



Broadcasting Decision CRTC 2017-315

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References: Part 1 licence renewal applications posted on 6 March 2017

Ottawa, 30 August 2017

Various applicants

Various locations in Ontario and Alberta

CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township; CKKX-FM Peace River and its transmitters CFKX-FM High Level, CJHP-FM High Prairie, CKKF-FM Fairview and CKKX-FM-1 Manning; and CKRA-FM Edmonton – Licence renewals

*The Commission **renews** the broadcasting licence for the low-power, English-language commercial radio station CFQK-FM Kaministiquia and its transmitter from 1 September 2017 to 31 August 2021.*

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKKX-FM Peace River and its transmitters from 1 September 2017 to 31 August 2020.*

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKRA-FM Edmonton from 1 September 2017 to 31 August 2023.*

These short-term renewals will allow for an earlier review of the licensees' compliance with their conditions of licence and with regulatory requirements.

Applications

1. Northwest Broadcasting Inc. (Northwest) filed an application (2016-0730-1) to renew the broadcasting licence for the low-power, English-language commercial radio station CFQK-FM Kaministiquia, Ontario and its transmitter CKED-FM Shuniah Township, which expires 31 August 2017.
2. Peace River Broadcasting Corporation Ltd. (Peace River) filed an application (2016-0741-7) to renew the broadcasting licence for the English-language commercial radio station CKKX-FM Peace River, Alberta and its transmitters CFKX-FM High Level, CJHP-FM High Prairie, CKKF-FM Fairview and CKKX-FM-1 Manning, which expires 31 August 2017.
3. Newcap Inc. (Newcap) filed an application (2016-0779-8) to renew the broadcasting licence for the English-language commercial radio station CKRA-FM Edmonton, Alberta, which expires 31 August 2017.

4. The Commission did not receive any interventions regarding these applications.

Commission's analysis and decisions

5. Section 8(1) of the *Radio Regulations, 1986* (the Regulations) sets out requirements relating to keeping and retaining logs and records. Section 9(3)(b) of the Regulations sets out the information on musical selections that licensees must include when filing music lists for any period specified by the Commission.

CFQK-FM Kaministiquia

6. In Broadcasting Decision 2007-321, the Commission granted CFQK-FM a short-term licence renewal due to Northwest's failure to comply with the station's condition of licence relating to its Canadian talent development (now known as Canadian content development) contribution for the 2001-2002 broadcast year. In Broadcasting Decision 2011-546, the Commission determined that Northwest was in non-compliance with section 2.2(3) of the Regulations, relating to the broadcast of Canadian content category 3 (Special Interest Music) musical selections, and renewed the station's broadcasting licence for a short-term period, until 31 August 2017.
7. After examining the public record for the present application, the Commission notes that the licensee submitted incomplete and inaccurate program logs and music lists for the broadcast week of 15 to 21 November 2015. In regard to program logs, Northwest indicated that due to computer or human error, a duplicate document was sent instead of two separate documents for one broadcast day. In regard to music lists, it stated that only ten selections were not listed and that those selections appeared only during syndicated shows. The licensee added that the artist names and song titles did not appear on the music lists as it does not play those songs on the radio station outside of a syndicated program.
8. Northwest indicated that adjustments have been made to ensure complete and accurate information in music lists and program logs, including changes to its music scheduling computer program, daily backups and weekly checks.
9. In light of the above, and having taken into account the licensee's explanation, the Commission finds Northwest in non-compliance with the sections 8(1) and 9(3)(b) of the Regulations.

CKKX-FM Peace River

10. In Broadcasting Decision 2010-778, the Commission granted CKKX-FM a short-term licence renewal due to Peace River's failure to comply, for the 2003-2004 through 2008-2009 broadcast years, with section 9(2) of the Regulations, which requires licensees to file, before 30 November of each year, their annual return for the broadcast year ending the previous 31 August. In Broadcasting Decision 2014-268, the Commission determined that Peace River was in non-compliance with sections 2.2(8) and 2.2(9) of the Regulations (relating to the broadcast of Canadian content category 2 (Popular Music) musical selections), and sections 8(5) and 8(6) of

the Regulations (relating to the filing of logger tapes), and renewed the station's broadcasting licence for a short-term period, until 31 August 2017.

