



Broadcasting Decision CRTC 2012-646

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Route reference: Part 1 application posted on 7 August 2012

Ottawa, 27 November 2012

Northern Native Broadcasting, Yukon

Whitehorse, Yukon Territory and Dease Lake, British Columbia

Application 2012-0950-3

CHON-FM Whitehorse – New transmitter in Dease Lake

1. The Commission **approves** the application by Northern Native Broadcasting, Yukon to amend the broadcasting licence for the English-language Type B Native radio programming undertaking CHON-FM Whitehorse in order to operate a very low-power FM transmitter in Dease Lake, British Columbia, to expand its existing network. The Commission did not receive any interventions in connection with this application.
2. The new transmitter will operate at 90.5 MHz (channel 213VLP) with an average effective radiated power of 9.48 watts (non-directional antenna with an effective height of antenna above average terrain of -83 metres).¹

Filing of annual returns

3. The Commission notes that the licensee appears to be in non-compliance with section 9(2) of the *Radio Regulations, 1986* relating to the filing of annual returns for the 2008-2009 and 2009-2010 broadcast years. Further, the Commission notes that the annual returns filed with the Commission covered the period of 1 April to 31 March instead of the broadcast year period (1 September to 31 August), as required. The Commission notes, however, that the licensee has not had the opportunity to comment on this apparent non-compliance in the context of this application.
4. In Broadcasting Information Bulletin 2011-795, the Commission set out the responsibilities of licensees relating to the compilation and filing of annual returns, as well as the requirement that annual returns cover the period corresponding to the broadcast year (i.e., 1 September to 31 August).
5. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach for dealing with non-compliance by radio stations. In particular, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the

¹ These technical parameters reflect those approved by the Department of Industry.

non-compliance. The Commission also indicated that it would consider the circumstances leading to the non-compliance in question, the arguments provided by the licensee and the measures taken to rectify the situation. In accordance with its revised approach and based on the seriousness of the instances of non-compliance identified, the Commission will examine the licensee's non-compliance at the licence renewal for the station.

6. The Commission reminds the licensee of its obligation to file annual returns covering the broadcast year (1 September to 31 August) and notes that it will address this issue and any other outstanding issues as part of the next renewal for CHON-FM's broadcasting licence, which expires 31 August 2015.

Conditions prior to the implementation of the transmitter

7. 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 (the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
8. Given that the technical parameters approved in this decision are for a very low-power unprotected FM service, the Commission also reminds the licensee that it will have to select another frequency if the Department so requires.
9. The transmitter must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **27 November 2014**. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

Secretary General

Related documents

- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *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.*