



## Broadcasting Notice of Consultation CRTC 2015-84

PDF version

Ottawa, 11 March 2015

### Notice of hearing

**13 May 2015**

**Gatineau, Quebec**

**Deadline for submission of interventions/comments/answers: 10 April 2015**

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission will hold a hearing commencing on **13 May 2015 at 9:30 a.m., at the Conference Centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec**, to consider the following applications:

#### **Applicant/licensee and locality**

- 1. Aboriginal Voices Radio Inc.**  
Ottawa and Toronto, Ontario; Calgary and Edmonton, Alberta and Vancouver, British Columbia  
Applications 2014-0956-6, 2014-0960-8, 2014-0957-4, 2014-0955-8 and 2014-0959-0
- 2. Salt Spring Island Radio Corp.**  
Salt Spring Island, British Columbia  
Applications 2014-0865-9 and 2014-0963-1
- 3. 902890 Alberta Ltd.**  
Wetaskiwin, Alberta  
Application 2014-0637-2
- 4. La radio communautaire du comté**  
Rimouski and Mont-Joli, Quebec  
Application 2014-0759-4

#### **Preamble**

Additional information may be added to the public examination files for the stations as it becomes available. The Commission encourages interested persons to monitor the public examination files and the Commission's website for additional information that they may find useful when preparing their comments.

This notice of consultation relates to several renewal applications from radio stations that are in apparent non-compliance with the *Radio Regulations, 1986* (the Regulations)

and/or certain conditions of licence and/or mandatory orders. The Commission notes that the licences for these undertakings will expire on 31 August 2015.

### **Items 1 to 3**

In regard to items 1 to 3, it appears that the licensees in question may have failed to comply with the Regulations and/or certain of their conditions of licence or mandatory orders pursuant to section 12 of the *Broadcasting Act* (the Act). The Commission notes that some of these licensees are currently subject to short-term licence renewals due to non-compliance issues in the stations' previous licence terms. Given the severity and frequency of the instances of apparent non-compliance observed in the current licence terms, the Commission calls the licensees to the public hearing to discuss these issues and to show cause why a mandatory order should not be issued or reimposed pursuant to section 12(2) of the Act and why, in certain cases, the Commission should renew a licence or alternatively, should not suspend or revoke the licence pursuant to sections 9 and 24 of the Act.

The Commission will want to discuss with these licensees all measures taken and/or that could be taken to address the concerns raised by these instances of apparent non-compliance.

### **Item 4**

Item 4 will be considered, subject to interventions, during the non-appearing phase of the public hearing.

#### **1. Aboriginal Voices Radio Inc.**

Ottawa and Toronto, Ontario; Calgary and Edmonton, Alberta and Vancouver, British Columbia

Applications 2014-0956-6, 2014-0960-8, 2014-0957-4, 2014-0955-8 and 2014-0959-0

Applications by **Aboriginal Voices Radio Inc.** (AVR) to renew the broadcasting licences for the Native Type B radio programming undertakings CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton and CKAV-FM-9 Ottawa, which expire 31 August 2015.

AVR is the licensee of a Native Type B radio station in five major urban markets in Canada. AVR's vision was to offer local programming serving the needs, interests and concerns of Aboriginal Canadians, particularly those living in urban markets. In accordance with the *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990, it is owned and controlled by a non-profit corporation.

In its application, the licensee proposed to operate its undertakings under the existing terms and conditions. In a letter dated 6 March 2015, AVR requested an exemption from the requirement that it operate as a non-profit corporation. AVR also requested that the Commission initiate a public hearing to review Native Broadcasting Policy.

## Background

Through three licence renewal proceedings since 2007<sup>1</sup> for these five stations, AVR has been found in repeated non-compliance with various obligations, including the failure to file annual returns, the submission of incomplete logger tapes and non-compliance with various programming obligations. In each case, the Commission imposed a short-term renewal in order to ensure that it could monitor the licensee's performance, and in 2010 issued a mandatory order (which was later rescinded in 2012) with respect to the filing of annual returns.

