



Broadcasting Decision CRTC 2015-260

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Reference: 2015-52

Ottawa, 18 June 2015

Comité de la Radio communautaire huronne Wyandot inc.
Village-des-Hurons, Quebec

Application 2014-0769-3, received 12 August 2014

CIHW-FM Village-des-Hurons – Licence renewal

*The Commission **renews** the broadcasting licence for the Native radio station CIHW-FM Village-des-Hurons from 1 September 2015 to 31 August 2021.*

This shortened licence term will allow for an earlier review of the licensee's compliance with the Radio Regulations, 1986.

Introduction

1. The Comité de la Radio communautaire huronne Wyandot inc. filed an application to renew the broadcasting licence for the Native radio station CIHW-FM Village-des-Hurons, which expires 31 August 2015. The Commission did not receive any interventions regarding this application.

Non-compliance

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. In Broadcasting Notice of Consultation 2015-52, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of annual returns. Specifically, the annual returns for the 2011-2012 and 2012-2013 broadcast years for CIHW-FM were filed seven and five months after the 30 November deadline respectively.
4. The licensee explained that the non-compliance occurred because of a new administration. It added that it had equipped itself with an Excel spreadsheet to better oversee the accounting and follow through on ensuring the station's full compliance.
5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2011-2012 and 2012-2013 broadcast years.

Regulatory measures

6. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
7. Compliance with deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations. Accordingly, the Commission considers the late or incomplete filing of annual returns a serious matter.
8. The Commission has examined the record for this application and is satisfied with the licensee's explanations and with the measures it has put in place to address the non-compliance. Given the circumstances surrounding the licensee's non-compliance and the fact that this is the first instance in which the licensee has been found in non-compliance, the Commission finds it appropriate to grant CIHW-FM a six-year rather than a full seven-year licence term.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the Native radio programming undertaking CIHW-FM Village-des-Hurons from 1 September 2015 to 31 August 2021. The licensee shall adhere to the **conditions of licence** set out in the appendix to this decision, as well as to the **conditions** set out in the broadcasting licence for the undertaking.
10. The shortened licence term granted in this decision will allow for an earlier review of the licensee's compliance with the Regulations.

Reminders

11. The licensee is responsible for filing complete annual returns on time. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns and to contact the Commission if further clarification is required.
12. 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.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2015-52, 18 February 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

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

Appendix to Broadcasting Decision CRTC 2015-260

Conditions of licence and encouragement for the Native radio programming undertaking CIHW-FM Village-des-Hurons, Quebec

Conditions of licence

1. The licensee shall devote at least 35% of all musical selections from content category 2 (Popular Music) in each broadcast week to Canadian selections broadcast in their entirety.

For the purposes of this condition of licence, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the meanings set out in the *Radio Regulations, 1986*.

2. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Encouragement

If the licensee intends to carry wrap-around programming, the Commission encourages it to use programming from another Aboriginal station or network with a focus on additional Aboriginal-language programming (Cree/Dene/Chipewyan) or current Aboriginal music.