



Broadcasting Decision CRTC 2018-212

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Reference: Part 1 application posted on 16 November 2017

Ottawa, 21 June 2018

OKâlaKatiget Society

Nain, Newfoundland and Labrador

Public record for this application: 2017-1065-8

CKOK-FM Nain – Request for an exemption or an extension of time to implement a public alerting system

*The Commission **approves** an application by OKâlaKatiget Society (OK Society) for an extension of time to implement a public alerting system for its Type B Native radio station CKOK-FM Nain, Newfoundland and Labrador. The public alerting system must be in place by 21 December 2018.*

*The Commission **denies** the licensee's application to be granted an exception to the requirements to implement a public alerting system.*

As a broadcaster in a small community, OK Society plays a key role in ensuring that local residents receive timely warning of unfolding or imminent danger.

Background

1. 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. This policy was the culmination of a public process examining the need for regulatory intervention to ensure that emergency alerts entered in the National Alert Aggregation and Dissemination (NAAD) System would be distributed by broadcasters to the general public. The NAAD System forms part of the overarching system known as Canada's National Public Alerting System (NPAS).
2. The obligations applicable to licensed radio broadcasters are set out in section 16 of the *Radio Regulations, 1986* (the Regulations).
3. The purpose of the emergency alerting framework set out in Broadcasting Regulatory Policy 2014-444 is to ensure that alerts are available to as many Canadians as possible. In that policy, the Commission stated that the full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, it considered that any request related to a delay or an

exception to the implementation of emergency alerting should be accompanied by compelling rationale.

Application

4. OKâlaKatiget Society (OK Society), licensee of the Type B Native radio station CKOK-FM Nain, Newfoundland and Labrador, filed an application requesting relief from its emergency alerting obligations. It requested to be granted an exception to the requirements to provide emergency alerts or, alternatively, to be given additional time to implement the emergency alerting system.
5. The licensee was required to be compliant at the time it launched its service. In its application, the licensee stated that a lack of financial and human resources prevented its participation in the NPAS.
6. The licensee further stated that it broadcasts 20 hours of licensee-produced Indigenous programming per week. For the remainder of the week, CKOK-FM broadcasts Indigenous wrap-around programming from the AM station CFFB Iqaluit, Nunavut (CBC North). The licensee submitted that since CFFB participates in the NPAS, CKOK-FM should be exempted from implementing the NPAS given that most of its programming is provided by CFFB and that the alerts broadcast by that station would be transmitted to its station and thus to its listeners in Nain.

Intervention

7. The Commission received an intervention in support of the application from the Community Media Advocacy Centre (CMAC). CMAC stated that Indigenous radio stations are burdened with all of the installation and technical costs as no funding is made available by Canada to absorb these mandated expenses.
8. CMAC argued that Broadcasting Order 2014-448 stands in direct violation of Canada's obligations as a signatory to UNESCO's Convention on the Protection and Promotion of the Diversity of Cultural Expressions (CPPDCE), which mandates removing financial barriers to Indigenous participation in the broadcasting system.
9. CMAC argued that the Commission should finance the costs for Indigenous broadcasters to comply with Broadcasting Order 2014-448 or at least exempt Indigenous broadcasters from such a requirement.
10. CMAC asserted that Broadcasting Order 2014-448 discriminates against not-for-profit Indigenous broadcasters when it burdens them with conditions on which not even for-profit broadcasting distribution undertakings (BDUs) have to deliver.

Commission's analysis and decision

11. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address are

whether there is an economic need for the relief and the availability of emergency alerts in the area.

12. OK Society stated that, given its status as a non-profit organization, it currently does not have money in its budget to acquire NPAS equipment and cover the expenses of a qualified technician required to install the unit. The applicant anticipated a total cost of \$7,913 to implement the system and an annual cost of \$4,744 to maintain the system. However, OK Society indicated that the exception is not necessary for the financial viability of the station. The Commission is of the view that the total costs associated with implementing the NPAS would not jeopardize the financial viability of the station. The Commission therefore considers that there is no economic need for the relief.
13. National alerts relevant to Nain residents are available on CKOK-FM as part of the wrap-around programming from CFFB Iqaluit. However, these alerts would only be available during the time when the licensee broadcasts the wrap-around programming. Further, OK Society specified that local alerts relevant to Nain would not be transmitted by CFFB Iqaluit.
14. Radio stations play an important role in small communities and are sometimes perceived as lifelines as other means of communication such as Internet and wireless services can be limited or nonexistent. As such, the Commission considers that the provision of emergency alerts by OK Society, the only local radio broadcaster in Nain, constitutes an important method for local residents to receive timely warning of unfolding or imminent danger.
15. The Commission acknowledges the challenges faced by non-for-profit radio station operators. However, for the NPAS to be effective in safeguarding and warning Canadians, full participation by broadcasters is needed.
16. OK Society took the time to seek estimates of the various expenditures related to NPAS implementation and communicated with the Canadian Broadcasting Corporation to clarify whether alerts provided during the wrap-around programming would be relevant to CKOK-FM listeners. As such, the Commission considers that the licensee has shown willingness to comply with alerting requirements. Accordingly, the Commission considers that granting OK Society a six-month extension to implement its NPAS is appropriate.
17. In regard to the intervention by CMAC, exempt BDUs operating digital systems are still required to participate in the NPAS as a condition of their exemption. However, the Commission did exempt BDUs operating analog cable systems from the NPAS requirement, on the basis that the costs and technical obstacles associated with the delivery of emergency alerts via analog cable systems might unduly impact smaller operators and represent a poor investment, given the obsolescence of analog cable and ongoing transition to digital cable systems.

18. With respect to the CPPDCE provisions cited by CMAAC, the Commission is of the view that the provisions do not compel the measures that the intervener advocates.

Conclusion

19. In light of the above, the Commission **approves** the application by OKâlaKatiget Society for an extension of time to implement a public alerting system for its Type B Native radio programming undertaking CKOK-FM Nain. The public alerting system must be in place by **21 December 2018**.

20. The Commission **directs** OKâlaKatiget Society to submit, **by no later than 21 January 2019**, form 1411 as proof that the NPAS is fully implemented.

21. The Commission therefore **denies** the application by OKâlaKatiget Society for an exception to the requirements to implement a public alerting system set out in the Regulations.

Secretary General

Related documents

- *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, 29 August 2014
- *Exemption order respecting certain native radio undertakings*, Broadcasting Order CRTC 2014-448, 29 August 2014

This decision is to be appended to the licence.