In the last licence renewal decision, *CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton and CKAV-FM-9 Ottawa – Licence renewals*, Broadcasting Decision CRTC 2012-653, 29 November 2012 (Broadcasting Decision 2012-653), the Commission found AVR to be in non-compliance with its condition of licence to provide daily local newscasts on its stations in Vancouver, Calgary and Edmonton; and with its condition of licence to broadcast structured enriched spoken word programming on its stations in Vancouver and Calgary. The Commission also concluded that “AVR does not offer the quality programming it originally proposed when first licensed in 2000, and has departed from its originally proposed service.” Finally, the Commission expressed serious concern about the viability of the five stations given AVR's reliance on funding it receives from Canadian content development (CCD) contributions, which were to diminish every year until they expire after the 2015/2016 broadcast year. In order to better monitor AVR's ability to diversify its sources of revenue and allocate its resources in an appropriate manner, the Commission imposed conditions of licence requiring AVR to file an annual update on the achievement of its business objectives and its annual audited financial statements for each of its radio stations.

The Commission stated that a short-term renewal until 2015 would “provide reasonable time to AVR to implement its business plan and improve the quality of its programming prior to the next Commission review.” The Commission explicitly stated that, in light of the repeated non-compliance and expressions of concern by the Commission over three licence renewals “the Commission strongly expects AVR to improve the performance of each of its stations during the new licence term.”

### Current compliance issues

It appears to the Commission that the licensee may be in non-compliance with the following sections of the *Radio Regulations, 1986* (the Regulations) or conditions of licence:

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<sup>1</sup> See Broadcasting Decisions 2007-121, 2010-614 and 2012-653

***Sections 8(4) and (6) of the Regulations - Program Logs and Logger Tapes***

The licensee failed to file program logs and logger tapes by 18 July 2014, as requested by a Commission staff letter dated 2 June 2014. After repeated requests, the licensee submitted materials on 29 September 2014.

The program logs were provided in Notepad format, which was not readily readable. It appears to the Commission that this may not have been an acceptable format.

The audio recordings provided for the Ottawa station were for the wrong broadcast year, and the audio recordings for all other stations were missing portions, ranging from 40 minutes to 9 hours, of the requested broadcast week (25 to 31 May 2014).

***Section 9(2) of the Regulations – Annual returns***

The licensee failed to file its annual returns for the broadcasting year ending 31 August 2014.

***Section 9(4)(b) – Response to request for information***

The licensee failed to file its application for renewal by 29 August 2014, as requested by Commission staff in a letter dated 18 June 2014. Following two requests for extensions (12 September and 19 September), AVR submitted its licence renewal applications on 22 September 2014.

***Condition of licence 2 – Daily local newscasts of direct and particular relevance to the Aboriginal community within the market served***

The licensee failed to identify the distinct local news stories for each market, as requested in a letter from Commission staff dated 2 June 2014. Further, after reviewing the audio recordings of the Toronto station for 27 May 2014, it appears that there were no news stories of direct or particular relevance to the Aboriginal community in any newscast.

***Condition of licence 9 – Filing annual updates***

The licensee filed annual updates on the achievement of its business objectives by the 30 November deadline for each of the 2012-2013 and 2013-2014 broadcast years. However, these updates did not provide all of the information required. In particular,

- The annual update for the 2012-2013 broadcast year did not include the compensation figures for the staff listed in that report.
- The annual update for the 2013-2014 broadcast year did not include the location of the majority of the staff listed in that report.

***Condition of Licence 10 – Provision of audited financial statements***

For the 2012-2013 broadcast year, the licensee filed one set of audited financial statements for the licensee as a whole, instead of separate financial statements for each of

its five stations, as required by this condition of licence. Further, the financial statements were filed for the incorrect reporting period, ending 31 March, and not on 31 August, which corresponds with the broadcast year.

For the 2013-2014 broadcast year, the licensee submitted unaudited financial statements for the licensee as a whole and not for each of its five stations, again for the year ending 31 March and not 31 August.

#### **Quality of service to the Aboriginal community**

It appears to the Commission that AVR is not providing the quality service it proposed and that Aboriginal people in Canada's urban centres are not being well served as a result.

According to AVR, its Ottawa station has been off air since spring/summer 2014, and certain of its other stations were off the air for a short period of time in 2014.

AVR has specific conditions of licence relating to the provision of local and spoken word programming as a result of commitments made by the licensee when originally proposing its service. Failure of the licensee to comply with its regulatory obligations and conditions of licence with respect to the filing of information make it difficult to assess specific compliance. The Commission has noted its concern as part of past licence renewal proceedings that AVR is not meeting its mandate, and remains concerned, given the information on the public record at this time, relating to the licensee's performance in the current licence term.

