



Broadcasting Decision CRTC 2018-222

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Reference: Part 1 licence renewal application posted on 6 April 2018

Ottawa, 29 June 2018

Director of Operations of Walpole Island First Nation Radio
Walpole Island, Ontario

Public record for this application: 2017-0907-3

CFRZ-FM Walpole Island – Licence renewal

*The Commission **renews** the broadcasting licence for the English- and Ojibway-language low-power Indigenous (Type B Native) FM radio station CFRZ-FM Walpole Island from 1 September 2018 to 31 August 2023. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Director of Operations of Walpole Island First Nation Radio filed an application to renew the broadcasting licence for the English- and Ojibway-language low-power Indigenous (Type B Native) FM radio station CFRZ-FM Walpole Island, Ontario, which expires 31 August 2018. The Commission did not receive any interventions regarding this application.

Non-compliance

Commission requests for information

2. Section 9(4) of the *Radio Regulations, 1986* (the Regulations) requires licensees to respond to any Commission request for information regarding their adherence to regulatory requirements.
3. On 8 November 2017, the Commission staff sent a first letter to the licensee requiring a response to questions concerning instances of apparent non-compliance and administrative matters by 20 November 2017. The licensee did not respond to this letter.
4. On 26 February 2018, Commission staff sent the licensee a second letter by email and registered mail. The letter indicated that in the absence of a response from the licensee, CFRZ-FM was in apparent non-compliance with section 9(4) of the Regulations. The letter required the licensee to comment on this apparent non-compliance and the other instances of non-compliance set out in the Commission's first letter. The licensee did not respond to this second letter.

5. In light of the above, the Commission finds the licensee in non-compliance with section 9(4) of the Regulations.

Annual returns

6. Section 9(2) of the Regulations requires licensees to file their annual returns, including financial statements, by 30 November of a given year for the broadcast year ending the previous 31 August. The specific filing requirements are set out in Broadcasting Information Bulletin 2011-795.
7. According to Commission records, the licensee's annual returns for the 2012-2013 through 2015-2016 broadcast years were not filed.
8. As noted above, the licensee did not respond to the Commission's letter requiring it to provide explanations and measures to address the non-compliance.
9. 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 2015-2016 broadcast years. Further, the Commission has set out a **condition of licence** in the appendix to this decision requiring the licensee to file its annual returns for the 2012-2013 through 2015-2016 broadcast years as soon as possible and by no later than **27 September 2018**.

Implementation of a public alerting system

10. Section 16(3) of the Regulations requires all licensees of campus, community and native stations to implement a public alerting system by 31 March 2016.
11. As the licensee failed to respond to the Commission's letters, it has no record of the implementation of a public alerting system on CFRZ-FM.
12. In light of the above, the Commission finds the licensee in non-compliance with section 16(3) of the Regulations. Further, the Commission has set out a **condition of licence** in the appendix to this decision requiring the licensee to implement a public alerting system as soon as possible and by no later than **31 October 2018** and provide proof of implementation with its annual return by **30 November 2018**.

Regulatory measures

13. 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.
14. In this case, the Commission notes that CFRZ-FM is a small Indigenous station in its first licence term and that this is its first instance of non-compliance. However, the

Commission notes the licensee's lack of response to Commission requests for information and is concerned about the licensee's appreciation and understanding of its regulatory requirements.

15. Accordingly, in light of the severity of the non-compliance, the Commission considers it appropriate to grant the station a short-term renewal of five years. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

16. In light of all the above, the Commission **renews** the broadcasting licence for the English- and Ojibway-language low-power Indigenous (Type B Native) FM radio programming undertaking CFRZ-FM Walpole Island from 1 September 2018 to 31 August 2023. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

17. Licensees are responsible for filing complete annual returns on time, including financial statements. 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.
18. Licensees are required to provide, upon Commission request, information regarding their adherence to regulatory and other requirements. Failure to respond to the Commission's inquiries could lead to non-renewal of the broadcasting licence or its revocation.
19. The full participation of the broadcasting industry is important for the National Public Alerting System (NPAS) to be effective in safeguarding and warning Canadians. As such, the Commission considers that timely compliance must be enforced, and station compliance will be closely monitored. The Commission could choose to apply other regulatory measures, such as those set out in Broadcasting Information Bulletin 2014-608, should the requirements with respect to the NPAS not be fulfilled.
20. Should the licensee continue to be in non-compliance with its regulatory requirements, the Commission may consider recourse to additional measures as part of the next licence renewal process, including the issuance of a mandatory order or the revocation or non-renewal of the licence.
21. 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 certificate issued by the Department of Industry lapse.

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 2018-222

Terms, conditions of licence and encouragement for the English- and Ojibway-language low-power Indigenous (Type B Native) FM radio programming undertaking CFRZ-FM Walpole Island, Ontario

Terms

The licence will expire 31 August 2023.

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.

For the purposes of this condition of licence, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as set out in the *Radio Regulations, 1986*.

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 file its annual returns for the 2012-2013 through 2015-2016 broadcast years as soon as possible and by no later than **27 September 2018**.
5. The licensee shall implement a public alerting system as soon as possible and by no later than **31 October 2018** and provide proof of implementation with its annual return by **30 November 2018**.

Encouragement

The Commission encourages the licensee to pursue local community radio programming content and to increase the number of hours devoted to this local programming.