



Broadcasting Decision CRTC 2011-528

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Route reference: 2010-334

Ottawa, 25 August 2011

Astral Media Radio Atlantic Inc.
Bathurst, New Brunswick

Application 2010-0267-5, received 12 February 2010

CKBC-FM Bathurst – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKBC-FM Bathurst from 1 September 2011 to 31 August 2014. This short-term licence renewal will allow the Commission to review the licensee's compliance with the Radio Regulations, 1986 at an earlier date.*

Introduction

1. The Commission received an application by Astral Media Radio Atlantic Inc. (Astral) to renew the broadcasting licence for the English-language commercial radio programming undertaking CKBC-FM Bathurst, which expires 31 August 2011.¹ The Commission did not receive any interventions concerning this application.
2. In Broadcasting Notice of Consultation 2010-334, the Commission stated that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations) concerning the provision of annual returns for the 2007-2008 and 2008-2009 broadcast years.

Non-compliance

3. As set out in section 9(2) of the Regulations, licensees are required to file their annual return for the broadcast year ending 31 August before 30 November of each year. The Commission notes that the licensee's annual returns for the 2007-2008 and 2008-2009 broadcast years were filed on time but were incomplete. Specifically, the form relating to contributions to Canadian content development was missing from the annual returns for both broadcast years and the tangible benefits form was omitted for the 2007-2008 broadcast year.

¹ The licence was administratively renewed from 1 September to 30 November 2010, 1 December 2010 to 31 March 2011 and 1 April 2011 to 31 August 2011 in Broadcasting Decisions 2010-635, 2010-880 and 2011-197.

4. Astral indicated that due to technical issues it was unable to file these forms electronically and that it was not aware that they had not been successfully filed.
5. The Commission notes that the electronic filing system was functional during the above-noted filing period and that Commission staff contacted the licensee repeatedly regarding the submission of the missing forms. Accordingly, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2007-2008 and 2008-2009 broadcast years.

Conclusion

6. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with radio stations found in non-compliance. The Commission noted in particular that each instance of non-compliance will be evaluated in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it will consider the circumstances leading to the non-compliance, the licensee's arguments and the measures taken to rectify the situation.
7. In light of all of the above and in accordance with its revised approach regarding radio non-compliance set out in Broadcasting Information Bulletin 2011-347, the Commission considers that a short-term renewal period for CKBC-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKBC-FM Bathurst from 1 September 2011 to 31 August 2014. This short-term renewal will allow the Commission to review the licensee's compliance with the Regulations at an earlier date. The licence will be subject to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62.

Employment equity

8. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Administrative renewals*, Broadcasting Decision CRTC 2011-197, 18 March 2011
- *Administrative renewals*, Broadcasting Decision CRTC 2010-880, 26 November 2010

- *Administrative renewals*, Broadcasting Decision CRTC 2010-635, 30 August 2010
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2010-334, 1 June 2010
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009

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