AVR's current licence contains an expectation that it maintain its studio presence in the five markets served by its stations. However, in its 2013 annual update, the licensee noted that it had vacated its studios in Vancouver and Ottawa in order to reduce expenses. In that same annual update, the licensee noted that it had delayed the contracting of local staff to lead local programming, in anticipation of reduced revenues.

In its 2014 annual update, there were no details concerning the reopening of local studios in Vancouver or in Ottawa. It did mention that it was resuming the broadcast of traffic and weather reports, but did not specify on which of its stations. AVR has since indicated that it currently does not have a studio presence in any of its licensed markets. Regarding the broadcast of traffic and weather reports, AVR indicated that weather and traffic was added in fall 2012 but that traffic reports are not currently broadcast on its stations.

Further, the 2014 annual update noted that a number of staff were laid off, leaving a total of five employees to oversee the operations of all five of AVR's stations.

The Commission notes that AVR currently has a condition of licence requiring a minimum of 25% of its weekly broadcast schedule to be devoted to the broadcast of local programming. Local programming is a vital part of serving each of the markets in which AVR is licensed to operate, and the absence of local programming would result in a significant lack of service to these markets.

### **Financial stability of the stations**

It appears to the Commission that the licensee has failed to develop and implement a viable business plan during the current licence term.

The Commission's statements in Decision 2012-653 were clear. It expected AVR to use the current licence term to demonstrate that it was capable of obtaining the required financing to operate its five stations and fulfill its regulatory requirements. While the licensee did indicate in its 2014 annual update that it had entered into a consultancy relationship to address these deficiencies, this relationship occurred only recently and any results from this relationship are unlikely to be measurable during the current licence term.

### **General**

In light of the above, the Commission intends to inquire into the apparent non-compliance described above; the station's funding and the viability of its business plan; and the licensee's capacity to provide a quality service to the Aboriginal communities in the current markets, including station presence and staff levels of the stations; local newscasts and spoken word programming.

The Commission notes that the service originally proposed by AVR, with its focus on the needs of the Aboriginal communities in these urban markets, contributes to the fulfillment of the policy objectives of the Act, and in particular section 3(1)(d)(ii), which states that "the Canadian broadcasting system should, through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society." Therefore, the Commission intends to discuss with the licensee at the public hearing whether it is capable of serving the needs of the Aboriginal community in the markets it was licensed to serve.

The Commission also intends to discuss with the licensee its proposal that it be permitted to change its structure from a non-profit corporation to a for-profit corporation, as an exception to the Native Broadcasting Policy. The Commission notes that a review of the Native Broadcasting Policy is planned for 2016-2017, as noted in the CRTC Three-Year Plan, 2014-2017.

The Commission intends to consider the renewal of this broadcasting licence according to the approach set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014. The Commission will consider the use of any or all of the measures set out at paragraph 7 of the Information Bulletin as appropriate.

Further, given the nature and the number of instances of apparent non-compliance and other concerns noted above, the Commission expects the licensee to show cause at this hearing why its licences should be renewed.

In addition, the Commission expects the licensee to show cause at the hearing why, if its licences should be renewed:

- the renewal should not be for a short term;
- a mandatory order under section 12 of the Act requiring the licensee to comply with the Regulations and its conditions of licence should not be issued; and
- its licences should not be suspended or revoked pursuant to sections 9 and 24 of the Act.

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## 2. **Salt Spring Island Radio Corp.**

Salt Spring Island, British Columbia

Applications 2014-0865-9 and 2014-0963-1

Application (2014-0865-9) by **Salt Spring Island Radio Corp.** (Salt Spring) to renew the broadcasting licence for the specialty FM radio programming undertaking CFSI-FM Salt Spring Island, and its transmitter, CFSI-FM-1 Mount Bruce, expiring 31 August 2015. The licensee proposed to operate its undertaking under its existing terms and conditions.

The station was previously called to appear at the 27 January 2014 Surrey, British Columbia public hearing to discuss its apparent non-compliance with sections 8(1) and 8(4) of the *Radio Regulations, 1986* (the Regulations) with respect to the filing of program logs; with sections 8(5), 8(6), 9(3) and 9(4) of the Regulations with respect to the filing of logger tapes and music lists; and with the requirement to provide information relating to, among other things, compliance with its regulatory obligations, at the Commission's request. At that time, the Commission limited its review to these specific non-compliance issues.

