



## Broadcasting Decision CRTC 2013-705

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Route reference: 2013-307

Ottawa, 17 December 2013

**Association d'Églises baptistes réformées du Québec**  
Québec, Quebec

*Application 2013-0130-9, received 24 January 2013*

### **CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme – Licence renewal**

*The Commission renews the broadcasting licence for the religious specialty radio station CFOI-FM Québec, Quebec, and its transmitter CFOI-FM-1 Saint-Jérôme from 1 January 2014 to 31 August 2020.*

#### **Introduction**

1. The Association d'Églises baptistes réformées du Québec filed an application to renew the broadcasting licence for the religious specialty radio station CFOI-FM Québec, Quebec, and its transmitter CFOI-FM-1 Saint-Jérôme, which expires 31 December 2013.<sup>1</sup> The Commission received interventions in support of this application.
2. The Commission notes that the licensee is operated as a not-for-profit corporation and as such is not subject to the requirements set out in section 15 of the *Radio Regulations, 1986* (the Regulations) regarding Canadian content development (CCD) contributions.

#### **Non-compliance**

3. In Broadcasting Notice of Consultation 2013-307, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of a complete annual return, for the 2011-2012 broadcast year, since the financial statements were not included with the annual return.
4. In addition, the Commission noted that the licensee was in apparent non-compliance with its condition of licence relating to CCD for the 2008-2009 through 2011-2012 broadcast years. The licensee did not make its CCD contributions for these years.

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<sup>1</sup> The original licence expiry date for CFOI-FM was 31 August 2013. The licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

### **Annual returns**

5. Section 9(2) of the Regulations requires licensees to file a complete 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, are set out in Broadcasting Information Bulletin 2011-795.
6. The licensee explained that the station manager had entrusted one of the community members with the task of preparing and sending the annual return for the 2011-2012 broadcast year, which was done within the prescribed period. However, this inexperienced volunteer had in good faith sent the financial statements of the religious community, within which the financial statements of CFOI-FM were included in an indistinct manner.
7. The licensee stated that the volunteer was informed of the situation and would ensure that, going forward, the returns will be prepared and filed in compliance with the Regulations.
8. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations regarding the filing of annual returns.

### **Contributions to Canadian content development**

9. CFOI-FM's condition of licence relating to CCD contributions states that the station must contribute \$1,000 each year to initiatives eligible for CCD funding.
10. The licensee explained that the non-payment of its CCD contributions was due to the station's loss of its unprotected frequency when the Commission granted that frequency to a community station serving Lévis, Quebec, in Broadcasting Decision 2009-559. CFOI-FM therefore ceased broadcasting for almost one year, the time it took to find a new frequency and transmission site and to apply to the Commission for authorization for a technical change before it could go back on air. The licensee stated that all of these steps required urgent and unanticipated expenditures, which explains why the CCD contributions were not made.
11. The licensee stated that things have now returned to normal and that it could contemplate requesting an additional contribution from the members of its church to comply fully with its CCD commitments. The licensee added that the persons involved in the station's management are now better informed of its regulatory requirements and were committed to complying with them.
12. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to CCD contributions. However, the Commission notes that not-for-profit organizations are generally not subject to a condition of licence requiring CCD contributions or to section 15 of the Regulations. Further, CFOI-FM's licence contains a condition prohibiting it from broadcasting commercial messages.

## Regulatory measures

13. 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.
14. The Commission has examined the record for this application and notes the licensee's explanations regarding the instances of non-compliance. The Commission notes that since the licensee is a charitable organization, it will not be required to make CCD contributions under section 15 of the Regulations throughout the next licence term.
15. Finally, given the circumstances surrounding the licensee's non-compliance, the Commission considers it appropriate to grant a full-term licence renewal to CFOI-FM.

## Conclusion

16. In light of the above, the Commission **renews** the broadcasting licence for the religious specialty radio programming undertaking CFOI-FM Québec, Quebec, and its transmitter CFOI-FM-1 Saint-Jérôme from 1 January 2014 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

## Reminders

17. 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.
18. The Commission expects the licensee to rectify its non-payments related to CCD incurred for the 2008-2009 through 2011-2012 broadcast years and amounting to \$3,916, in accordance with the licensee's requirements in this regard. It also expects the licensee to send proof of payment for these contributions within **90 days of the date of this decision**.

Secretary General

## Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Public Notice CRTC 2013-307, 25 June 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
- *Community radio station in Lévis*, Broadcasting Decision CRTC 2009-559, 4 September 2009

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

## Appendix to Broadcasting Decision CRTC 2013-705

### Terms, conditions of licence and encouragement for the religious specialty radio programming undertaking CFOI-FM Québec, Quebec, and its transmitter CFOI-FM-1 Saint-Jérôme

#### Terms

The licence will expire 31 August 2020.

#### Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time, with the exception of conditions of licence 2, 7 and 8.
2. The station shall be operated within the specialty format as defined in *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
3. In each broadcast week, the licensee shall devote at least 50% of all its musical selections broadcast to selections from subcategory 31 (Concert), 30% to selections from subcategory 24 (Easy listening), 10% to selections from subcategory 34 (Jazz and blues) and 10% to selections from subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
4. The licensee shall not broadcast news bulletins, pop songs or commercial messages.
5. When broadcasting religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall comply with the guidelines on the provision of balance and ethics in religious programming set out in sections III.B.2.a) and IV of that notice, as amended from time to time.
6. In order to comply with its commitment to contribute to Canadian content development set out in *Religious FM station in Quebec*, Broadcasting Decision CRTC 2007-29, 24 January 2007, the licensee shall devote the following amounts to annual scholarships awarded to two members of the Choeur du Roi choir or the Gospel du Québec group:
  - \$1,000 in the 2013-2014 broadcast year;
  - \$1,250 in the 2014-2015 broadcast year; and
  - \$250 in the 2015-2016 broadcast year.

## **Encouragement**

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.