



Broadcasting Decision CRTC 2013-746

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Route reference: 2013-325

Ottawa, 20 December 2013

Hope FM Ministries Limited

Truro, Nova Scotia

Application 2013-0043-3, received 15 January 2013

CINU-FM Truro – Licence renewal

*The Commission **renews** the broadcasting licence for the specialty (Christian music) radio station CINU-FM Truro, Nova Scotia, from 1 January 2014 to 31 August 2016. This short-term renewal will allow for an earlier review of the licensee's compliance with the Radio Regulations, 1986.*

Introduction

1. Hope FM Ministries Limited (Hope FM) filed an application to renew the broadcasting licence for the specialty (Christian music) radio station CINU-FM Truro, Nova Scotia, 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 2013-325, the Commission noted that the licensee was in apparent non-compliance with sections 8(5) and 8(6) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of logger tapes, and with its condition of licence relating to the broadcast of Canadian musical selections from content category 3 (Special Interest Music).
3. Specifically, the Commission noted the station's non-compliance in response to Commission monitoring requests that the licensee provide logger tapes for the weeks of 13 to 19 November 2011 and 23 to 29 September 2012.
4. Regarding the licensee's failure to file complete logger tapes for the requested broadcast week of 13 to 19 November 2011, the licensee explained that it was unaware that the logger machine was not recording properly. The licensee indicated that the problem has now been fixed.

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

5. Regarding the licensee's non-compliance with its condition of licence relating to Canadian musical selections from content category 3 for the broadcast week of 23 to 29 September 2012, the licensee explained that its 12.7% level was the result of an error in the management of the broadcasting software. The licensee indicated that it is now airing between 23% and 24% of Canadian musical selections from category 3, which is above the minimum level of 20% required by its condition of licence.
6. In light of the above, the Commission finds the licensee in non-compliance with sections 8(5) and 8(6) of the Regulations, and with its condition of licence relating to the broadcast of Canadian musical selections from content category 3.
7. In Broadcasting Decision 2010-434, the Commission renewed CINU-FM's broadcasting licence for a short-term period due to its non-compliance with section 9(2) of the Regulations relating to the provision of annual returns for the 2003-2004, 2005-2006, 2006-2007 and 2007-2008 broadcast years, as well as with its condition of licence relating to Canadian talent development contributions for the 2005-2006 broadcast year.

Regulatory measures

8. 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.
9. The Commission notes that the licensee's failure to file complete logger tapes when requested represents a serious breach of the Regulations. The maintenance of complete logger tapes is the fundamental regulatory tool available to the Commission in evaluating a licensee's compliance with its programming obligations and in investigating complaints. While the licensee was able to subsequently provide logger tapes as part of a separate monitoring request, the Commission's analysis of these logger tapes revealed the licensee's non-compliance with its condition of licence relating to Canadian musical selections from content category 3. The Commission notes that the licensee is now broadcasting a level of Canadian music from category 3 beyond its required minimum level to ensure full compliance. The Commission is therefore confident that the necessary measures have been put in place to ensure future compliance.
10. The Commission notes that there were multiple instances of non-compliance in this renewal term, and that the licensee was granted a short-term renewal in 2010 due to its previous non-compliance. Accordingly, given the circumstances surrounding Hope FM's non-compliance for CINU-FM, the Commission considers it appropriate to grant a short-term renewal to this station.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for the specialty (Christian music) radio programming undertaking CINU-FM Truro, Nova Scotia, from 1 January 2014 to 31 August 2016. The terms and **conditions of licence** are set out in the appendix to this decision.
12. The Commission emphasizes the importance it places on a licensee's fulfilment of its regulatory requirements. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with the Regulations.

Reminder

13. 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 2013-325, 5 July 2013
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CINU-FM Truro – Licence renewal*, Broadcasting Decision CRTC 2010-434, 30 June 2010

**This decision must be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2013-746

Terms, conditions of licence and encouragement for the specialty (Christian music) radio programming undertaking CINU-FM Truro, Nova Scotia

Terms

The licence will expire 31 August 2016.

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 condition of licence 7.
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, as amended from time to time, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
3. The licensee shall ensure that at least 92% of all musical selections broadcast during each broadcast week are drawn from content 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 ensure that at least 20% of all content category 3 (Special Interest Music) musical selections broadcast each broadcast week are Canadian selections.
5. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as amended from time to time, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice regarding the provision of balance and ethics in religious programming.

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.