



Broadcasting Decision CRTC 2017-306

PDF version

Reference: Part 1 licence renewal application posted on 6 March 2017

Ottawa, 25 August 2017

Le Club de la radio communautaire de Plamondon-Lac La Biche
Plamondon, Alberta

Application 2016-1027-0

CHPL-FM Plamondon – Licence renewal

*The Commission **renews** the broadcasting licence for the community radio station CHPL-FM Plamondon from 1 September 2017 to 31 August 2023.*

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

Application

1. Le Club de la radio communautaire de Plamondon-Lac La Biche filed an application to renew the broadcasting licence for the community radio station CHPL-FM Plamondon, Alberta, which expires 31 August 2017. 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 file financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. According to the record for this application, CHPL-FM's financial statements for the 2012-2013 broadcast year were not included with the annual return, its annual return for the 2013-2014 broadcast year was not filed with the Commission and its financial statements for the 2014-2015 broadcast year did not cover the broadcast year (from 1 September to 31 August).
4. The licensee admitted that its station was poorly managed and lacked the necessary information and analysis to meet the Commission's regulations. It indicated that it is working to create a calendar for the board and the station's management to ensure that all documents and reports are completed and filed on time from now on.
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 through 2014-2015 broadcast years.

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. 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.
8. Given that this is the licensee's first instance of non-compliance and that it has taken measures to ensure the station's compliance in the future, the Commission finds it appropriate to grant the station a short-term licence renewal of six years.
9. The Commission requires the licensee to file the station's annual return for the 2013-2014 broadcast year and financial statements for the 2012-2013 and 2014-2015 broadcast years by no later than **30 September 2017**. A **condition of licence** to that effect is set out in the appendix to this decision.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the community radio programming undertaking CHPL-FM Plamondon from 1 September 2017 to 31 August 2023. The **conditions of licence** are set out in the appendix to this decision.
11. The Commission emphasizes the importance it places on a licensee's fulfillment of the regulatory requirements. The short-term licence renewal granted in this decision will allow for an earlier review of the licensee's compliance with the Regulations.

Reminders

12. Licensees are responsible for filing complete annual returns by 30 November of each year for the broadcast year ending the previous 31 August. The annual return must cover the broadcast year (the period beginning on 1 September of a given year and ending on 31 August of the following year), regardless of the end date of the licensee's fiscal or taxation year. In accordance with the requirements set out in Broadcasting Information Bulletin 2011-795, the financial statements must be included with the annual return. As set out in that information bulletin, licensees are responsible for ensuring that all appropriate forms and documentation are included with their annual returns and contacting the Commission if further clarification is required.

13. 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 2017-306

Terms, conditions of licence, expectations and encouragement for the community radio programming undertaking CHPL-FM Plamondon, Alberta

Terms

The licence will expire 31 August 2023.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall file the annual return for the 2013-2014 broadcast year and financial statements for the 2012-2013 and 2014-2015 broadcast years by no later than **30 September 2017**.

Expectation

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. Such information may be submitted through the Commission's website.

Encouragement

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to fully reflect 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.