



Broadcasting Decision CRTC 2014-274

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Route reference: 2014-58

Ottawa, 27 May 2014

Radio Anticosti
Port-Menier, Quebec

Application 2013-1522-6, received 7 November 2013

CJBE-FM Port-Menier – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CJBE-FM Port-Menier from 1 September 2014 to 31 August 2021.*

Application

1. Radio Anticosti filed an application to renew the broadcasting licence for the French-language community radio station CJBE-FM Port-Menier, which expires 31 August 2014. The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2014-58, the Commission noted that Radio Anticosti 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 CJBE-FM was filed after the deadline set out in section 9(2), 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 licensee stated that CJBE-FM is facing significant challenges relating to staffing, and that administrative duties are often carried out by personnel that do not have the necessary knowledge. It added that over the last few years, significant turnover in administrative staff has resulted in deficiencies in the following up of files.
4. Radio Anticosti further stated that at the time of the apparent non-compliance, an outside accountant was responsible for the station's accounting needs, and there was an unfortunate delay of several months in the provision of the station's financial statements. It stated that it was therefore unable to complete and file the annual return for 2010-2011 by the prescribed deadline.
5. The licensee noted that it has now hired a new director general who plans to remain with the organization for the long term. This new director general will therefore

ensure the follow up of files and the submission of documents within the required timeframes. Further, the board of directors is currently seeking a new accounting firm to ensure the production and timely delivery of financial statements. The new accounting firm will, when hired, be advised of the importance of submitting financial statements on time.

6. In light of the above, the Commission finds Radio Anticosti in non-compliance with section 9(2) of the Regulations for CJBE-FM for the 2010-2011 broadcast year.

Regulatory measures

7. 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.
8. 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.
9. The Commission notes that this is the only situation of non-compliance for CJBE-FM during the current licence term. It further notes the measures put into place by the licensee, including the hiring of a new accounting firm, to avoid future non-compliance. Finally, the Commission recognizes that staff turnover is one of the challenges that community radio stations face. In light of the above, and in light of the circumstances surrounding the non-compliance, the Commission finds that it is appropriate to renew the broadcasting licence for CJBE-FM for a full seven-year term.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CJBE-FM Port-Menier 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

11. 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

12. 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 policy, licensees may submit such documentation via the Commission's website.

Employment equity

13. 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 2014-58, 13 February 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.*