



## Broadcasting Decision CRTC 2016-220

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Reference: Part 1 licence renewal application posted on 26 January 2016

Ottawa, 9 June 2016

**Points Eagle Radio Inc.**  
Kettle Point, Ontario

*Application 2015-1028-0*

### **CKTI-FM Kettle Point – Licence renewal**

*The Commission **renews** the broadcasting licence for the Type B Native radio station CKTI-FM Kettle Point from 1 September 2016 to 31 August 2022.*

#### **Introduction**

1. Points Eagle Radio Inc. filed an application to renew the broadcasting licence for the Type B Native radio station CKTI-FM Kettle Point, Ontario, which expires 31 August 2016. 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. The station's annual returns for the 2012-2013 and 2013-2014 broadcast years were incomplete as both were missing the financial statements. Moreover, the annual return for the 2012-2013 broadcast year was filed several months after the 30 November 2013 deadline (specifically, on 5 June 2014).
4. The licensee explained that the station's managers filed the 2013-2014 annual return according to the fiscal year rather than the broadcast year. The licensee indicated that now that it is fully aware of the regulatory requirement, the station's managers will prepare and file the station's annual returns according to the 1 September to 31 August broadcast year to comply with section 9(2) of the Regulations.
5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2012-2013 and 2013-2014 broadcast years.

6. The licensee has since filed the financial statements for the 2013-2014 broadcast year. However, the financial statements for the 2012-2013 broadcast year remain outstanding.
7. The Commission therefore **directs** the licensee to file with the Commission its financial statements for the 2012-2013 broadcast year by no later than **7 September 2016**. A **condition of licence** to that effect is set out in the appendix to this decision.

### **Regulatory measures**

8. 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.
9. 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.
10. The Commission has examined the public record for this application and, subject to the filing of the missing financial statements for the 2012-2013 broadcast year, is satisfied with the licensee's explanations and with the measures it has put in place to address the non-compliance. Given the foregoing, the Commission finds it appropriate to grant CKTI-FM a licence renewal term of six years rather than a full seven-year licence term.

### **Conclusion**

11. In light of all of the above, the Commission **renews** the broadcasting licence for the Type B Native radio programming undertaking CKTI-FM Kettle Point from 1 September 2016 to 31 August 2022. The licensee shall adhere to the **conditions of licence** set out in the appendix to this decision and to the **conditions** set out in the broadcasting licence for the undertaking.

### **Reminders**

12. The licensee is responsible for filing complete annual returns on time and must ensure that they cover the appropriate broadcast years (that is, the period beginning on 1 September of a given year and ending on 31 August of the following year). 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.

13. Pursuant to section 16 of the Regulations, all licensees of campus, community and Native radio stations must participate in the National Public Alerting System.
14. 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**

- *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 2016-220**

### **Terms and conditions of licence for the Type B Native radio programming undertaking CKTI-FM Kettle Point, Ontario**

#### **Terms**

The licence will expire 31 August 2022.

#### **Conditions of licence**

1. The licensee shall devote at least 35% of all content category 2 (Popular Music) selections aired during the broadcast week to Canadian selections broadcast in their entirety.
2. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
4. The licensee shall file with the Commission its financial statements for the 2012-2013 broadcast year by no later than **7 September 2016**.