



Broadcasting Decision CRTC 2019-291

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

Ottawa, 15 August 2019

Burnt Islands Economic Development Board Inc.
Burnt Islands, Newfoundland and Labrador

Public record for this application: 2018-0852-8

CHBI-FM Burnt Islands – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language community radio station CHBI-FM Burnt Islands from 1 September 2019 to 31 August 2024. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Burnt Islands Economic Development Board Inc. filed an application to renew the broadcasting licence for the English-language community radio station CHBI-FM Burnt Islands, which expires 31 August 2019. The Commission did not receive any interventions in connection with this application.

Non-compliance

2. 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 *Radio Regulations 1986* (the Regulations) required campus, community and Native radio stations to participate in the National Public Alerting System (NPAS) by 31 March 2016.
3. According to Commission records, and as confirmed by the applicant in a letter sent to Commission staff, CHBI-FM has not yet implemented the NPAS.
4. In a letter to Commission staff, the licensee did not specify the date on which the NPAS would be fully implemented, but indicated that it would implement the system in the very near future and would update the Commission accordingly.
5. 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 reporting requirements related to the NPAS implementation is set out in the appendix to this decision. The Commission further notes that licensee must include the NPAS system implementation date in Form 1411, which is submitted as part of its annual returns.

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. 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.
8. The Commission considers that the licensee's non-compliance with respect to the implementation of the NPAS is very serious as more than three years have elapsed since the 31 March 2016 deadline for community radio stations to install the system.
9. In light of CHBI-FM's non-compliance with section 16(3) of the Regulations, the Commission finds it appropriate to renew the licence for the station for a short-term period of five years.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CHBI-FM Burnt Islands from 1 September 2019 to 31 August 2024. 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

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 if the broadcasting certificate issued by the Department of Industry lapses.
12. The licensee must comply at all times with the requirements set out in the Act, the Regulations and its conditions of licence.
13. The full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, the Commission considers that compliance must be enforced and station compliance in a timely manner will be closely monitored. The Commission could 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

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2019-291

Terms, conditions of licence, expectation and encouragement for the English-language community radio programming undertaking CHBI-FM Burnt Islands, Newfoundland and Labrador

Terms

The licence will expire 31 August 2024.

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.

Expectation

The Commission expects all community and campus licensees to file yearly updates on the composition of their boards 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. Such information may be submitted 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.

