



Broadcasting Decision CRTC 2020-296 and Broadcasting Orders CRTC 2020-297 and 2020-298

PDF version

References: 2020-75, 2020-75-1, 2020-75-2 and 2020-75-3

Ottawa, 25 August 2020

Northern Lights Entertainment Inc.
Iqaluit, Nunavut

*Public record for these applications: 2019-0864-1 and 2019-0865-9
Electronic public hearing in the National Capital Region
16 June 2020*

CKGC-FM Iqaluit and CKIQ-FM Iqaluit – Licence renewals and issuance of mandatory orders

*The Commission **renews** the broadcasting licences for the predominantly English-language commercial radio stations CKGC-FM Iqaluit and CKIQ-FM Iqaluit from 1 September 2020 to 31 August 2022. These short-term licence renewals will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Further, the Commission issues mandatory orders requiring Northern Lights Entertainment Inc. to ensure that CKGC-FM and CKIQ-FM comply at all times with section 9(2) of the Radio Regulations, 1986.

Applications

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act.
2. On 3 June 2019, the Commission issued Broadcasting Notice of Consultation 2019-194, which listed the radio stations for which the broadcasting licences would expire 31 August 2020 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those services submit renewal applications for their broadcasting licences.
3. In response, Northern Lights Entertainment Inc. (Northern Lights) filed applications to renew the broadcasting licences for the predominantly English-language¹

¹ The licensee also broadcasts programming in the Inuktitut language.

commercial radio stations CKGC-FM Iqaluit (2019-0864-1) and CKIQ-FM Iqaluit (2019-0865-9), which expire 31 August 2020. The Commission did not receive any interventions in regard to these applications.

Background

4. In Broadcasting Decision 2016-276, the Commission renewed the broadcasting licences for CKGC-FM and CKIQ-FM for short terms due to the licensee's non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns, for the 2008-2009 through 2014-2015 broadcast years.

Non-compliance

5. In Broadcasting Notice of Consultation 2020-75, the Commission stated that the licensee was in apparent non-compliance with the following:
 - for both stations, condition of licence 2 set out in the appendix to Broadcasting Decision 2016-276, which relates to the filing of complete annual returns for the 2010-2011 through 2015-2016 broadcast years and to providing information regarding the implementation of an emergency alerting system, and section 9(2) of the Regulations relating to the filing of annual returns, for the 2016-2017 through 2018-2019 broadcast years;
 - for CKIQ-FM, section 16(2) of the Regulations relating to the implementation of a National Public Alerting System;
 - for CKIQ-FM, the payment of tangible benefits stemming from Broadcasting Decision 2009-103;
 - for CKGC-FM, the station's condition of licence 3 set out in the appendix to Broadcasting Decision 2016-276, which relates to the broadcast of Canadian musical selections;
 - for CKGC-FM, section 8(5) of the Regulations relating to the requirement to retain clear and intelligible audio recordings; and
 - for CKGC-FM, section 9(3)(a) of the Regulations relating to the requirement to provide an accurate self-assessment report, for the week of 19 to 25 May 2019.

Filing of annual returns (both CKGC-FM and CKIQ-FM)

6. Section 10(1)(i) of the Act authorizes the Commission to make regulations in furtherance of its objects requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.

7. Consistent with this authority, the Commission made section 9(2) of the Regulations, which specifies that on or before 30 November of each year, a licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licence form, for the year ending on the previous 31 August.
8. As noted above, in Broadcasting Decision 2016-276, the Commission found the licensee in non-compliance with section 9(2) of the Regulations for both CKGC-FM and CKIQ-FM for various broadcast years during the licence term ending 31 August 2016. To address this non-compliance, pursuant to its authority under section 9(1) of the Act to impose conditions of licence, the Commission imposed the following condition of licence, set out in the appendix to that decision:
 2. The licensee shall file the missing information for CKIQ-FM's 2008-2009 and 2009-2010 annual returns, as well as complete annual returns for the 2010-2011 through 2015-2016 broadcast years by 30 November 2016. The 2014-2015 annual returns must include information regarding the implementation of an emergency alerting system for CKGC-FM and CKIQ-FM.
9. The Commission notes that as of 12 August 2020, the licensee had not filed the missing annual returns for either CKGC-FM or CKIQ-FM for the 2010-2011 through 2015-2016 broadcast years. Consequently, the Commission finds the licensee in non-compliance with condition of licence 2 set out in the appendix to Broadcasting Decision 2016-276.
10. Further, the Commission notes that the annual returns for both CKGC-FM and CKIQ-FM for the 2016-2017 broadcast year were not filed with the Commission. Although the licensee filed the stations' annual returns on time for the 2017-2018 and 2018-2019 broadcast years, those returns were incomplete, missing forms relating to licence fees, tangible benefits and emergency alerting. The licensee later provided the missing documentation to the Commission on 22 May 2020 in response to Commission staff requests for information.
11. In its 17 February 2020 reply to a Commission letter dated 24 January 2020, Northern Lights stated that it is working on submitting all of its missing annual returns, starting with the most recent, and committed to submit the annual returns for the 2015-2016 and 2016-2017 broadcast years within 90 days of the date of its reply. It added that the missing documentation for the annual returns for the 2017-2018 and 2018-2019 broadcast years was an oversight, and that it would file the missing documentation by the same date.
12. The licensee submitted that its filing of the more recent annual returns on time, along with the imminent submission of its returns for the 2015-2016 and 2016-2017 broadcast years, demonstrates that it has now finally gained an understanding of the process relating to the filing of annual returns.

