



Broadcasting Decision CRTC 2018-110 and Broadcasting Orders CRTC 2018-111 and 2018-112

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Reference: 2017-223

Ottawa, 3 April 2018

Parrsboro Radio Society
Parrsboro, Nova Scotia

Public record for this application: 2016-0994-2
Public hearing in the National Capital Region
7 September 2017

CICR-FM Parrsboro – Licence renewal and issuance of mandatory orders

*The Commission **renews** the broadcasting licence for the English-language community radio station CICR-FM Parrsboro, Nova Scotia, from 1 September 2018 to 31 August 2020. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

In addition, the Commission issues mandatory orders requiring Parrsboro Radio Society to ensure that CICR-FM complies at all times with sections 8(1), 8(4), 8(6) and 9(2) of the Radio Regulations, 1986.

Application

1. Parrsboro Radio Society (Parrsboro Radio) filed an application to renew the broadcasting licence for the English-language community radio station CICR-FM Parrsboro, Nova Scotia, which expires 31 August 2018.¹

Intervention

2. The Commission received an intervention in opposition to the application from an individual. The individual stated that the applicant should not have its licence renewed because it has already shown that it cannot comply with the terms and conditions of its current licence. The applicant did not reply to the intervention.

Non-compliance

3. In Broadcasting Notice of Consultation 2017-223, the Commission stated that the licensee was in apparent non-compliance with the following sections of the *Radio Regulations, 1986* (the Regulations):

¹ In Broadcasting Decision 2017-224, the broadcasting licence for CICR-FM was administratively renewed from 1 September 2017 to 31 August 2018.

- section 9(2) relating to the filing of complete annual returns;
- sections 8(1)(c), 8(4) and 8(6) relating to the keeping and filing of a complete program log and of a clear and intelligible audio recording or other exact copies of all matter broadcast;
- sections 9(3) and 9(4) relating to the requirement to respond to Commission requests for information.

Annual returns

4. Section 9(2) of the Regulations requires licensees to file their annual returns on or before 30 November of a given 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.
5. According to the Commission's records, while the licensee filed its annual return on time for the 2015-2016 broadcast year, the financial statements were filed over three months late.
6. Parrsboro Radio stated that its treasurer passed away and volunteers tried to fill the gap. Parrsboro Radio stated that a member of the board of directors is now responsible for ensuring that all annual reports, including financial statements, are filed on time. In addition, the licensee stated that it is creating a volunteer orientation booklet outlining the roles of the station's volunteers, as well as various rules and regulations of the broadcasting industry.
7. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations.

Radio monitoring material

8. Sections 8(1) through 8(6) of the Regulations set out requirements relating to keeping, retaining and furnishing audio recordings and program logs to the Commission. Section 9(3)(b) of the Regulations sets out the information on musical selections that licensees must include when filing music lists for any period specified by the Commission.
9. In response to a Commission request, Parrsboro Radio filed audio recordings for a full broadcast week. However, these were filed after the Commission's deadline. In addition, the list of musical selections that was attached was incomplete: it provided only the title of the selection and the name of the artist, not all of the required information as set out in section 9(3)(b) of the Regulations.
10. Parrsboro Radio stated that it was not aware of a paper log requirement. It has since reviewed the requirements relating to radio monitoring material. The licensee has also started holding regular meetings to ensure the logs—both audio and digital logs—are properly kept and is regularly reviewing the equipment to ensure that the necessary backups and copies are kept in compliance with Commission instructions.

11. In light of the above, the Commission finds the licensee in non-compliance with sections 8(1)(c), 8(4), 8(6) and 9(3)(b) of the Regulations.

Commission request for information

12. Section 9(4) of the Regulations states that a licensee must respond to a Commission request for information.

13. In Broadcasting Decision 2015-473, the Commission directed the licensee to file, within 60 days of the issuance of that decision, a report setting out the station's internal policies and procedures regarding:

- mechanisms for dealing with complaints;
- responsibilities for the implementation of regulatory requirements;
- the recruitment of volunteers;
- the training of volunteers; and
- access to the station's studios by volunteers.

14. While the licensee submitted a report as required, it was very incomplete as it did not provide detailed internal policies and procedures. Further, as the licensee seems to have failed to implement its business strategy to improve its internal procedures in order to comply with regulatory obligations, the Commission is requiring the licensee to file a new and complete report setting out the station's internal policies and procedures to the Commission's satisfaction. A **condition of licence** to that effect is set out in Appendix 1 to this decision.

