



Broadcasting Decision CRTC 2016-300

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References: Part 1 licence renewal applications posted on 26 January 2016

Ottawa, 29 July 2016

Association communautaire fransaskoise de Gravelbourg Inc.
Gravelbourg, Saskatchewan

Coopérative Radio Restigouche Itée
Balmoral, New Brunswick

Applications 2015-0795-6 and 2015-0986-1

CFRG-FM Gravelbourg, and CIMS-FM Balmoral and its transmitter CIMS-FM-1 Dalhousie – Licence renewals

The Commission renews the broadcasting licences for the French-language community radio station CFRG-FM Gravelbourg, Saskatchewan, and for the French-language community radio station CIMS-FM Balmoral and its transmitter CIMS-FM-1 Dalhousie, New Brunswick, from 1 September 2016 to 31 August 2021.

Applications

1. The Association communautaire fransaskoise de Gravelbourg Inc. (Association Gravelbourg) filed an application to renew the broadcasting licence for the French-language community radio station CFRG-FM Gravelbourg, Saskatchewan, which expires 31 August 2016. The Commission did not receive any interventions regarding this application.
2. Coopérative Radio Restigouche Itée (Radio Restigouche), for its part, filed an application to renew the broadcasting licence for the French-language community radio station CIMS-FM Balmoral and its transmitter CIMS-FM-1 Dalhousie, New Brunswick, which expires 31 août 2016. The Commission did not receive any interventions regarding this application.

Non-compliance

3. 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.

4. After examining the records, the Commission notes that both licensees are in apparent non-compliance with section 9(2) of the Regulations with regard to the filing of annual returns, including financial statements. Specifically, CFRG-FM's financial statements for the 2009-2010 broadcast year were not included with the annual return. With respect to CIMS-FM, the annual return for the 2012-2013 broadcast year was submitted late, specifically, on 24 March 2014.
5. Association Gravelbourg indicated that it had already filed the financial statements, without specifying the date of the filing. For precautionary reasons, the licensee nevertheless filed the apparently missing documents a second time and stated that it would take all necessary measures to ensure the station's compliance going forward. The Commission confirms that it has since received the missing financial statements.
6. Radio Restigouche explained that its non-compliance stemmed from internal turmoil that was ongoing at the station in May 2013. Specifically, the licensee indicated that at that time, the general manager suddenly relinquished their duties, before being replaced by a new interim manager on 17 June 2013. To ensure compliance going forward, the station's administrative secretary was informed of the importance of producing and filing annual returns with the Commission. The licensee indicated that it was putting together a checklist that would be shared with the station's management group.
7. In light of the above, the Commission finds Association Gravelbourg and Radio Restigouche in non-compliance with section 9(2) of the Regulations.

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, it considers the late or incomplete filing of annual returns a serious matter.
10. The Commission examined the public record for these applications and notes the willingness of the two licensees to ensure the compliance of their respective stations with the regulatory requirements, as well as the efforts made by both licensees to abide by them. However, given that this is the second licence term in which the licensees are in non-compliance regarding annual returns, the Commission finds it appropriate to grant CFRG-FM and CIMS-FM shortened licence renewals of five years.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licences for the French-language community radio programming undertaking CFRG-FM Gravelbourg, and the French-language community radio programming undertaking CIMS-FM Balmoral and its transmitter CIMS-FM-1 Dalhousie, from 1 September 2016 to 31 August 2021. The licensees shall adhere to the **conditions** set out in Broadcasting Regulatory Policy 2012-304 and to the **conditions** set out in the broadcasting licence for each undertaking.

Reminders

12. Licensees are responsible for filing complete annual returns on time, including the financial returns. 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 22 of the *Broadcasting Act*, the broadcasting licences renewed in this decision will cease to have any force or effect should the broadcasting certificates issued by the Department of Industry lapse.
14. Pursuant to section 16 of the Regulations, all licensees of campus, community and Native radio stations must participate in the National Public Alerting System.

Expectation

15. As set out in Broadcasting Regulatory Policy 2010-499, the Commission expects all community and campus 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.

Employment equity

16. 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 licensees to consider these issues in their hiring practices and in all other aspects of their management of human resources.

Secretary General

Related documents

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting and Telecom 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
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

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