



Broadcasting Decision CRTC 2014-264

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Route reference: 2014-128

Ottawa, 22 May 2014

Radio & télévision communautaire - Havre-St-Pierre Havre-St-Pierre, Quebec

Application 2013-1615-9, received 8 November 2013

CILE-FM Havre-St-Pierre and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CILE-FM Havre-St-Pierre and its transmitters CILE-FM-1 Lac-Allard and CILE-FM-2 Rivière-au-Tonnerre from 1 September 2014 to 31 August 2021.*

Application

1. Radio & télévision communautaire - Havre-St-Pierre filed an application to renew the broadcasting licence for the French-language community radio station CILE-FM Havre-St-Pierre and its transmitters CILE-FM-1 Lac-Allard and CILE-FM-2 Rivière-au-Tonnerre, which expires 31 August 2014. The Commission did not receive any interventions regarding this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2014-128, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the filing of annual returns. Specifically, for the 2010-2011 broadcast year, the annual return for CILE-FM was filed after the deadline set out in section 9(2) of the Regulations, that is, the 30 November following the end of that broadcast year. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
3. The director general of the station stated that he was unaware of the reasons behind the non-compliance, since he was not performing that function at the time. He nevertheless suspected that the transition between director generals was the cause.

4. The director general noted that there has not been another incident since he took over the position in 2012 and that this is the first time in 25 years that the station has been in a situation of non-compliance. Moreover, he stated that the board of directors is becoming more and more involved in respecting deadlines and all requirements relating to the operation of the station. He explained that the board of directors can continue to follow up on deadlines even if there is a change at the director's level.
5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for CILE-FM for the 2010-2011 broadcast year.

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. 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.
8. The Commission notes that the present instance of non-compliance occurred during the transition at the management level and appears to be an isolated incident since no other non-compliance has been observed in the station's 25 years of operation. In light of the circumstances surrounding the non-compliance, the Commission finds it appropriate to renew CILE-FM's broadcasting licence for a full seven-year term.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CILE-FM Havre-St-Pierre and its transmitters CILE-FM-1 Lac-Allard and CILE-FM-2 Rivière-au-Tonnerre from 1 September 2014 to 31 August 2021. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304, as amended from time to time.

Reminder

10. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Filing of ownership information

11. As set out in Broadcasting Regulatory Policy 2010-499, as amended from time to time, the Commission expects all community and campus radio licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website.

Employment equity

12. The Commission considers that campus and community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-128, 19 March 2014
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 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
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

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