



Broadcasting Decision CRTC 2013-687

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Route reference: 2013-315

Ottawa, 12 December 2013

Blackburn Radio Inc.

Leamington and Chatham, Ontario

Applications 2013-0097-0 and 2013-0099-6, received 21 January 2013

CJSP-FM Leamington and CKSY-FM Chatham – Licence renewals

*The Commission **renews** the broadcasting licences for the commercial radio stations CJSP-FM Leamington and CKSY-FM Chatham, Ontario, from 1 January 2014 to 31 August 2020.*

Introduction

1. Blackburn Radio Inc. (Blackburn) filed applications to renew the broadcasting licences for the commercial radio stations CJSP-FM Leamington and CKSY-FM Chatham, Ontario, which expire 31 December 2013.¹ The Commission received an intervention in support of each application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-315, 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 filing of complete annual returns for the 2011-2012 broadcast year for CJSP-FM and CKSY-FM.
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 specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795. In each case, the licensee did not file financial statements with the annual return for the 2011-2012 broadcast year.
4. The licensee explained the non-compliance was due to its auditors' inability to complete their report by the 30 November deadline. The licensee indicated that as a

¹ The original expiry date of the licences of the stations was 31 August 2013. These broadcasting licences were administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

result, it submitted the annual return on time without the financial statements. To ensure future compliance, Blackburn stated that it has implemented safeguards, including the appointment of a CRTC point-person within its company and the establishment of a pre-November 30th deadline for the completion of all audited stations. The licensee filed the outstanding financial statements on 5 April 2013.

5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2011-2012 broadcast year for CJSP-FM and CKSY-FM.

Regulatory measures

6. 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.
7. The Commission also notes that timely compliance with reporting requirements is important because it enables the Commission to monitor licensee performance and compliance with its regulations and requirements, as well as gather statistics for assessing the industry and preparing monitoring reports on which the industry relies. Accordingly, it considers annual returns that are incomplete and/or filed late to be a serious matter.
8. The Commission has reviewed the record for this application and is of the view that the missing financial statements was an isolated incident as there were no subsequent non-compliance issues in the licence term. The Commission is therefore confident that the licensee has implemented the necessary measures to ensure future compliance. Given the circumstances surrounding Blackburn's non compliance for CJSP-FM and CKSY-FM, the Commission finds it appropriate to grant a full-term licence renewal to these stations.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licences for the commercial radio programming undertakings CJSP-FM Leamington and CKSY-FM Chatham, Ontario, from 1 January 2014 to 31 August 2020. In each case, the licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy CRTC 2009-62, as amended from time to time.

Reminder

10. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licences will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

Employment equity

11. 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

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-315, 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
- *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 each licence.*