



## Broadcasting Decision CRTC 2019-411

PDF version

Reference: 2019-127

Ottawa, 11 December 2019

### **Radio du Golfe inc.**

Sainte-Anne-des-Monts, Quebec

*Public record for this application: 2018-0830-5*

*Public hearing in the National Capital Region*

*11 July 2019*

### **CJMC-FM Sainte-Anne-des-Monts and its transmitters – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CJMC-FM Sainte-Anne-des-Monts and its transmitters until 31 August 2024. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

#### **Application**

1. Radio du Golfe inc. (Radio du Golfe) filed an application to renew the broadcasting licence for the French-language commercial radio station CJMC-FM Sainte-Anne-des-Monts, Quebec, and its transmitters CJMC-FM-1 La Martre, CJMC-FM-2 Mont-Louis, CJMC-FM-3 Les Méchins, CJMC-FM-4 Grande-Vallée, CJMC-FM-5 Gros-Morne, CJMC-FM-6 Cloridorme and CJMC-FM-8 Murdochville, which expires 31 December 2019.<sup>1</sup> The Commission received an intervention in support of this application.

#### **Background**

2. In Broadcasting Decision 2013-673, the Commission granted CJMC-FM a short-term renewal due to the licensee's non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) regarding the filing of annual returns.
3. Further, in Broadcasting Decision 2010-431, the Commission granted the station a short-term licence renewal due to the licensee's non-compliance with section 9(2) of the Regulations and with its condition of licence requiring contributions to Canadian content development.

---

<sup>1</sup> The licence was administratively renewed from 1 September 2019 to 31 December 2019 in Broadcasting Decision 2019-221.

## Non-compliance

4. In Broadcasting Notice of Consultation 2019-127, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the Regulations.
5. Section 9(2) of the Regulations requires licensees to file an annual return, including financial statements, by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements are set out in Broadcasting Information Bulletin 2011-795.
6. According to the Commission records, Radio du Golfe filed its annual returns for the 2016-2017 broadcast year five months late. The financial statements, to be included with the annual returns, were also filed five months late.
7. The licensee indicated that it had to completely reorganize its accounting system because the employee responsible for preparing the reports for the 2016-2017 broadcast year did not perform his administrative tasks. The licensee dismissed this employee in October 2017. With the help of professionals, Radio du Golfe brought the accounting records up to date and hired a new accounting firm to ensure that the work was completed correctly. Further, an experienced accountant was hired full time. The licensee also indicated that although it was unable to complete all the required forms on time, it had sent a summary of results to the Commission within the deadline.
8. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations.

## 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 notes the steps Radio du Golfe has taken to ensure compliance in the future and considers that the licensee has demonstrated its commitment to collaboration. Further, the non-compliance for this licence term is only for one broadcast year. However, this is the third consecutive licence term in which the licensee has been found to be in non-compliance with section 9(2) of the Regulations regarding the filing of annual returns. Accordingly, the Commission finds it appropriate to renew the licence for CJMC-FM for a short-term period.

## Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CJMC-FM

Sainte-Anne-des-Monts, Quebec, and its transmitters CJMC-FM-1 La Martre, CJMC-FM-2 Mont-Louis, CJMC-FM-3 Les Méchins, CJMC-FM-4 Grande-Vallée, CJMC-FM-5 Gros-Morne, CJMC-FM-6 Cloridorme and CJMC-FM-8 Murdochville, from 1 January 2020 to 31 August 2024. This short-term licence 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

12. 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.
13. Licensees are responsible for filing complete annual returns on time. As set out in Broadcasting Information Bulletin 2011-795, it is the licensees' responsibility to ensure that all appropriate forms and documentation are included with their annual returns and to contact the Commission if further clarification is required.
14. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures during the next licence term, including the issuance of a mandatory order or non-renewal of the licence.
15. 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

- *Various commercial radio undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-221, 21 June 2019
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-127, 3 May 2019
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *CJMC-FM Sainte-Anne-des-Monts and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2013-673, 11 December 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

- *CJMC-FM Sainte-Anne-des-Monts and its transmitters – Licence renewal*,  
Broadcasting Decision CRTC 2010-431, 30 June 2010

*This decision is to be appended to the licence.*

## **Appendix to Broadcasting Decision CRTC 2019-411**

### **Terms, conditions of licence, expectation and encouragement for the French-language commercial radio station CJMC-FM Sainte-Anne-des-Monts, Quebec, and its transmitters CJMC-FM-1 La Martre, CJMC-FM-2 Mont-Louis, CJMC-FM-3 Les Méchins, CJMC-FM-4 Grande-Vallée, CJMC-FM-5 Gros-Morne, CJMC-FM-6 Cloridorme and CJMC-FM-8 Murdochville**

#### **Terms**

The licence will expire 31 August 2024.

#### **Conditions of licence**

1. The licensee shall adhere to the conditions set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as well as to the conditions set out in the broadcasting licence for the undertaking.

#### **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.