Regulatory measures

15. 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 action taken to rectify the situation are also considered.

16. The Commission also indicated that the possible regulatory measures include the following: short-term licence renewal, imposition of conditions of licence or mandatory orders, or the non-renewal or suspension of the licence. In addition, in the previous renewal decision (Broadcasting Decision 2015-473), the Commission found Parrsboro Radio to be in non-compliance with regulatory requirements and stated at paragraph 35 that should the licensee again breach regulatory requirements during the upcoming licence term, the Commission may consider recourse to additional measures including suspension, non-renewal or revocation of the broadcasting licence for CICR-FM.

17. The Commission acknowledges the remedies proposed by the licensee to ensure future compliance. However, since this is the second consecutive licence term in which the licensee is in non-compliance, and in light of the serious and repeated nature of the non-compliance, the Commission finds it appropriate to renew the licence for CICR-FM Parrsboro for a short-term period of two years.
18. In addition, given the serious and repeated nature of CICR-FM's non-compliance, the Commission finds it appropriate to require the licensee to broadcast an announcement regarding its non-compliance three times a day for five consecutive business days within the 14-day period following the beginning of the new licence term. Pursuant to section 9(4) of the Regulations, to confirm compliance with this requirement, the licensee must file with the Commission the audio recordings for the broadcast days during which the announcement was broadcast and a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CICR-FM Parrsboro*, which can be found in Appendix 2 to this decision. A **condition of licence** to that effect is set out in Appendix 1 to this decision.
19. Accordingly, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CICR-FM Parrsboro from 1 September 2018 to 31 August 2020. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The licensee shall adhere to the **conditions of licence** set out in Appendix 1 to this decision.
20. In response to a Commission staff letter outlining apparent instances of non-compliance, the licensee consented to the imposition of mandatory orders. In light of all of the above, the Commission issues mandatory orders, pursuant to section 12(2) of the *Broadcasting Act* (the Act), requiring Parrsboro Radio Society to comply at all times with the following:
 - sections 8(1), 8(4) and 8(6) relating to the keeping and filing of a complete program log, and of a clear and intelligible audio recording or other exact copy of all matter broadcast; and
 - section 9(2) relating to the filing of complete annual returns.
21. The mandatory orders requiring compliance with the above-noted sections of the Regulations are set out in Appendices 3 and 4 to this decision. The mandatory orders will be filed with the Federal Court and be made orders of that court, pursuant to section 13 of the Act.
22. Finally, given the recurrent nature of the non-compliance and the licensee's apparent lack of cooperation with Commission staff requests, the Commission is concerned with the licensee's ability and commitment to operate the station in a compliant manner. Should the licensee again breach regulatory requirements, including the mandatory orders, the Commission will consider the suspension, non-renewal or revocation of the broadcasting licence under sections 9 and 24 of the Act.

Reminders

23. The licensee is 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 to ensure that all appropriate forms and documentation are included with its annual returns and to contact the Commission if further clarification is required.
24. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate audio recordings, program logs and music lists enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory requirements and conditions of licence. The retention of audio recordings also makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file requested material in a timely manner, or does not file such material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.
25. Pursuant to section 22 of the Act, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry lapse.

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2017-223, 29 June 2017
- *Various radio stations – Administrative renewals*, Broadcasting Decision CRTC 2017-224, 29 June 2017
- *CICR-FM Parrsboro – Licence renewal*, Broadcasting Decision CRTC 2015-473, 21 October 2015
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

This decision is to be appended to the licence.

Appendix 1 to Broadcasting Decision CRTC 2018-110

Terms, conditions of licence and encouragement for the English-language community radio programming undertaking CICR-FM Parrsboro, Nova Scotia

Terms

The licence will take effect 1 September 2018 and expire 31 August 2020.

Conditions of licence

1. The licensee shall adhere to the conditions of licence 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, pursuant to section 9(4) of the *Radio Regulations, 1986*, a report setting out the station's internal policies and procedures, by **31 October 2018**, including:
 - mechanisms for dealing with complaints;
 - responsibilities for the implementation of regulatory requirements;
 - the recruitment of volunteers;
 - the training of volunteers; and
 - access to the station's studios by volunteers.
3. a) The licensee shall broadcast the following announcement three times a day, between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive business days, within the 14-day period immediately following the beginning of the new licence term (1 September to 15 September 2018):

Radio frequencies are a limited public resource. Holding a broadcasting licence is a privilege, and broadcasters are required to abide by a number of regulations and conditions of licence in order to operate a radio station. In Broadcasting Decision 2018-110, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The instances of non-compliance are a recurring issue. CICR-FM has put measures in place to ensure that the instances of non-compliance in question do not reoccur.