As a result of the Commission's subsequent determination, in *CFSI-FM Salt Spring Island – Issuance of mandatory orders*, Broadcasting Decision CRTC 2014-330, 20 June 2014 (Broadcasting Decision 2014-330), the Commission issued Broadcasting Orders 2014-331, 2014-332, 2014-333, 2014-334, 2014-335 and 2014-336 (Orders 2014-331, 2014-332, 2014-333, 2014-334, 2014-335 and 2014-336), ordering CFSI-FM to comply with section 8(1), 8(4), 8(5), 8(6), and 9(3) of the Regulations with respect to the filing of logger tapes, music lists, and program logs, and section 9(4) of the Regulations regarding the obligation to respond to the Commission's request for

information. Concurrently, in *CFSI-FM Salt Spring Island – Administrative renewal*, Broadcasting Decision CRTC 2014-337, 20 June 2014, the Commission administratively renewed the broadcasting licence for CFSI-FM to 31 August 2015 in order to permit the Commission to examine the licensee's broader compliance with the Regulations, mandatory orders and its conditions of licence.

### **Mandatory Orders**

As part of its licence renewal performance review, it appears to the Commission that the licensee may have failed to comply with Orders 2014-331, 2014-332, and 2014-335, concerning the provision of complete program logs, the licensee's attestation to the accuracy of its program log content and the provision of music lists for the broadcast week of 5 to 11 October 2014.

### **Annual returns**

As noted in *Applications processed pursuant to streamlined procedures*, Broadcasting Information Bulletin CRTC 2013-274, 5 June 2013 (Broadcasting Information Bulletin 2013-274), the Commission approved the application to change the ownership and effective control of Salt Spring from Gary Stephen Brooks to Satnam Media Group (BC) Ltd., a corporation wholly owned and controlled by Sukhdey Singh Dhillon. As part of this process, and as per a letter to the licensee dated 21 January 2013, the Commission noted that the licensee was in non-compliance with section 9(2) of the Regulations concerning the submission of annual returns for the 2009-2010 and 2010-2011 broadcast years. In addition, the licensee failed to submit its financial statements for the 2011-2012 broadcast year. As a result, it appears that the licensee may have failed to comply with section 9(2) of the Regulations concerning the submission of annual returns for the 2011-2012 broadcast year.

### **Canadian content development contributions**

Also in its letter to the licensee dated 21 January 2013, the Commission found that the licensee was in non-compliance with condition of licence 5 for the 2009-2010 and 2010-2011 broadcast years. This condition of licence, set out in the appendix to *Licensing of a radio station to serve Salt Spring Island*, Broadcasting Decision CRTC 2007-387, 22 October 2007 (Broadcasting Decision 2007-387), concerns the licensee's annual Canadian content development (CCD) contributions and reads as follows:

5. In addition to the basic annual contribution, the licensee shall, upon commencement of operations, contribute \$2,500 annually to the promotion and development of Canadian content. This amount is over and above the licensee's required basic annual CCD contribution. Of this amount, \$500 per broadcast year shall be devoted to FACTOR. The remainder, \$2,000, shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives in Broadcasting Public Notice 2006-158.

In its letter, the Commission further noted that the licensee was in non-compliance with section 15 of the Regulations related to basic CCD payments for the 2010-2011 broadcast year.

These instances of non-compliance resulted in a shortfall of \$5,500. The Commission further stated:

Accordingly, the Commission requires that the licensee file with the Commission documentation supporting the fact that the CCD shortfall of \$5,500 was paid to an eligible CCD initiative no later than 90 days following the Commission's decision.

According to Commission records, the amount paid was \$5,000. It appears that an amount of \$500 is still outstanding. As such, the licensee may have failed to comply with this direction from the Commission.

In addition to the non-compliance noted in the letter to the licensee dated 21 January 2013, the licensee may have also failed to comply with its condition of licence 5 regarding its over-and-above CCD requirements for the 2011-2012, 2012-2013, and 2013-2014 broadcast years.

CFSI-FM was also subject to basic CCD contributions pursuant to section 15 of the Regulations for the 2011-2012 and 2012-2013 broadcast years. However, it appears that no basic CCD contributions have been made. As such, the licensee may have failed to comply with section 15(2)(a) of the Regulations concerning basic CCD contributions.

