), and its music lists did not accurately reflect the content broadcast, contrary to sections 8(5) and 9(3)(b) of the Regulations.
6. With respect to the non-compliance relating to Canadian content, Hope FM explained that it was not aware that it had aired any popular music selections at all, but rather believed that the two selections so categorized fell under content category 3 as they included a Christian message. Regarding the non-compliance with the requirements concerning logs and music lists, the licensee explained that the station's recording device shut off on a day that the station manager was not working and that the songs that played were not syncing with the audio logs properly. To rectify these non-compliances, the licensee stated that it would stop playing popular music selections and that it would find a better report generator, reprogram the recording device and pay closer attention to the software.
7. In light of the above, the Commission finds the licensee in non-compliance with sections 2.2(8), 2.2(9), 8(5) and 9(3)(b) of the Regulations.

Regulatory measures

8. 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.
9. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in or appear to be in non-compliance, the following measures may be applied on a case-by-case basis depending on the nature of the non-compliance:
 - renew the licence for a short term;
 - impose additional conditions of licence;
 - call the licensee to a public hearing to respond to and discuss apparent non-compliance;
 - following a public hearing, issue a mandatory order¹ requiring the licensee to comply with regulatory requirements;

¹ Such orders are made orders of the Federal Court and can be enforced through contempt of court proceedings.

- suspend the licence;
 - not renew the licence; and
 - revoke the licence.
10. In that same policy, the Commission introduced further measures to address the potential harm that could be caused to the broadcasting system by non-compliance with various regulations and conditions of licence. For serious cases of non-compliance, the Commission stated that it may require the station found in non-compliance to announce that finding on air, an approach similar to that currently used by the Canadian Broadcast Standards Council.
11. The Commission has examined the public record for this application and notes the licensee's willingness to ensure the station's compliance with its regulatory requirements. However, given the seriousness of the non-compliance and the fact that this is the third consecutive licence term in which CINU-FM has been found in non-compliance, the Commission considers it appropriate to renew CINU-FM's licence for a short term of three years.
12. Further, considering the serious and repeated nature of CINU-FM's non-compliance with respect to requirements for the submission of monitoring materials, the Commission finds it appropriate to require Hope FM to broadcast an announcement regarding its non-compliance once a day between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m. for five consecutive days within the 14-day period immediately following the beginning of the new licence term. To confirm compliance with this requirement, by no later than 14 days following the final broadcast of the announcement, the licensee must provide the Commission with the audio recordings for the broadcast days during which the announcement was broadcast and file a completed and signed copy of the *Attestation as to the broadcast of the non-compliance announcement on CINU-FM Truro* set out in Appendix 2 to this decision. A **condition of licence** to that effect is set out in Appendix 1 to this decision.
13. With respect to the licensee's non-compliance with Canadian content requirements for category 2 music, the Commission notes that this was the result of the reclassification of the two musical selections from this category broadcast by the licensee over the week monitored. As such, the Commission is of the view that the imposition of additional measures to ensure CINU-FM's future compliance with programming requirements is not necessary in this case.
14. Should the licensee again breach its regulatory requirements, the Commission may consider recourse to additional measures as noted above, including suspension, non-renewal or revocation of the broadcasting licence for the station under sections 9 and 24 of the *Broadcasting Act* (the Act).

Conclusion

15. In light of all of the above, the Commission **renews** the broadcasting licence for the specialty (Christian music) radio programming undertaking CINU-FM Truro, Nova Scotia, from 1 September 2016 to 31 August 2019. The **conditions of licence** are set out in Appendix 1 to this decision.
16. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory obligations. The shortened licence term granted in this decision will allow for an earlier review of the licensee's compliance with the Regulations.

Reminders

17. The submission of accurate program logs and records enables the Commission to conduct an analysis of a licensee's programming to verify compliance with the Regulations and its conditions of licence. The maintaining of accurate logs and records also enables the Commission to investigate a station's programming in the case of complaints. Accordingly, the Commission considers any breach of these requirements a serious matter. The Commission could therefore impose further measures on the licensee should additional non-compliances relating to the submission of monitoring materials occur over the next licence term. These measures are detailed in Broadcasting Information Bulletin 2014-608.
18. Pursuant to section 22 of the Act, the Commission reminds the licensee that the broadcasting licence 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 2016-48, 9 February 2016
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *CINU-FM Truro – Licence renewal*, Broadcasting Decision CRTC 2013-746, 20 December 2013
- *CINU-FM Truro – Licence renewal*, Broadcasting Decision CRTC 2010-434, 30 June 2010

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

Appendix 1 to Broadcasting Decision CRTC 2016-241

Conditions of licence, expectation and encouragement for the specialty (Christian music) radio programming undertaking CINU-FM Truro, Nova Scotia

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, with the exception of condition of licence 7, as well as with the conditions set out in the licence for the undertaking.
2. The station shall be operated within the specialty format as defined in *A Review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995.
3. The licensee shall ensure that at least 92% of all musical selections broadcast during each broadcast week are drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
4. The licensee shall ensure that at least 20% of all content category 3 (Special Interest Music) musical selections broadcast each broadcast week are Canadian selections.
5. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee 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.
6. a) The licensee shall broadcast the following announcement once a day between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m. for five consecutive days within the 14-day period immediately following 1 September 2016, the beginning of the new licence term:

Radio frequencies are a limited public resource. Holding a broadcasting licence is a privilege, and broadcasters are required to abide by a number of regulations and conditions of licence in order to operate a radio station. In Broadcasting Decision 2016-241, the CRTC determined that this station failed to comply with the requirements of the *Radio Regulations, 1986* regarding the broadcast of Canadian content for the week of 3 to 9 May 2015, as well as with the regulatory requirements relating to the filing of complete and accurate monitoring material with the CRTC. CINU-FM has put measures in place to ensure that the non-compliances in question do not recur.

b) By no later than 14 days following the final broadcast of the announcement, the licensee shall provide the Commission with the audio recordings for the broadcast days during which the announcement was broadcast and file a completed and signed copy of the *Attestation as to the broadcast of the non-compliance announcement on CINU-FM Truro* set out in Appendix 2 to this decision.

Expectation

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Encouragement

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 management of human resources.

Appendix 2 to Broadcasting Decision CRTC 2016-241

Attestation as to the broadcast of the non-compliance announcement on CINU-FM Truro

With respect to the requirements set out in condition of licence 6 in Appendix 1 to *CINU-FM Truro – Licence renewal*, Broadcasting Decision CRTC 2016-241, 27 June 2016, I, _____ (NAME) on behalf of _____ (LICENSEE), certify that the announcement regarding CINU-FM Truro's non-compliance with the *Radio Regulations, 1986* was duly broadcast once a day between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m. for five consecutive days within the 14-day period immediately following 1 September 2016, the beginning of the new licence term:

First date of broadcast:	Time of broadcast:
Second date of broadcast:	Time of broadcast:
Third date of broadcast:	Time of broadcast:
Fourth date of broadcast:	Time of broadcast:
Fifth date of broadcast:	Time of broadcast:

Signature

Date