



Broadcasting Decision CRTC 2019-290

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

Ottawa, 15 August 2019

Radio communautaire enfant-ado Gatineau-Ottawa Gatineau, Quebec/Ottawa, Ontario

Public record for this application: 2018-0873-4

CJEU Ottawa/Gatineau (Hull) – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CJEU Ottawa/Gatineau (Hull) 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. Radio communautaire enfant-ado Gatineau-Ottawa (Radio enfant-ado) filed an application to renew the broadcasting licence for the French-language community radio station CJEU Ottawa/Gatineau (Hull), Ontario/Quebec, which expires 31 August 2019. The Commission did not receive any interventions regarding this application.

Non-compliance

Filing of annual returns

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires radio station licensees to file annual returns, including financial statements, by 30 November of each year for the broadcast year ending on the previous 31 August. The specific filing requirements are detailed in Broadcasting Information Bulletin 2011-795.
3. Further, since 2015, licensees must include Form 1411 each year with their annual returns, which sets out the steps taken to ensure compliance with alerting requirements set out in Broadcasting Regulatory Policy 2014-444.
4. According to Commission records, the annual return and the financial statements for CJEU for the 2016-2017 broadcast year were filed late, that is, more than 10 months after the 30 November 2017 deadline.
5. The licensee indicated it had not realized that filing late was considered a non-compliance. It added that its accounting firm, which is required to produce the annual reports and financial statements during the three months following the end of

the fiscal year, which ends on 31 August, would have taken longer to finalize the documents. Additionally, the licensee indicated it had advised its accounting firm of the requirement to file the annual report and financial statement by no later than 30 November each year.

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.

Participation in the National Public Alerting System

7. In Broadcasting Regulatory Policy 2014-444, the Commission announced amendments to various regulations, standard conditions of licence and certain exemption orders to require the mandatory distribution of emergency alert messages by broadcasting undertakings. Section 16(3) of the Regulations required campus, community and Native radio stations to participate in the National Public Alerting System (NPAS) by 31 March 2016.
8. According to Commission records, and as confirmed by the applicant in a letter sent to Commission staff, CJEU has not yet implemented the NPAS.
9. The licensee indicated that it did not comply with this requirement since it did not believe that it was obliged to install the NPAS given the small size of the station. Because the station operations are funded by grants, the only expenses allowed by the board of directors are those directly related to its operation. Since the installation of the NPAS is expensive and the station does not benefit from advertising revenue, the licensee requested that the Commission exempt it from the obligation to install the NPAS.
10. The licensee argued that CJEU is radio produced by and for young people. According to the licensee, if a major event occurred, the station's listeners would turn to more influential stations for information. However, if it must install a functional NPAS system, the licensee indicated that it will take the necessary steps to comply. If the request for an exemption from the requirement to install the NPAS is denied, the licensee asked that the Commission grant it a six-month period so that it can raise the necessary sums through fundraising.
11. The Commission has not granted any exemptions since the implementation of the NPAS participation requirement. The Commission recognizes the challenges faced by operators of small not-for-profit radio stations. However, for the NPAS to be effective, the full participation of broadcasters is required.
12. In light of the above, the Commission finds the licensee in non-compliance with section 16(3) of the Regulations. A **condition of licence** requiring the licensee to implement the NPAS by no later than **30 November 2019** and setting out requirements related to the NPAS implementation is set out in the appendix to this decision. Additionally, the Commission notes that the licensee must include the NPAS system implementation date in Form 1411, which is submitted as part of its annual return.

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. The Commission also specified in the 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.
15. The Commission acknowledges that the licensee has put in place measures to prevent any future non-compliance with respect to the filing of complete annual reports by no later than 30 November of each year. With respect to the NPAS, the Commission notes that the licensee has indicated that it would take the appropriate measures to comply with this requirement. The Commission is of the view that the above-mentioned instances of non-compliance are serious.
16. In light of CJEU's non-compliance with sections 9(2) and 16(3) of the Regulations, the Commission finds it appropriate to renew the licence for the station for a short-term period of four years.

Conclusion

17. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CJEU Ottawa/Gatineau (Hull) 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 terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

18. 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 if the broadcasting certificate issued by the Department of Industry lapses.
19. The licensee must comply at all times with the requirements set out in the Act, the Regulations and its conditions of licence.
20. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. Annual returns are key components of the Commission's ongoing monitoring plan and an authoritative source for Canadian broadcasting industry statistics available for use by 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. The timely filing of complete annual returns is therefore an important regulatory obligation.

21. 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. Licensees that do not file annual returns or requested material in a timely manner, file incomplete material, or do not file such material at all adversely affect the Commission's ability to independently confirm the licensee's compliance with regulatory and licence requirements. These filings also become important indicators that allow for determination of whether a licensee has the willingness, ability and necessary knowledge to comply and maintain compliance. Accordingly, the Commission considers non-compliance to be a very serious matter.
22. The full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, the Commission holds that compliance is mandatory and that timely compliance by stations will be closely monitored. The Commission could, at any time, choose to apply more stringent regulatory measures, such as those set out in Broadcasting Information Bulletin 2014-608, should the requirements with respect to the NPAS not be fulfilled.

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
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders - Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 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 2019-290s

Terms, conditions of licence, expectations and encouragement for the French-language community radio programming undertaking CJEU Ottawa/Gatineau (Hull), Ontario/Quebec

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. In order to comply with the requirements set out in sections 16(2) and 16(3) of the *Radio Regulations, 1986* and *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014, the licensee shall implement the National Public Alerting System (NPAS) by no later than **30 November 2019**. As part of this requirement:
 - a) The licensee must file with the Commission a letter attesting to the implementation date of its NPAS within 14 days after the installation. In this letter, the licensee must confirm whether maintenance, testing and updating procedures have been adopted for its automated emergency alert message distribution equipment.
 - b) In addition, the licensee must file with the Commission the results of its first NPAS tests, as scheduled by the relevant alerting authorities, within two weeks after the occurrence of such system tests.

Expectations

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

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus 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. As noted in Appendix 3 to that regulatory policy, licensees may submit such information through the Commission's website.

Encouragement

The Commission considers that campus and community radio stations should be particularly sensitive to employment equity issues in order to fully reflect the communities they serve. The Commission encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.