



Broadcasting Decision CRTC 2019-238

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

Ottawa, 4 July 2019

North Superior Broadcasting Ltd.

Marathon, Nipigon/Red Rock, Hornepayne, Beardmore, Geraldton, Longlac, Nakina and White River, Ontario

Public record for this application: 2018-0472-4

CFNO-FM Marathon and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CFNO-FM Marathon and its transmitters from 1 September 2019 to 31 August 2025. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. North Superior Broadcasting Ltd. filed an application to renew the broadcasting licence for the English-language commercial radio station CFNO-FM Marathon, Ontario, and its transmitters CFNO-FM-1 Nipigon/Red Rock, CFNO-FM-2 Hornepayne, CFNO-FM-3 Beardmore, CFNO-FM-4 Geraldton, CFNO-FM-5 Longlac, CFNO-FM-7 Nakina and CFNO-FM-8 White River, which expires 31 August 2019. The Commission did not receive any interventions regarding this application.

Non-compliance

Music lists

2. Section 9(3)(b) of the *Radio Regulations, 1986* (the Regulations) sets out requirements for radio station licensees to keep and file (upon request) lists of the musical selections broadcast on a station during a specific period.
3. According to Commission records, the times that musical selections were broadcast, as set out on the music lists, did not match the audio recordings of programming that the licensee submitted to the Commission.
4. The licensee explained that the problem arose because of discrepancies between the computer software system that it was using for logging musical selections and the one that it was using for program automation. The licensee indicated that, in order to address the problem, it had hired a programmer to merge the two systems and that this project had been given a high priority.

5. In light of the preceding, the Commission finds the licensee in non-compliance with section 9(3)(b) of the Regulations.

Regulatory measures

6. 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.
7. In this case, the licensee has demonstrated an understanding of the problem and given its resolution a high priority. The Commission considers that the measures that the licensee is putting in place should allow it to operate the station in compliance in the future.
8. In light of the above, the Commission considers it appropriate to grant the station a short-term renewal of six years. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

9. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFNO-FM Marathon, Ontario, and its transmitters CFNO-FM-1 Nipigon/Red Rock, CFNO-FM-2 Hornepayne, CFNO-FM-3 Beardmore, CFNO-FM-4 Geraldton, CFNO-FM-5 Longlac, CFNO-FM-7 Nakina and CFNO-FM-8 White River from 1 September 2019 to 31 August 2025. The licensee shall adhere to the **conditions of licence** for commercial AM and FM radio stations set out in Broadcasting Regulatory Policy 2009-62, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminders

10. 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 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 and complete 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.

11. Pursuant to section 22 of the *Broadcasting Act* (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.
12. The Commission reminds the licensee that it must comply at all times with the requirements set out in the Act, the Regulations and its conditions of licence.

Cultural diversity

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

Employment equity

14. In accordance with Public Notice 1992-59, 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.

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
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to the licence.