13. According to Northern Lights, it has not been easy for it, as a small operator, to learn the proper procedures for filing annual returns. It noted, however, that it has gone from having no knowledge of those procedures to working towards filing the returns without error. The licensee added that it would remain diligent in the process of filing missing returns and that it would remain in contact with Commission staff to ensure that all non-compliance issues are resolved as quickly as possible. In addition, Northern Lights committed to file all future annual returns on-time and without any missing elements, and to continue working closely with its accountant to make sure that all outstanding annual returns will be completed and filed electronically as soon as possible.
14. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the filing of annual returns, for the 2016-2017 through 2018-2019 broadcast years.

Implementation of a National Public Alerting System (CKIQ-FM)

15. Section 10(1) of the Act authorizes the Commission to make regulations furthering its objects regarding the broadcasting of programs. In Broadcasting Regulatory Policy 2014-444, the Commission reiterated that the broadcasting system has a vital role to play in the provision of emergency alert messages to Canadians and that the duty to inform the public of imminent perils is at the core of the public service obligations of all broadcasters.
16. The provision of emergency alert messages is achieved through Canada's National Public Alerting System (NPAS). In Broadcasting Regulatory Policy 2014-444, the Commission announced that it was requiring broadcasters to fully participate in the NPAS and that by 31 March 2015, all broadcasters in Canada, with certain exceptions,² would be required to alert Canadians to imminent threats to life.
17. In this regard, and consistent with the authority granted by section 10(1) of the Act, the Commission made section 16(2) of the Regulations, which specifies that except as otherwise provided under a condition of its licence, a licensee shall implement on all stations that it is licensed to operate, by no later than 31 March 2015, a public alerting system that broadcasts without delay, on a given station, any audio alert that it receives from the National Alert Aggregation and Dissemination System that (a) announces an imminent or unfolding danger to life; and (b) is designated by the applicable issuing authority for immediate broadcast in all or part of the area within the station's A.M. 5 mV/m contour, F.M. 0.5 mV/m contour or digital service area, as the case may be.
18. In regard to CKIQ-FM, Northern Lights did not implement the NPAS by the 31 March 2015 deadline. The licensee informed the Commission that instead of participating in the NPAS, it had been issuing alerts manually, and that it only learned

² Campus, community and Native radio stations and television broadcasters, as well as radiocommunication distribution undertakings.

during the current licence renewal proceeding that equipment must be installed and operational to handle public alerts.

19. Northern Lights indicated that it has communicated with Commission staff, who provided the appropriate contacts that were able to direct it on how to become fully compliant with NPAS regulations. The licensee added that it has tried, in vain, to contact the Canadian manufacturer named SAGE in order to obtain the necessary equipment but has yet to have its calls returned. It further stated that it is willing to provide copies of its phone records to demonstrate its many attempts to reach SAGE.
20. In light of the above, the Commission finds the licensee in non-compliance with section 16(2) of the Regulations relating to the NPAS.