#### **Tangible benefits**

As part of the above noted change in ownership transaction approved in the Broadcasting Information Bulletin 2013-274, the licensee was subject to tangible benefits. In the letter to the licensee dated 21 January 2013, the Commission stated:

In light of the above, the Commission requires the payment of tangible benefits corresponding to a minimum direct financial contribution of \$20,112 (representing 6% of \$335,200). The Commission requires that this contribution be spread equally over a seven-year period as follows:

- 3% (\$10,056) to the Radio Starmaker Fund;
- 1.5% (\$5,028) to FACTOR or MUSICACTION;
- 1% (\$3,352) at its discretion, to any eligible Canadian Content Development initiative; and,
- 0.5% (\$1,676) to the Community Radio Fund of Canada.

It appears that the licensee has not claimed any payments for the 2012-2013 and 2013-2014 broadcast years, resulting in an apparent shortfall of \$2,873 in tangible benefits. It would therefore appear that the licensee may have failed to comply with this direction.

### **Quarterly reports**

In Broadcasting Decision 2014-330, the Commission stated:

20. In accordance with the commitment it made at the hearing, the Commission further expects the licensee to file quarterly reports on the programming provided by CFSI-FM as well as community involvement.

The licensee has not filed quarterly reports for the period of July 2014 – September 2014 or the period of October 2014 – December 2014, as noted below. It would therefore appear to that the licensee may have failed to comply with this expectation.

### **Ownership**

The applicant also filed a separate application (2014-0963-1) to modify its ownership through the transfer of all of its shares, formerly solely owned by Satnam Media Group (BC) Ltd., in equal parts to Mr. Sukhdev S. Dhillon and Mr. Harman S. Gill.

It appears to the Commission that there may be discrepancies between the ownership information submitted by the licensee as part of its renewal application and the ownership information submitted by the licensee as part of its ownership application.

### **General**

The Commission intends to inquire into the issues listed above.

The Commission intends to consider the renewal of this broadcasting licence according to the approach set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014. The Commission will consider the use of any or all of the measures set out at paragraph 7 of this Information Bulletin as appropriate.

In particular, given the nature and the number of instances of apparent non-compliance and other concerns noted above, the Commission expects the licensee to show cause at this hearing why its licence should be renewed and why Orders 2014-331, 2014-332, 2014-333, 2014-334, 2014-335 and 2014-336 should not be re-imposed and why a mandatory order requiring the licensee to comply with section 15(2)(a) of the Regulations, and with condition of licence 5 set out in the appendix to Broadcasting Decision 2007-387 should also not be issued.

In addition, the Commission expects the licensee to show cause at the hearing why, if its licence should be renewed:

- the renewal should not be for a short term;

- a mandatory order under section 12 of the *Broadcasting Act* (the Act) requiring the licensee to comply with the Regulations and its remaining conditions of licence should not be issued; and
- its licence should not be suspended or revoked pursuant to sections 9 and 24 of the Act.

The Commission also intends to consider the licensee's application for approval of a change in ownership and may inquire into the ownership information provided by the licensee in both of its above-noted applications, with a view to determining whether the licensee has at all times complied with section 11(4) of the Regulations.

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**3. 902890 Alberta Ltd.**  
Wetaskiwin, Alberta  
Application 2014-0637-2

Application by **902890 Alberta Ltd.** to renew the broadcasting licence for the specialty radio programming undertaking CIHS-FM Wetaskiwin, Alberta, expiring 31 August 2015.

The licensee also requests an amendment to CIHS-FM's condition of licence relating to the broadcast of musical selections, which reads as follows:

4. The licensee shall devote a minimum of 50% of all musical selections broadcast during each broadcast week to selections drawn from subcategory 35 (Non-classic religious).

The licensee seeks to replace that condition of licence with the following:

4. The licensee shall devote a minimum of 50% of all musical selections during each broadcast week to selections drawn from content category 3, of which no less than 25% shall be drawn from subcategory 32 (Folk and folk oriented) and no less than 25% shall be drawn from subcategory 33 (World beat and international).

It appears to the Commission that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations) concerning the submission of annual returns for the 2007-2008 to 2009-2010 broadcast years.

CIHS-FM was also subject to basic Canadian content development (CCD) contributions for the 2007-2008 to 2012-2013 broadcast years. However, it appears that no basic CCD contributions have been made for the 2007-2008, 2009-2010, 2011-2012, and 2012-2013 broadcast years. As such, the licensee may have failed to comply with section 15(2)(a) of the Regulations concerning basic CCD contributions.

