



Broadcasting Decision CRTC 2019-223

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Reference: Part 1 licence renewal application posted on 28 February 2019

Ottawa, 25 June 2019

La Coopérative des montagnes limitée – Radio communautaire Edmundston, New Brunswick

Public record for this application: 2018-0892-4

CFAI-FM Edmundston – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CFAI-FM Edmundston from 1 September 2019 to 31 August 2023. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. La Coopérative des montagnes limitée – Radio communautaire (Coopérative des montagnes) filed an application to renew the broadcasting licence for the French-language community radio station CFAI-FM Edmundston, New Brunswick, which expires 31 August 2019. The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decision 2013-454, the Commission renewed the broadcasting licence for CFAI-FM for a short-term period of six years due to the licensee's non-compliance relating to the filing of annual returns.

Non-compliance

3. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file with the Commission annual returns, including financial statements, by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements are detailed in Broadcasting Information Bulletin 2011-795.
4. According to Commission records, the licensee filed its annual returns for the 2016-2017 broadcast year on 30 September 2018, ten months late.
5. Coopérative des montagnes indicated that the station manager, who left in mid-January 2018, had neglected several files. Subsequently, the board of directors increased the responsibilities of the new director, who prepared a briefing book

containing a list of reports to be filed along with deadlines. The licensee stated that this briefing book will be used to remind both current and future management staff of important details relating to CFAI-FM's regulatory obligations.

6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2016-2017 broadcast year.

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 action taken to rectify the situation are also considered.
8. The Commission recognizes that community radio stations generally face an important turnover of staff. However, given that this is the second consecutive licence term during which the licensee has been in non-compliance with requirements relating to the filing of annual returns, the Commission finds it appropriate to renew the licence for a short-term period of four years.

Conclusion

9. In light of all the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CFAI-FM Edmundston from 1 September 2019 to 31 August 2023. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The **conditions of licence** are set out in the appendix to this decision.

Reminders

10. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. Annual returns are key components for the Commission's ongoing monitoring plan and contribute to an authoritative source of statistics on the Canadian broadcasting industry for all stakeholders. In addition, annual returns allow the Commission to effectively assess, supervise and regulate the radio broadcasting industry as a whole. They also allow the Commission to monitor a licensee's performance and compliance with regulatory requirements.
11. 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.

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 if the broadcasting certificate issued by the Department of Industry lapses.

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
- *Campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-454, 29 August 2013
- *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 2019-223

Terms, conditions of licence, expectation and encouragement for the French-language community radio programming undertaking CFAI-FM Edmundston, New Brunswick

Terms

The licence will expire 31 August 2023.

Conditions of licence

1. The licensee shall adhere to the conditions 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 not reduce the number of hours of its local program production by more than 20%.
3. The licensee shall not solicit advertising in the province of Quebec.

Expectation

The Commission expects all community and campus radio station licensees to file yearly updates on the composition of their board of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections or at any other time. Licensees may submit such information through the Commission's website.

Encouragement

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order 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.