Payment of tangible benefits stemming from the acquisition of CKIQ-FM

21. In Broadcasting Decision 2009-103, the Commission approved an application by Northern Lights to acquire from Nunavut Nalautinga Ltd. the assets of CKIQ-FM. In that decision, the Commission determined that Northern Lights would be required to pay clear and unequivocal benefits contributions representing a minimum direct financial contribution of \$29,491.56 (representing 6% of \$491,526, the revised value of the transaction) to be spread equally over a seven-year period and to be allocated as follows:
 - 3% of the value of the transaction (i.e., \$14,746) to the Radio Starmaker Fund;
 - 2% of the value of the transaction (i.e., \$9,830) to FACTOR or MUSICATION, at the discretion of the purchaser; and
 - 1% of the value of the transaction (i.e., \$4,915) to the Iqaluit Music Society.
22. According to Commission records, the licensee paid the required amounts to FACTOR and the Iqaluit Music Society, totalling \$14,745, but did not make the required contribution to the Radio Starmaker Fund by the 31 August 2016 deadline set out in Broadcasting Decision 2016-276. The Commission noted in that decision that Northern Lights had confirmed that it had not made any of the required tangible benefit contributions resulting from its acquisition of CKIQ-FM, but had followed up with the involved parties and made arrangements to have all outstanding balances paid in full by 31 August 2016, the original deadline to fulfill this requirement. The licensee also confirmed that it had requested help from an accountant to develop a plan to pay these outstanding tangible benefits and provide supporting documentation to the Commission.
23. Subsequent to the above, Northern Lights provided proof to the Commission that the full amount to be directed to Radio Starmaker Fund was paid by May 2018, including a letter confirming that on 22 May 2018, the recipient had received a final tangible benefits payment of \$2,106.54, which would be applied to the 2015-2016 broadcast year. However, given that the full amount of the tangible benefits was to be paid by

no later than 31 August 2016, full payment of the required amount to Radio Starmaker Fund was over a year late.

24. In light of the above, the Commission finds the licensee in non-compliance with the requirement set out in Broadcasting Decision 2009-103 relating to the payment of tangible benefits stemming from the ownership transaction approved in that decision.

Requirement to retain clear and intelligible audio recordings (CKGC-FM)

25. Consistent with the authority granted by section 10(1)(i) of the Act, the Commission made section 8(5) of the Regulations, which specifies that a licensee shall retain a clear and intelligible audio recording or other exact copy of all matter broadcast (a) for four weeks from the date of the broadcast; or (b) where the Commission receives a complaint from any person regarding the matter broadcast or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of the broadcast.
26. In reply to a Commission staff request for monitoring materials for the 19 to 25 May 2019 broadcast week, the licensee provided various documentation but did not provide an audio recording of the programming broadcast during that broadcast week. Consequently, the Commission was only able to complete a partial evaluation of the programming broadcast on the station during that week. According to the licensee, the missing audio recordings were the result of a failure with the station's software program. It added that it replaced the software program on 27 May 2019 and, as a precautionary measure, also replaced the software program for CKIQ-FM Iqaluit.
27. In light of the above, the Commission finds the licensee in non-compliance with section 8(5) of the Regulations.

Broadcast of Canadian content category 2 (Popular Music) musical selections (CKGC-FM)

28. Pursuant to its authority under section 9(1) of the Act to impose conditions of licence related to the circumstances of the licensee, and consistent with sections 3(1)(e) and (s), which require undertakings to contribute to the creation and presentation of Canadian programming, the Commission has imposed requirements on licensees related to the broadcast of Canadian programs.
29. In the case of Northern Lights, the Commission imposed on CKGC-FM the following condition of licence relating to the broadcast of Canadian musical selections, set out in the appendix to Broadcasting Decision 2016-276:
3. As an exception to sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall devote at least 40% of its musical selections from content category 2 (Popular Music) in each broadcast week and between

6 a.m. and 6 p.m. from Monday to Friday to Canadian selections broadcast in their entirety.³

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as set out in the Regulations.

30. As noted above, the Commission was only able to conduct a partial evaluation of the programming broadcast on CKGC-FM during the 19 to 25 May 2019 broadcast week. That evaluation revealed that only 35.2% of the content category 2 musical selections broadcast during the broadcast week, and 33.4% of the content category 2 musical selections broadcast from 6:00 a.m. to 6:00 p.m. from Monday to Friday of that broadcast week were Canadian selections.
31. According to Northern Lights, the shortfall in the broadcast of Canadian content category 2 musical selections stemmed from the inclusion of musical selections in its tabulations that it believed were hits in the station’s market. The licensee stated that it therefore believed it was correct to include these selections among other “Popular Music” selections in its documentation for the evaluation of its programming.
32. Northern Lights indicated that CKGC-FM has now put into place measures to ensure that it meets the Canadian content requirements. These measures include an “All Canadian Workday” format, which features 100% Canadian content between 9:00 a.m. and 5:00 p.m. each Friday and increased Canadian content daily between 6:00 a.m. and 6:00 p.m., and between 6:00 p.m. and midnight.
33. In light of the above, the Commission finds the licensee in non-compliance with condition of licence 3 set out in the appendix to Broadcasting Decision 2016-276.

