



Broadcasting Decision CRTC 2018-299

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Reference: Part 1 licence renewal application posted on 23 February 2018

Ottawa, 22 August 2018

Bertor Communications Ltd.
Blucher, Saskatchewan

Public record for this application: 2017-0778-8

CFAQ-FM Blucher – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial specialty radio station CFAQ-FM Blucher 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. Bertor Communications Ltd. (Bertor) filed an application to renew the broadcasting licence for the English-language commercial specialty (Christian music) radio station CFAQ-FM Blucher, Saskatchewan, which expires 31 August 2018. The Commission did not receive any interventions in regard to this application.

Background

2. In Broadcasting Decision 2013-161, the Commission found the licensee in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns, and renewed CFAQ-FM's broadcasting licence for a short term.

Non-compliance

3. Sections 8(1) through 8(6) and 9(3)(b) of the Regulations set out requirements for radio station licensees to keep and file (upon request) program logs, audio recordings and music lists relating to the programming broadcast on a station.
4. According to Commission records, the licensee failed to submit requested radio monitoring materials for the broadcast week of 20 to 26 November 2016.
5. Bertor stated that the station's logging equipment failed on 18 November 2016, and that its request to submit materials up to that date was denied. It indicated that new logging equipment has been installed with an alerting system in place to send notifications in the event of equipment failure. The licensee added that back-up equipment has also been installed to ensure that the system is operational at all times.

In regard to its non-compliance noted in Broadcasting Decision 2013-161, Bertor stated that it took immediate steps to correct the issues, including implementing new procedures, so as to ensure that the non-compliance would not be repeated.

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

Regulatory measures

7. 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.
8. In regard to the present case, the licensee's failure to submit the requested monitoring materials prevented the Commission from verifying the licensee's compliance with programming requirements during the week in question. However, the Commission notes that the licensee has acknowledged the non-compliance, and considers that it has demonstrated an understanding of its regulatory obligations, and has taken appropriate corrective action to address the issue. In the Commission's view, the measures put in place by Bertor should allow it to operate the station in compliance with its regulatory obligations going forward.
9. Nevertheless, this is the second consecutive licence term in which the licensee has been in non-compliance with the regulatory requirements. Consequently, 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

10. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial specialty (Christian music) radio programming undertaking CFAQ-FM Blucher, Saskatchewan from 1 September 2018 to 31 August 2023. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

11. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory obligations. The retention of these radio monitoring materials 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 requirements and conditions of licence. 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.

12. Should the licensee continue to be in non-compliance with 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.
13. 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
- *Various radio programming undertakings (specialty and ethnic) – Licence renewals*, Broadcasting Decision CRTC 2013-161, 28 March 2016

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2018-299

Terms, conditions of licence, expectation and encouragement for the English-language commercial specialty (Christian music) radio programming undertaking CFAQ-FM Blucher, Saskatchewan

Terms

The licence will take effect 1 September 2018 and expire 31 August 2023.

Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence 7, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall operate the station within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. The licensee shall ensure that a minimum of 95% of all musical selections broadcast during each broadcast week are drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
4. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming.

Expectation

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

Encouragement

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, 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.