



Broadcasting Decision CRTC 2016-298

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

Ottawa, 29 July 2016

Campbellford Area Radio Association
Campbellford, Ontario

Application 2015-0917-6

CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language community radio station CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc from 1 September 2016 to 31 August 2020.*

This short-term licence renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Application

1. Campbellford Area Radio Association filed an application to renew the broadcasting licence for the English-language community radio station CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc, which expires on 31 August 2016. The Commission did not receive any interventions in connection with 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. Financial statements were missing from the annual return filed by CKOL-FM for the 2013-2014 broadcast year.
4. The licensee submitted that it was not aware of the obligation to file financial statements with the Commission. It explained that to ensure future compliance, the compliance requirements would be discussed at the station's monthly meetings, and that it would put three people in charge of forms and processes.
5. Accordingly, the Commission finds the licensee to be in non-compliance with section 9(2) of the Regulations for the 2013-2014 broadcast year.

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 leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
7. The filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with its regulatory obligations. Accordingly, the Commission considers the late or incomplete filing of annual returns a serious matter.
8. The Commission notes that this is the third consecutive licence term in which CKOL-FM has been found in non-compliance with the Regulations and the second instance of non-compliance relating to the filing of annual reports. Specifically, in Broadcasting Decision 2011-485, the Commission renewed CKOL-FM's licence for a five-year term due to its non-compliance with section 9(2) of the Regulations, also relating to the filing of annual returns. In that case, the licensee had submitted its annual return beyond the prescribed deadline. As well, in Broadcasting Decision 2007-162, the Commission renewed CKOL-FM's licence for a four-year term due to the licensee's non-compliance with the Regulations as they relate to the broadcast of category 2 (Popular Music) selections.
9. The Commission notes the licensee's willingness to ensure its station's compliance with the Commission's regulatory requirements. However, given the fact that this is the third consecutive licence term in which the licensee is in non-compliance with its regulatory requirements, the Commission considers it appropriate to renew CKOL-FM's licence for a short-term period of four years.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc from 1 September 2016 to 31 August 2020. This short-term licence renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304 and to the **conditions** set out in its broadcasting licence.

Reminders

11. The licensee is responsible for filing complete annual returns on time, including its financial statements. 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.
13. Pursuant to section 16 of the Regulations, all licensees of radio stations must participate in the National Public Alerting System.

Filing of ownership information

14. As set out in Broadcasting Regulatory Policy 2010-499, the Commission expects all community 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 policy, licensees may submit such documentation via the Commission's website.

Employment equity

15. The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. The Commission encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

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
- *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
- *CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc – Licence renewal*, Broadcasting Decision CRTC 2011-485, 11 August 2011
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc – Licence renewal*, Broadcasting Decision CRTC 2007-162, 1 June 2011

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