11. After examining the public record for the present application, the Commission notes that the licensee submitted incomplete and inaccurate program logs and music lists for the broadcast week of 21 to 27 June 2015. The licensee indicated that in its music list and program log, either musical selections that were aired were not properly identified, or musical selections identified were not aired. It attributed the issues to coding errors and errors with the systems and music management program used for inputting musical selections from syndicated programming.
12. Peace River stated that adjustments have been made to ensure complete and accurate information in its music lists and program logs, including updates to internal handbooks and music management software, regular meetings with program and music directors, a reduction in syndicated programming, rectifying coding errors in software, and weekly reports/reviews.
13. In light of the above, and having taken into account the licensee's explanation, the Commission finds Peace River in non-compliance with sections 8(1) and 9(3)(b) of the Regulations.

CKRA-FM Edmonton

14. After examining the public record for the application regarding CKRA-FM, the Commission notes that Newcap submitted incomplete and inaccurate program logs and music lists for the broadcast week of 22 to 28 November 2015. The program log contained insufficient descriptions and incorrect times for programs aired, with several elements missing, including station identifications, content categories and music and spoken word segments. The music list contained incorrect times for aired musical selections, and listed selections out of order. Further, some musical selections were aired but were not properly identified in the music list.
15. Newcap indicated that software changes will be requested from the program vendor and that in the meantime, a legend will be provided to account for program elements. It added that other adjustments would be made to ensure that the information in the music list is complete and accurate, and that the program logs will include weekly monitoring by the program director and monthly reports will be sent to the Vice-President.
16. In light of the above, and having taken into account the licensee's explanation, the Commission finds Newcap in non-compliance with sections 8(1) and 9(3)(b) of the Regulations.

Regulatory measures

17. 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 leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.

18. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, and depending on the nature of the non-compliance, the Commission may apply, on a case-by-case basis, measures such as renewing the licence for a short term; imposing additional conditions of licence; calling the licensee to a public hearing to respond to and discuss apparent non-compliance; issuing a mandatory order requiring the licensee to comply with regulatory requirements; or suspending, not renewing, or revoking the licence.
19. In regard to CFQK-FM, although past issues of non-compliance have been resolved and relate to regulatory requirements that are different from those at issue in the present case, this is the third consecutive licence term in which Northwest has been found to be in non-compliance. Further, the station is currently in a six-year licence term due to past non-compliance. The Commission therefore considers that it would be appropriate to grant CFQK-FM a short-term renewal of four years.
20. In regard to CKKX-FM, although past issues of non-compliance have been resolved and relate to regulatory requirements that are different from those at issue in the present case, this is the third consecutive licence term in which Peace River has been found to be in non-compliance. Further, the station is currently in a three-year licence term due to past non-compliance. The Commission therefore considers that it would be appropriate to grant CKKX-FM a short-term renewal of three years.
21. Finally, in regard to CKRA-FM, this is the first instance of non-compliance for Newcap over the station's last three licence terms. The Commission therefore considers that it would be appropriate to grant CKRA-FM a short-term renewal of six years.
22. These short-term renewals will allow for an earlier review of the licensees' compliance with the Regulations and their stations' conditions of licence.

Conclusion

23. In light of all of the above, the Commission **renews** the broadcasting licence for the low-power, English-language commercial radio programming undertaking CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township from 1 September 2017 to 31 August 2021.
24. Further, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKKX-FM Peace River and its transmitters CFX-FM High Level, CJHP-FM High Prairie, CKKF-FM Fairview and CKKX-FM-1 Manning from 1 September 2017 to 31 August 2020.

25. Finally, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKRA-FM Edmonton from 1 September 2017 to 31 August 2023.
26. The licensees shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62 as well as to the **conditions** set out in the broadcasting licence for each of the undertakings.

Reminders

27. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate program logs, audio recordings and music lists enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory requirements and conditions of licence. The retention of complete and accurate audio radio monitoring materials also makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file requested material in a timely manner, files material that is incomplete, or does not file such material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.
28. Should either Northwest or Peace River again breach its regulatory requirements, the Commission may consider recourse to additional measures as noted above, including the imposition of mandatory orders, or the non-renewal or revocation of the broadcasting licence for its station under sections 9 and 24 of the *Broadcasting Act* (the Act).
29. Pursuant to section 22 of the Act, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

Cultural diversity

30. The Commission expects the licensees to reflect the cultural diversity of Canada in their programming and employment practices.

Employment equity

31. In accordance with Public Notice 1992-59, the Commission encourages Northwest and Peace River to consider employment equity issues in their hiring practices and in all other aspects of their management of human resources.
32. Because Newcap is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *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
- *CKKX-FM Peace River and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2014-268, 23 May 2014
- *CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township – Licence renewal*, Broadcasting Decision CRTC 2011-546, 31 August 2011
- *CKKX-FM Peace River and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2010-778, 21 October 2010
- *CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township – Licence renewal*, Broadcasting Decision CRTC 2007-321, 22 August 2007
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to each licence.