



Broadcasting Decision CRTC 2015-346 and Broadcasting Order CRTC 2015-347

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Reference: 2015-84

Ottawa, 29 July 2015

**La radio communautaire du comté
Rimouski and Mont-Joli, Quebec**

Application 2014-0759-4

*Public hearing in the National Capital Region
13 May 2015*

CKMN-FM Rimouski/Mont-Joli – Licence renewal and reimposition of a broadcasting order

*The Commission **renews** the broadcasting licence for the French-language community radio station CKMN-FM Rimouski/Mont-Joli from 1 September 2015 to 31 August 2018. This short-term renewal will allow for an earlier review of the licensee's compliance with the Radio Regulations, 1986 (the Regulations).*

Given the seriousness and recurrence of the instances of non-compliance and the fact that this is the third consecutive licence term in which CKMN-FM has been found in non-compliance with its regulatory requirements, the Commission also reimposes a broadcasting order requiring the licensee to comply at all times with section 9(2) of the Regulations relating to the filing of annual returns.

Application

1. La radio communautaire du comté filed an application to renew the broadcasting licence for the French-language community radio station CKMN-FM Rimouski/Mont-Joli, 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. At the last renewal for the station in 2011,¹ the Commission granted CKMN-FM a four-year licence renewal in light of its non-compliance with section 9(2) of the Regulations relating to the filing of annual returns. It also issued a broadcasting order (Broadcasting Order 2011-545) regarding the filing of these annual returns in a timely manner.
4. In Broadcasting Notice of Consultation 2015-84, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the Regulations. Specifically, the annual return for the 2011-2012 broadcast year was filed on 30 April 2013, five months after the 30 November deadline. As part of this proceeding, the licensee was required to demonstrate why its licence should not be suspended, revoked or not renewed, and the reasons why Broadcasting Order 2011-545 should not be reimposed.
5. The licensee did not specifically address whether the order should be reimposed. However, it explained that the non-compliance occurred when the station was facing a dire financial situation and that all members of the management team were in “survival” mode at the time. It specified that the financial situation has now improved, and that CKMN-FM’s board of directors and station management take the violations very seriously and will ensure this unfortunate situation does not occur again. The licensee indicated that the annual general meeting now takes place in November to ensure that all of the necessary documentation is submitted before the 30 November deadline.
6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations and Broadcasting Order 2011-545 for the 2011-2012 broadcast year.

Regulatory measures

7. 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 leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
8. 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.
9. The Commission has examined the public record for this application and is satisfied with the licensee’s explanations relating to the non-compliance and the measures it has put in place to address the non-compliance. Moreover, the licensee filed its last

¹ See Broadcasting Decision 2011-544.

two annual returns for the 2012-2013 and 2013-2014 broadcast years in a timely manner.

10. However, given the seriousness and recurrence of the instances of non-compliance, and the fact that this is the third consecutive licence term in which CKMN-FM has been found in non-compliance with its regulatory requirements, the Commission finds it appropriate to grant CKMN-FM a short-term licence renewal of three years.
11. Moreover, the Commission considers it appropriate to reimpose a broadcasting order requiring the licensee to comply at all times with section 9(2) of the Regulations. Pursuant to section 13 of the *Broadcasting Act* (the Act), the order will be filed with the Federal Court and will become an order of that court. Failure to comply with Federal Court orders may result in recourse to the compliance procedures of that court.

Conclusion

12. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CKMN-FM Rimouski/Mont-Joli from 1 September 2015 to 31 August 2018. The licensee shall adhere to the **conditions of licence** set out in Appendix 1 to this decision and to the broadcasting order set out in Appendix 2.
13. The Commission emphasizes the importance it places on a licensee's fulfillment of the regulatory requirements. It is the licensee's responsibility to ensure that it is aware of and adheres to those requirements at all times. The short-term licence renewal granted in this decision will allow for an earlier review of the licensee's compliance with the Regulations.
14. Any future non-compliance could lead to additional measures, including short-term renewal, suspension, non-renewal or revocation of the licence pursuant to sections 9 and 24 of the Act.

Reminders

15. 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.
16. Pursuant to section 22 of the 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 hearing*, Broadcasting Notice of Consultation CRTC 2015-84, 11 March 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
- *CKMN-FM Rimouski and Mont-Joli – Licence renewal and issuance of a mandatory order*, Broadcasting Decision CRTC 2011-544 and Broadcasting Order CRTC 2011-545, 31 August 2011

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

Appendix 1 to Broadcasting Decision CRTC 2015-346

Conditions of licence, expectation and encouragement for the French-language community radio programming undertaking CKMN-FM Rimouski/Mont-Joli, Quebec

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, and to the conditions set out in the broadcasting licence for the undertaking.

Expectation

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus radio station 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.

Encouragement

The Commission considers that 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.

Appendix 2 to Broadcasting Decision CRTC 2015-346

Broadcasting Order CRTC 2015-347

Pursuant to section 12(2) of the *Broadcasting Act*, La radio communautaire du comté, licensee of the station CKMN-FM Rimouski/Mont-Joli, is hereby ordered to comply at all times within the term of the licence granted in *CKMN-FM Rimouski/Mont-Joli – Licence renewal and reimposition of a broadcasting order*, Broadcasting Decision CRTC 2015-346, 29 July 2015, with the requirements contained in section 9(2) of the *Radio Regulations, 1986*, which read as follows:

- (2) On or before November 30 of each year, a licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the year ending on the previous August 31.