The Commission also notes that CIHS-FM failed to file its undertaking's renewal application by the 8 November 2013 deadline. Specifically, the licensee filed its renewal application on 9 July 2014 (8 months late). As such, the licensee may have failed to comply with section 9(4) of the Regulations concerning the provision of a response to any inquiry made by the Commission regarding a licensee's undertaking.

Since October 2014, the Commission has attempted on several occasions to obtain the logger tapes, music lists and program logs for CIHS-FM in order to analyze them in preparation for the station's licence renewal. The Commission notes that as of **11 March 2015**, the materials, which were due to the Commission on 21 November 2014, have not been received at the Commission. As such, it appears that the licensee may have failed to comply with sections 8(1) and 8(4) of the Regulations with respect to the filing of program logs; sections 8(5), 8(6), and 9(3) with respect to the filing of logger tapes and music lists; and section 9(4) with respect to the requirement to provide information relating to, among other things, compliance with its regulatory obligations.

### **General**

The Commission intends to inquire into the issues listed above.

The Commission intends to consider the renewal of this broadcasting licence according to the approach set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014. The Commission will consider the use of any or all of the measures set out at paragraph 7 of this Information Bulletin as appropriate.

In particular, given the nature and the number of instances of apparent non-compliance and other concerns noted above, the Commission expects the licensee to show cause at this hearing why its licence should be renewed.

In addition, the Commission expects the licensee to show cause at the hearing why, if its licence should be renewed:

- the renewal should not be for a short term;
- a mandatory order under section 12 of the *Broadcasting Act* (the Act) requiring the licensee to comply with the Regulations and its conditions of licence should not be issued; and
- its licence should not be suspended or revoked pursuant to sections 9 and 24 of the Act.

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**4. La radio communautaire du comté**

Rimouski and Mont-Joli, Quebec

Application 2014-0759-4

Application by **La radio communautaire du comté** to renew the broadcasting licence of the French-language community radio programming undertaking CKMN-FM Rimouski and Mont-Joli, expiring 31 August 2015. The licensee proposes to operate its undertaking under its existing terms and conditions.

The Commission notes that in *CKMN-FM Rimouski and Mont-Joli – License renewal and issuance of a mandatory order*, Broadcasting Decision CRTC 2011-544 and Broadcasting Order CRTC 2011-545, 31 August 2011 (Broadcasting Decision 2011-544 and Order 2011-545), the station was granted a four-year short-term renewal, until 31 August 2015 based on its failure to comply with the *Radio Regulations, 1986* (the Regulations) as they relate to the submission of annual returns. The Commission also issued a mandatory order with respect to the timely filing of these returns.

Commission records show that the licensee filed its annual return for the 2011-2012 broadcast year on 25 April 2013, indicating apparent non-compliance with section 9(2) of the Regulations and Order 2011-545, which require the filing of annual returns by 30 November for the broadcast year ending on the previous 31 August.

The Commission intends to consider the renewal of this broadcasting license according to the approach set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014. The Commission will consider the use of any or all of the measures set out at paragraph 7 of this Information Bulletin as appropriate.

In particular, given its apparent failure to comply with Order 2011-545, the Commission expects the licensee to show cause why the order should not be re-imposed.

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## Procedure

### Deadline for interventions, comments or answers

**10 April 2015**

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, replies, answers of respondents and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "Statutes and Regulations." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

An intervention or an answer from a respondent must be filed with the Commission and served on the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

Interventions and answers must clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

For applications to be considered during the appearing phase of the hearing, the intervention or answer must include one of the following statements in either the first or the last paragraph:

1. I request to appear at the public hearing.
2. I do not want to appear at the public hearing.

Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010.

The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line \*\*\*End of document\*\*\* should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

In the event that an application to be considered during the non-appearing phase of the hearing is brought to the oral phase of the hearing, and if parties wish to appear, they must provide reasons why their written interventions or answers are not sufficient and why an appearance is necessary. Parties requiring communication support must state their request on the first page of their intervention. Only those parties whose requests to appear

have been granted will be contacted by the Commission and invited to appear at the public hearing.

Persons requiring communications support such as assistance listening devices and sign language interpretation are requested to inform the Commission at least twenty (20) days before the commencement of the public hearing so that the necessary arrangements can be made.

### **Important notice**

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

Electronic versions of the applications are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by selecting the application number within this notice. They are also available from the applicants, either on their websites or upon request by contacting the applicants at their email addresses, provided above.

Electronic versions of the interventions and answers, as well as of other documents referred to in this notice, are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

Documents are also available from Commission offices, upon request, during normal business hours.

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