



## Broadcasting Decision CRTC 2017-395

PDF version

Reference: Part 1 licence renewal application posted on 24 July 2017

Ottawa, 3 November 2017

**Muskeg Lake Cree Nation Radio Station Corp.**  
Aldina, Saskatchewan

*Public record for this application 2017-0482-5*

### **CICN-FM Aldina – Licence renewal**

*The Commission **renews** the broadcasting licence for the English- and Cree-language low-power Type B Native radio station CICN-FM Aldina from 1 January 2018 to 31 August 2022.*

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

### **Application**

1. Muskeg Lake Cree Nation Radio Station Corp. filed an application to renew the broadcasting licence for the English- and Cree-language low-power Type B Native radio station CICN-FM Aldina, Saskatchewan, which expires 31 December 2017.<sup>1</sup> 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. 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, 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.

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<sup>1</sup> 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. According to Commission records, CICN-FM filed its annual returns for the 2012-2013 and 2013-2014 broadcast years more than 11 months and 6 months late, respectively, and filed its financial statement for the 2012-2013 broadcast year more than 3 years late. In addition, the licensee did not implement the NPAS by the 31 March 2016 deadline.
5. The licensee explained that it had experienced compliance issues over the last two years due to a change in administration, which resulted in three different individuals acting as Director of Operations. It plans to move to a new physical location to allow senior managers to maintain and monitor performance levels and address non-compliance issues on a continuous basis. The licensee added that the new job description for the radio station manager would include mandatory annual reporting and compliances.
6. In regard to the NPAS, while the licensee suggested that it would be implemented by 1 August 2017, it has since confirmed that it has not been implemented yet.
7. In light of the above, the Commission finds the licensee in non-compliance with sections 9(2) for the 2012-2013 and 2013-2014 broadcast years and section 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 the timely compliance of stations is mandatory and will therefore be closely monitored. The Commission could, at any time, decide to apply more stringent regulatory measures, such as those set out in Broadcasting Information Bulletin 2014-608, should the requirements relating to the broadcast of alerts not be met.
11. Given that this is the licensee's first instance of non-compliance and that it has demonstrated its willingness to ensure the station's compliance in the future, the Commission finds it appropriate to grant CICN-FM a short-term licence renewal until 31 August 2022.

12. The Commission requires the licensee to implement the NPAS by no later than **30 January 2018**. A **condition of licence** to that effect is set out in the appendix to this decision.

## Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the English- and Cree-language low-power Type B Native radio programming undertaking CICN-FM Aldina from 1 January 2018 to 31 August 2022. The licensee shall adhere to the **conditions of licence** set out in the appendix to this decision as well as the **conditions** set out in the broadcasting licence for the undertaking.
14. 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

15. Licensees are responsible for filing complete annual returns on time, including the financial statements. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility for ensuring 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 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

- *Various radio stations – Administrative renewals*, Broadcasting Decision CRTC [2017-318](#), 31 August 2017
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting and Telecom 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 the licence.*

## **Appendix to Broadcasting Decision CRTC 2017-395**

### **Terms and conditions of licence for the English- and Cree-language low-power Type B Native radio programming undertaking CICN-FM Aldina**

#### **Terms**

The licence will expire 31 August 2022.

#### **Conditions of licence**

1. In each broadcast week, the licensee shall devote 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 adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
4. The licensee shall implement a public alerting system by no later than 30 January 2018 and shall provide proof of its implementation by no later than 28 February 2018.