



Broadcasting Decision CRTC 2014-210

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Route reference: 2014-46

Ottawa, 2 May 2014

Mass-Média Capitale inc.
Québec, Quebec

Applications 2013-1796-7 and 2013-1797-5, received on 20 December 2013

CJNG-FM and CKJF-FM Québec – Licence renewals

*The Commission **renews** the broadcasting licence for the English-language tourist radio station CJNG-FM Québec from 1 September 2014 to 31 August 2021.*

*In addition, the Commission **renews** the broadcasting licence for the French-language tourist radio station CKJF-FM Québec from 1 September 2014 to 31 August 2021.*

Applications

1. Mass-Média Capitale inc. (MMC)¹ filed an application to renew the broadcasting licence for the English-language tourist radio station CJNG-FM Québec, which expires 31 August 2014. In addition, MMC filed an application to renew the broadcasting licence for the French-language tourist radio station CKJF-FM Québec, which also expires 31 August 2014². The Commission did not receive any interventions regarding with these applications.
2. The licensee proposed to operate each station under the same terms and conditions as those in effect under its current licence.

Non-compliance

3. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file annual returns 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.

¹ On 1 October 2011, Sortir FM inc. amalgamated with Mass-Média Capitale inc. and Les Consultants Net Créations inc., to continue under the name Mass-Média Capitale inc.

² The original expiry date of the broadcasting licences for these stations was 31 August 2012. The licences were administratively renewed until 31 August 2014 as a result of Broadcasting Decisions 2012-447 and 2013-303.

4. In Broadcasting Notice of Consultation 2014-46, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the Regulations regarding the filing of annual returns. Specifically, for the 2011-2012 broadcast year, the licensee filed the annual returns for CKJF-FM and CJNG-FM over six months after the 30 November deadline.
5. The licensee stated that it only took control of the stations in November 2011, shortly after the transfer of shares that took place earlier the same year. It further stated that it had concluded an agreement with the former owner, who would act as an external consultant and be responsible for submitting the annual returns in question. However, the licensee now acknowledges that the report was not submitted.
6. MMC noted that an internal employee is now responsible for the management of all written communications to the Commission. Further, three employees have set an electronic (and written) alert to remind them on 31 August of each year that the annual return must be submitted on or before the 30 November deadline.
7. In light of the above, the Commission finds MMC in non-compliance with section 9(2) of the Regulations for CJNG-FM and CKJF-FM for the 2011-2012 broadcast year.

Regulatory measures

8. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach for dealing with 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, the arguments provided by the licensee and the measures taken to rectify the situation.
9. Moreover, compliance with the deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with the Regulations and its conditions of licence. Accordingly, it considers annual returns that are incomplete and/or filed late to be a serious matter.
10. The Commission considers that the licensee's non-compliance relating to the provision of annual returns was the result of the management transition and notes that it was an isolated incident. In addition, no other non-compliance for these stations has been observed since. In light of the above, the Commission finds it appropriate to renew the broadcasting licences for CJNG-FM and CKJF-FM for full licence terms.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language tourist radio programming undertaking CJNG-FM Québec from 1 September 2014 to 31 August 2021. In addition, it **renews** the broadcasting licence for the French-language tourist radio programming undertaking CKJF-FM Québec, from 1 September 2014 to 31 August 2021. For each station, the licensee shall continue to adhere to the **conditions of licence** set out in the appendix to Broadcasting Decision 2006-53.

Reminder

12. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2014-46, 7 February 2014
- *Tourist and religious (Church) radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-303, 21 June 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-447, 17 August 2012, as amended by Broadcasting Decision CRTC 2012-447-1, 22 August 2012
- *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
- *Two low-power tourist FM stations in Québec, Quebec*, Broadcasting Decision CRTC 2006-53, 2 March 2006

**This decision is to be appended to each licence.*