



Broadcasting Decision CRTC 2017-346

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Reference: Part 1 licence renewal application posted on 30 March 2017

Ottawa, 26 September 2017

Blackburn Radio Inc.

Wingham and Bluewater, Ontario

Application 2016-0999-2

CIBU-FM Wingham and its transmitter CIBU-FM-1 Bluewater – Licence renewal

The Commission renews the broadcasting licence for the English-language commercial radio station CIBU-FM Wingham and its transmitter CIBU-FM-1 Bluewater from 1 January 2018 to 31 August 2024.

Application

1. Blackburn Radio Inc. (Blackburn) filed an application to renew the broadcasting licence for the English-language commercial radio station CIBU-FM Wingham, Ontario, and its transmitter CIBU-FM-1 Bluewater, which expires 31 December 2017.¹ The Commission did not receive any interventions regarding this application.

Non-compliance

2. According to condition of licence 2, set out in Appendix 5 to Broadcasting Decision 2012-703, the licensee was required to provide proof of payment demonstrating that the amount of \$4,965 relating to the shortfall incurred during the 2009-2010 broadcast year was paid to FACTOR by no later than 8 May 2013. The Commission had imposed this condition of licence because Blackburn failed to provide proof of its payment in its previous licence term.
3. Commission staff sent a letter to the applicant concerning the apparent non-compliance related to the Canadian content development (CCD) shortfall. The licensee explained that it met the conditions of licence but was not aware that the proof of payment had not been filed. It discovered this on 24 February 2014 and submitted supporting documentation to the Commission on 3 March 2014. The licensee indicated that its CCD processes have been consolidated to its head office to enable a more consistent and accountable process in the future.

¹ The original licence expiry date for the station was 31 August 2017. The licence was administratively renewed until 31 December 2017 in Broadcasting Decision 2017-318.

4. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to the filing of proof of payment to CCD.

Regulatory measures

5. 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.
6. It is important that radio station licensees make their required contributions to CCD, given that CCD initiatives not only help to develop and advance the careers of emerging Canadian artists, but increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. It is also important that licensees provide, by the required deadlines, proof of payment to such initiatives so that the Commission may verify licensees' compliance with regulatory requirements and conditions of licence relating to CCD.
7. This is the licensee's second consecutive licence term in non-compliance and the first related to a condition of licence involving proof of payment to a CCD initiative. The licensee has since filed all missing documents demonstrating that no shortfall was present in the 2009-2010 broadcast year. The Commission is satisfied with the licensee's explanation and understanding of the regulations relating to CCD contributions. Accordingly, the Commission does not consider that additional regulatory measures are necessary in this case.

Conclusion

8. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio station CIBU-FM Wingham and its transmitter CIBU-FM-1 Bluewater from 1 January 2018 to 31 August 2024.
9. The licensee shall adhere to the **conditions** set out in Broadcasting Regulatory Policy 2009-62 as well as the **conditions** set out in the licence for the undertaking.

Cultural diversity

10. The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Employment equity

11. In accordance with Public Notice 1992-59, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

Reminder

12. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificates issued by the Department of Industry lapse.

Secretary General

Related documents

- *Various commercial radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2012-703, 21 December 2012
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to the licence.