



## Broadcasting Decision CRTC 2012-639

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Route reference: Part 1 application posted on 5 June 2012

Ottawa, 22 November 2012

### **Radio communautaire du Labrador inc.**

La Grand'Terre, Newfoundland and Labrador

*Application 2012-0661-5*

### **CJRM-FM Labrador City and its transmitter CKIP-FM La Grand'Terre – Technical change**

*The Commission **approves** an application by Radio communautaire du Labrador inc. to change the technical parameters of the transmitter CKIP-FM La Grand'Terre, Newfoundland and Labrador.*

#### **The application**

1. The Commission received an application by Radio communautaire du Labrador inc. to change the authorized contours of CKIP-FM La Grand'Terre, a transmitter for the French-language community radio programming undertaking CJRM-FM Labrador City, Newfoundland and Labrador. Specifically, the licensee proposed to increase the transmitter's average effective radiated power (ERP) from 42 to 142 watts (maximum ERP of 250 to 632 watts) and to decrease the effective height of antenna above average terrain from -17.6 to -37.6 metres. The Commission did not receive any interventions concerning this application.
2. According to the licensee, the technical amendment is necessary to prioritize the replacement of a number of pieces of defective or obsolete equipment of CJRM-FM following evaluations conducted by engineers. As a result of those unforeseen expenditures, the licensee had to review the installation initially planned for the La Grand'Terre transmitter, which is not yet in operation. The licensee submitted that the installation of this transmitter under the modified parameters would reduce installation costs. The licensee noted that despite the proposed amendment, the contours would remain substantially unchanged.

#### **Commission's analysis and decisions**

3. The Commission approved the addition of transmitters in La Grand'Terre and St. John's in Broadcasting Decision 2009-578 to enable the licensee to broadcast the programming of CJRM-FM in those official language minority communities (OLMCs). CJRM-FM and its transmitter CKIP-FM serve OLMCs in which French-language radio services are limited. In this respect, the Commission notes

that the proposed technical amendment would not change the population served within the 3 mV/m contour, the area primarily served by the station.

### **Non-compliance**

4. The Commission notes that the licensee did not file annual returns for the 2007-2008 and 2008-2009 broadcast years. In addition, the annual reports for broadcast years 2009-2010 and 2010-2011 were filed over six months late (on 8 June 2011 and on 8 August 2012 respectively) and the 2010-2011 return was incomplete.
5. In a letter dated 29 July 2012, the licensee indicated that this non-compliance was due to a shortage of personnel, among other reasons. The licensee also indicated that since April 2012 the station has had a new board of directors, general management and two employees.
6. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with non-compliance by radio stations. In that information bulletin, the Commission indicated that it would no longer automatically deny applications for licence amendments by licensees found in non-compliance, but would instead take into account factors such as the quantity, recurrence and seriousness of the non-compliance, as well as the relationship between the licence amendment application and the instance of non-compliance.
7. Despite the instances of non-compliance, the Commission considers that the proposed technical amendment is appropriate in light of the measures taken by the licensee to rectify the situation (including new governance) and given that the licensee's proposed amendment will accelerate the implementation of the transmitter to serve the French-language OLMC in La Grand'Terre.

### **Conclusion**

8. In light of the above, the Commission **approves** the application by Radio communautaire du Labrador inc. to change the authorized contours of CKIP-FM La Grand'Terre by increasing the transmitter's average ERP from 42 to 142 watts (maximum ERP of 250 to 632 watts) and decreasing the effective height of antenna above average terrain from -17.6 to -37.6 metres.
9. Given that the licensee did not file annual returns for the 2007-2008 and 2008-2009, broadcast years, the Commission requests that the licensee file those missing returns within 90 days of this decision. Further, the Commission will review the licensee's non-compliance at its next licence renewal in 2014.
10. The Commission reminds the licensee that pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Secretary General

**Related documents**

- *CJRM-FM Labrador City – New transmitters in La Grand’Terre and St. John’s*, Broadcasting Decision CRTC 2009-578, 14 September 2009
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

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