



Broadcasting Decision CRTC 2019-283

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

Ottawa, 8 August 2019

Native Evangelical Fellowship of Canada, Inc.
Pickle Lake and Thunder Bay, Ontario

Public record for this application: 2018-0911-2

CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay – Licence renewal

*The Commission **renews** the broadcasting licence for the low-power, English- and Indigenous-language specialty (religious) radio station CJTL-FM Pickle Lake, Ontario and its transmitter CJTL-FM-1 Thunder Bay from 1 September 2019 to 31 August 2021. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Background

1. In Broadcasting Decision 2014-311, the Commission renewed the broadcasting licence for the low-power, English- and Indigenous-language specialty (religious) radio station CJTL-FM Pickle Lake, Ontario and its transmitter CJTL-FM-1 Thunder Bay for a short-term period, from 1 September 2014 to 31 August 2019. In that decision, the Commission found the licensee, Native Evangelical Fellowship of Canada, Inc. (Native Evangelical), in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the filing of annual returns.
2. In that decision, in regard to the non-compliance, Native Evangelical explained that the station's board of directors had changed and that, at that time, no one really understood the station's obligation relating to the filing of annual returns. The licensee added that to ensure future compliance, the board of directors had appointed a new station manager and a chair, each having several years of broadcasting experience. Further, Native Evangelical committed to continuing to familiarize its staff with all regulations and requirements. Finally, the licensee indicated that an accountability structure was in place within the organization to cross-check these issues in the future.

Application

3. Native Evangelical filed an application to renew the broadcasting licence for CJTL-FM and its transmitter CJTL-FM-1. The Commission did not receive any interventions regarding this application.

Non-compliance

Filing of annual returns

4. Section 9(2) of the Regulations requires radio station licensees to file annual returns with the Commission 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.
5. According to Commission records, CJTL-FM's annual returns for the 2013-2014 through 2016-2017 broadcast years were filed late, from one to four years after the 30 November deadline. In addition, the financial statements for all four broadcast years have yet to be filed.
6. In this regard, Native Evangelical stated that although there have been changes in the station's board of directors since 2014, a new radio manager had not been appointed and, as such, there was still no one within the organization who was familiar with how the process for filing annual returns works. The licensee added that a radio manager familiar with the Commission's regulations and operations has been in place since July 2018.
7. The Commission notes that the explanation provided by the licensee in regard to the station's non-compliance during the current licence term is similar to the explanation provided in regard to the non-compliance that occurred during the previous licence term. The Commission is concerned over the fact that the licensee's past efforts have not materialized in a way to ensure the station's compliance with requirements relating to the filing of annual returns.
8. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2013-2014 through 2016-2017 broadcast years.

Regulatory measures

9. 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.
10. The Commission also specified in that information bulletin that it may apply certain measures on a case-by-case basis depending on the nature of the non-compliance, including the imposition of conditions of licence or mandatory orders, short-term licence renewal or the non-renewal, suspension or revocation of the licence.
11. The Commission acknowledges the measures put in place by the licensee to avoid any future non-compliance in regard to the filing of complete annual returns.

Nevertheless, this is the second consecutive licence term in which the licensee has been found in non-compliance with regulatory requirements relating to the filing of annual returns. Further, the Commission considers the above instances of non-compliance to be serious matters, and, as noted above, is concerned over the failure of the licensee's efforts over the current licence term to ensure future compliance. Consequently, the Commission finds that it is appropriate to grant the licensee a short-term licence renewal for CJTL-FM until 31 August 2021, which will allow for an earlier review of the licensee's compliance with regulatory requirements.

12. Further, given the nature of the non-compliance, and given that this is the second consecutive licence term during which this station has been in non-compliance, the Commission finds, by majority decision, that it is appropriate to require CJTL-FM to broadcast an on-air announcement regarding its non-compliance three times a day for five consecutive days within the 14-day period immediately following the beginning of the new licence term (i.e., the period from 1 September to 14 September 2019). To confirm compliance with this requirement, the licensee must file with the Commission the audio recordings for the broadcast days during which the announcement was broadcast, as well as a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CJTL-FM Pickle Lake*, which can be found in Appendix 2 to this decision, by no later than 14 days following the final broadcast of the announcement. A **condition of licence** to that effect is set out in Appendix 1 to this decision.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the low-power, English- and Indigenous-language specialty (religious) radio programming undertaking CJTL-FM Pickle Lake, Ontario and its transmitter CJTL-FM-1 Thunder Bay from 1 September 2019 to 31 August 2021. The **conditions of licence** are set out in Appendix 1 to this decision.

Reminders

14. The licensee must comply at all times with the requirements set out in the *Broadcasting Act* (the Act), the Regulations and its conditions of licence.
15. 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.
16. Licensees are 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.

17. 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.
18. Pursuant to section 22 of 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.

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
- *CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay – Licence renewal*, Broadcasting Decision CRTC 2014-311, 10 June 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 1 to Broadcasting Decision CRTC 2019-283

Terms, conditions of licence, expectation and encouragement for the English- and Indigenous-language specialty (religious) radio programming undertaking CJTL-FM Pickle Lake, Ontario and its transmitter CJTL-FM-1 Thunder Bay

Terms

The licence will expire 31 August 2021.

Conditions of licence

1. The licensee shall adhere to the conditions 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 devote at least 80% of all musical selections broadcast each broadcast week to selections drawn from content subcategory 35 (Non-classic religious).
4. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, it shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice regarding the provision of balance and ethics in religious programming.
5. a) The licensee shall broadcast the following announcement three times a day, distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive days, within the 14-day period immediately following the beginning of the new licence term (i.e., the period from 1 September to 14 September 2019):

Radio frequencies are a limited public resource. Holding a broadcasting licence is a privilege, and broadcasters are required to abide by a number of regulations and conditions of licence in order to operate a radio station. In Broadcasting Decision 2019-283, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The non-compliance with the filing of annual returns is a recurring issue. CJTL-FM has put measures in place to ensure that the instances of non-compliance in question do not reoccur.

- b) The licensee shall provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast, and file a completed

and signed *Attestation as to the broadcast of the non-compliance announcement on CJTL-FM Pickle Lake*, set out in Appendix 2 to *CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay – Licence renewal*, Broadcasting Decision CRTC 2019-283, 8 August 2019, by no later than 14 days following the final broadcast of the announcement.

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.

Appendix 2 to Broadcasting Decision CRTC 2019-283

Attestation as to the broadcast of the non-compliance announcement on CJTL-FM Pickle Lake

In regard to the requirements set out in condition of licence 5) in Appendix 1 to *CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay – Licence renewal*,
Broadcasting Decision CRTC 2019-283, 8 August 2019, I,

_____ (NAME), on behalf of _____
(LICENSEE), certify that the announcement regarding CJTL-FM Pickle Lake's non-compliance with the *Radio Regulations, 1986* was duly broadcast three times a day and distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive days within the 14-day period immediately following the beginning of the new licence term (i.e., the period from 1 September to 14 September 2019), as follows:

| | | | | | |
|----------------------------------|--|------|----|----|----|
| First date of broadcast: | | Time | 1: | 2: | 3: |
| Second date of broadcast: | | Time | 1: | 2: | 3: |
| Third date of broadcast: | | Time | 1: | 2: | 3: |
| Fourth date of broadcast: | | Time | 1: | 2: | 3: |
| Fifth date of broadcast: | | Time | 1: | 2: | 3: |

Signature

Date