



Broadcasting Decision CRTC 2016-275

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

Ottawa, 20 July 2016

Student Media, University of Windsor
Windsor, Ontario

Application 2015-0787-3

CJAM-FM Windsor – Licence renewal

*The Commission **renews** the broadcasting licence for the campus radio station CJAM-FM Windsor from 1 September 2016 to 31 August 2021. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Student Media, University of Windsor filed an application to renew the broadcasting licence for the campus radio station CJAM-FM Windsor, Ontario, which expires 31 August 2016. The Commission received an intervention in support of 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 Decision 2012-704, the Commission found the licensee in non-compliance with respect to the filing of annual returns. In that decision, the Commission granted a short-term licence renewal and imposed a condition of licence requiring the licensee to file its annual return for the 2006-2007 broadcast year by 8 May 2013.
4. While the licensee filed the annual return for the 2006-2007 broadcast year on time, the return covered the wrong period and the financial summary was not complete.
5. The licensee explained that the non-compliance was due to staff turnover and to administrative processes that were built on faulty assumptions, accepted station practices and lack of adequate training.

6. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence requiring it to file a complete annual return for the 2006-2007 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, 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. In this case, the licensee indicated that it is adopting new internal accounting practices and providing better training to produce accurate annual returns that are submitted on time.
10. The Commission has examined the public record for this application and is satisfied with the measures the licensee has put in place to address the non-compliance. Given the foregoing and that this is the second consecutive licence term that CJAM-FM has been in a situation of non-compliance, the Commission finds it appropriate to grant CJAM-FM a licence renewal term of five 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 campus radio programming undertaking CJAM-FM Windsor from 1 September 2016 to 31 August 2021. The licensee shall adhere to the conditions of licence set out in Broadcasting Regulatory Policy 2012-304 as well as 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 *Radio Regulations, 1986*, 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
- *Various campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2012-704, 21 December 2012
- *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

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