



Broadcasting Decision CRTC 2017-301

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References: Part 1 licence renewal applications posted on 30 March 2017

Ottawa, 24 August 2017

Various licensees

Various locations

CHEC-FM Leask and CIFN-FM Island Lake – Licence renewals

*The Commission **renews** the broadcasting licences for the Native radio stations CHEC-FM Leask and CIFN-FM Island Lake from 1 September 2017 to 31 August 2022.*

These short-term renewals will allow for an earlier review of the licensees' compliance with the regulatory requirements.

Applications

1. The Commission received applications to renew the broadcasting licences for the Native radio stations set out below, which expire 31 August 2017. The Commission did not receive any interventions regarding these applications.

Licensee	Call sign and location	Application
Director of operations, Mistawasis First Nations Radio	CHEC-FM Leask, Saskatchewan	2016-1034-5
Island Lake First Nations Radio Inc.	CIFN-FM Island Lake, Saskatchewan	2016-1179-9

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 file financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. Further, as announced in Broadcasting Regulatory Policy 2014-444, the Commission amended various regulations, standard conditions of licence and certain exemption orders to require the mandatory distribution of emergency alert messages by broadcasting undertakings. While all commercial radio broadcasters were required to participate in the National Public Alerting System (NPAS) by 31 March 2015, the

campus, community and Native radio stations were given until 31 March 2016 to participate and comply with related requirements as set out in section 16 of the Regulations.

4. After examining the record for these applications, the Commission notes that in the case of CHEC-FM, no annual returns for the 2013-2014, 2014-2015 and 2015-2016 broadcast years were provided to the Commission. With respect to CIFN-FM, no annual returns for the 2011-2012 through 2015-2016 broadcast years were filed with the Commission. Further, neither station has implemented a public alerting system.
5. With respect to the filing of annual returns for CHEC-FM, Director of operations, Mistawasis First Nations Radio indicated that it thought that the documentation had been filed, before realizing that its GCKey account needed to be activated. It confirmed that all required documentation would be filed on time in the future. The missing annual returns were submitted to the Commission on 16 February 2017. The licensee also thought that it was exempt from the requirement to implement a public alerting system given that it operates a Native radio station.
6. For its part, Island Lake First Nations Radio Inc. indicated that it was unaware of the requirement of filing annual returns since it had recently undergone personnel changes and a restructuring of the organization. It indicated that the new manager will work with the directors to ensure that all filing deadlines are met. With respect to the implementation of a public alerting system, the licensee submitted that it was unaware of this new requirement.
7. In light of the above, the Commission finds both licensees in non-compliance with section 9(2) and 16 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 leading to the non-compliance, 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. Moreover, the full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, the Commission considers that compliance must be enforced and station compliance in a timely manner will be closely monitored. The Commission could choose to apply other regulatory measures, such as those set out in Broadcasting Information bulletin 2014-608, should the requirements with respect to alerting not be fulfilled.

11. Given that this is the licensees' first instance of non-compliance and that they have demonstrated their willingness to ensure the stations' compliance in the future, the Commission finds it appropriate to grant CHEC-FM Leask and CIFN-FM Island Lake short-term licence renewals of five years.
12. The Commission requires the stations to implement a public alerting system by no later than **31 October 2017**. It also requires Island Lake First Nations Radio Inc. to file CIFN-FM's annual returns for the 2011-2012 through 2015-2016 broadcast years by no later than **30 September 2017**. **Conditions of licence** to that effect are set out in the appendix to this decision.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licences for the Native radio programming undertakings CHEC-FM Leask and CIFN-FM Island Lake from 1 September 2017 to 31 August 2022. The **conditions of licence** are set out in the appendix to this decision.
14. The Commission emphasizes the importance it places on licensees' fulfillment of the regulatory requirements. The short-term licence renewals granted in this decision will allow for an earlier review of the licensees' compliance with the Regulations.

Reminders

15. Licensees are responsible for filing complete annual returns on time. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensees' responsibility to ensure that all appropriate forms and documentation are included with their annual returns and to contact the Commission if further clarification is required.
16. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

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
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014

- *Filing annual returns for radio programming undertakings,*
Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2017-301

Terms and conditions of licence for the Native radio programming undertakings CHEC-FM Leask and CIFN-FM Island Lake, Saskatchewan

Terms

The licence will expire 31 August 2022.

Conditions of licence applicable to both stations

1. The licensee shall devote, in each broadcast week, at least 35% of its musical selections from content category 2 (Popular Music) to Canadian musical selections broadcast in their entirety.
2. The licensee shall implement a public alerting system by no later than **31 October 2017** and shall provide proof with its annual return by no later than **30 November 2017**.
3. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
4. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Additional condition of licence applicable to CIFN-FM Island Lake

5. The licensee shall file its annual returns for the 2011-2012 through 2015-2016 broadcast years by no later than **30 September 2017**.