- b) The licensee shall provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast, and file a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CICR-FM Parrsboro*, which is set out in Appendix 2 to *CICR-FM Parrsboro – Licence renewal and issuance of mandatory orders*, Broadcasting Decision

CRTC 2018-110, 3 April 2018, by no later than 14 days following the final broadcast of the announcement.

Encouragement

Employment equity

The Commission considers that community radio stations should be particularly sensitive to employment equity issues to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Appendix 2 to Broadcasting Decision CRTC 2018-110

Attestation as to the broadcast of the non-compliance announcement on CICR-FM Parrsboro

In regard to the requirements set out in condition of licence 3 in Appendix 1 to *CICR-FM Parrsboro – Licence renewal and issuance of mandatory orders*, Broadcasting Decision CRTC 2018-110, 3 April 2018, I _____ (NAME) on behalf of _____ (LICENSEE), certify that the announcement regarding CICR-FM Parrsboro’s non-compliance with the *Radio Regulations, 1986*, was duly broadcast three times a day and distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive days, within the 14-day period beginning 1 September 2018, the beginning of the new licence term, as follows:

| | | | | | |
|----------------------------------|--|------|----|----|----|
| First date of broadcast: | | Time | 1: | 2: | 3: |
| Second date of broadcast: | | Time | 1: | 2: | 3: |
| Third date of broadcast: | | Time | 1: | 2: | 3: |
| Fourth date of broadcast: | | Time | 1: | 2: | 3: |
| Fifth date of broadcast: | | Time | 1: | 2: | 3: |

Signature

Date

Appendix 3 to Broadcasting Decision CRTC 2018-110

Broadcasting Mandatory Order CRTC 2018-111

Pursuant to section 12(2) of the *Broadcasting Act*, the Commission hereby orders Parrsboro Radio Society, licensee of CICR-FM Parrsboro, to comply at all times during the term of the licence granted in *CICR-FM Parrsboro – Licence renewal and issuance of mandatory orders*, Broadcasting Decision CRTC 2018-110, 3 April 2018, with the requirements set out in sections 8(1), 8(4) and 8(6) of the *Radio Regulations, 1986*, which read as follows:

8(1) Except otherwise provided under a condition of its licence, a licensee shall:

- (a) keep, in a form acceptable to the Commission, a program log or a record of the matter broadcast by the licensee;
- (b) retain the log or record for a period of four weeks after the date on which the matter was broadcast; and
- (c) cause to be entered in the log or record each day the following information:
 - (i) the date,
 - (ii) the call letters, location and frequency of the licensee's station,
 - (iii) the time at which the station identification announcement is made,
 - (iv) in relation to each program broadcast:
 - (A) the title and a brief description,
 - (B) subject to subsection (2), the number of the relevant content category,
 - (C) the time at which the program begins and ends,
 - (D) the code set out in Schedule 1 indicating the origin of the program and, if applicable, the language, type or group, and
 - (E) if applicable, the code set out in Schedule 1 identifying non-Canadian programming, and
 - (v) in relation to each commercial message, the quarter hour during which it is broadcast, its duration and the number of the relevant content subcategory.

8(4) A licensee shall furnish, to the Commission on request, its program log or record for any day, with a certificate signed by or on behalf of the licensee attesting to the accuracy of its content.

8(6) When, before the expiry of the applicable period referred to in subsection (5), the Commission requests from the licensee a clear and intelligible audio recording or other exact copy of matter broadcast, the licensee shall furnish it to the Commission without delay.

Appendix 4 to Broadcasting Decision CRTC 2018-110

Broadcasting Mandatory Order CRTC 2018-112

Pursuant to section 12(2) of the *Broadcasting Act*, the Commission hereby orders Parrsboro Radio Society, licensee of CICR-FM Parrsboro, to comply at all times during the term of the licence granted in *CICR-FM Parrsboro – Licence renewal and issuance of mandatory orders*, Broadcasting Decision CRTC 2018-110, 3 April 2018, with the requirement set out in section 9(2) of the *Radio Regulations, 1986*, which reads as follows:

9 (2) On or before November 30 of each year, a licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the year ending on the previous August 31.