



Broadcasting Decision CRTC 2013-629

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Route reference: 2013-316

Ottawa, 26 November 2013

Points Eagle Radio Inc.
Sarnia, Ontario

Application 2013-0319-8, received 11 February 2013

CKCI-FM Sarnia – Licence renewal

*The Commission **renews** the broadcasting licence for the Native Type B radio station CKCI-FM Sarnia, Ontario from 1 January 2014 to 31 August 2020.*

Introduction

1. The Commission received an application by Points Eagle Radio Inc. to renew the broadcasting licence for the Native Type B radio station CKCI-FM Sarnia, Ontario, which expires 31 December 2013.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-316, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the provision of annual returns, for each of the 2008-2009, 2009-2010 and 2010-2011 broadcast years. The licensee did not file annual returns for those years.
3. Section 9(2) of the Regulations requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
4. The licensee submitted that its financial operations were managed by the Kettle and Stoney Point Finance Department, which had not been aware of the Commission's requirements. The Finance Department had managed compliance according to the requirements of the Department of Aboriginal and Northern Affairs, which provides most of the funding to the First Nation. The licensee indicated that it has now implemented a financial statement and billing system at the radio station that is fully

¹ The original expiry date of CKCI-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 as a result of Broadcasting Decision 2013-418.

operational. CKCI-FM is now able to have complete access to all of its financial records, which will be useful for regulatory purposes, among other things.

5. The licensee also stated that First Nations members who have worked at the station for many years have been placed in management positions at CKCI-FM. This will establish stability at the management level and assist in meeting the Commission's requirements.
6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the provision of annual returns for each of the 2008-2009, 2009-2010 and 2010-2011 broadcast years.

Regulatory measures

7. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, 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 non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
8. The Commission notes that native radio stations are subject to a variety of reporting requirements to different government agencies, which can make compliance more difficult. The Commission is satisfied that the measures that the licensee has adopted will serve to ensure compliance in the upcoming licence term. The Commission further notes that the applicant has filed the missing annual returns. However, these annual returns were incomplete.
9. Given the circumstances surrounding the licensee's non-compliance, the Commission considers it appropriate to grant a full-term renewal to this station.

Conclusion

10. In light of the above, the Commission renews the broadcasting licence for CKCI-FM Sarnia, Ontario from 1 January 2014 to 31 August 2020. The licence will be subject to the **conditions of licence** set out in the appendix to this decision.
11. The Commission requires the licensee to file complete annual return forms for CKCI-FM for the 2008-2009, 2009-2010 and 2010-2011 broadcast years **within 90 days of the date of this decision**.

Reminder

12. Pursuant to section 22 of the *Broadcasting 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

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-316, 2 July 2013
- *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.*

Appendix to Broadcasting Decision CRTC 2013-629

Terms and conditions of licence for the Native Type B radio programming undertaking CKCI-FM Sarnia, Ontario

Terms

The licence will expire 31 August 2020.

Conditions of licence

1. In each broadcast week, the licensee shall broadcast a minimum of six hours and 30 minutes of Sarnia-specific programming.
2. In each broadcast week, the licensee shall devote at least 8% of its musical selections to Aboriginal musical selections.
3. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular music) to Canadian musical selections broadcast in their entirety.
4. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' *Equitable Portrayal Code for Television and Radio Programming*, as amended from time to time and approved by the Commission.
5. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.