Requirement to provide an accurate self-assessment report (CKGC-FM)

34. Consistent with the authority granted by section 10(1)(i) of the Act, the Commission made section 9(3)(a) of the Regulations, which specifies that a licensee shall submit the information required by the station self-assessment report when requested by the Commission.
35. As noted above, in Broadcasting Notice of Consultation 2020-75, the Commission stated that the licensee was in apparent non-compliance with section 9(3)(a) of the Regulations relating to the filing of a self-assessment report for CKGC-FM. Specifically, based on an evaluation of the written materials provided, including a music list, program log and self-assessment report, the Commission noted the following irregularities in the list of musical selections and the self-assessment report submitted by Northern Lights for the 19 to 25 May 2019 broadcast week:

³ The requirement set out in this condition of licence exceeds the regulatory minimum requirement of 35% set out in sections 2.2(8) and 2.2(9) of the Regulations. The licensee requested the higher requirement at the time the station was first licensed (see Broadcasting Decision 2010-48).

- number of musical selections broadcast during the broadcast week: the music list identified 2.13% more musical selections than did the self-assessment report (1598 versus 1564); and
 - number of Canadian musical selections broadcast during the broadcast week: the music list identified 1.07% more musical selections than did the self-assessment report (562 versus 556).
36. The licensee stated that it made an accounting error when filling in its self-assessment report. Further, it noted that it was not familiar with the procedure for the submission of radio monitoring materials, and that its first and only submission of such materials to the Commission was for the broadcast week in question. The licensee added that because of assistance it received from Commission staff, it now understands the reporting process.
37. In light of the above, the Commission finds the licensee in non-compliance with section 9(3)(a) of the Regulations.

Regulatory measures

38. 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.
39. In regard to the licensee's non-compliance with CKIQ-FM's condition of licence relating to tangible benefits stemming from its acquisition of the station in Broadcasting Decision 2009-103, the portion to be devoted to FACTOR was paid in May 2018, more than a year following the deadline that was imposed. However, when questioned on the shortfall amount, the licensee promptly provided proof that the full payment was made, and was cooperative with Commission staff during the follow-up process. Accordingly, the Commission finds that no further measures are warranted in regard to this non-compliance.
40. In regard to CKGC-FM's condition of licence relating to the broadcast of content category 2 musical selections, the Commission notes that it was the licensee that requested the higher percentage of 40% (rather than the 35% regulatory minimum). Although the licensee stated that the selections broadcast were counted as content category 2 musical selections given that it believed they were hits in the market served by CKGC-FM, the Commission has clear and established definitions of Canadian musical selections, including hits. Further, the licensee did not request any relief or exemption to these definitions to reflect the unique needs of the community it serves prior to being found in apparent non-compliance.

41. Nevertheless, once this instance of apparent non-compliance was raised with Northern Lights, the licensee engaged in regular communications with Commission staff in order to fully understand the reasons for the apparent non-compliance and how such non-compliance can be avoided in the future.
42. In addition, Northern Lights stated that, according to Commission staff, a possible remedial measure to address the harm caused to the Canadian broadcasting system by the possible Canadian music shortfall could be a one-time Canadian content development (CCD) contribution of \$461 payable to FACTOR. The licensee added that on learning this, it immediately issued a cheque to FACTOR in the full amount and promptly provided proof of this payment, both in the form of a copy of the cheque made out to FACTOR (dated 28 January 2020) and of a confirmation by FACTOR that full payment was made (dated 6 February 2020).
43. Furthermore, the licensee has since changed its broadcast schedule to include additional Canadian content category 2 musical selections in its programming, and stated that it would welcome a second performance evaluation of its programming given that it is confident it would meet and exceed Commission requirements. Northern Light added that a short-term renewal would easily allow for CKGC-FM to prove its commitment to meeting its requirement to devote 40% of its musical selections from content category 2 to Canadian selections.
44. In light of the above, the Commission finds that the licensee has taken the steps necessary to demonstrate its ability to bring itself into compliance in the next licence term, and that no further measures are warranted in regard to this non-compliance.
45. In regard to the requirement to retain clear and intelligible audio recordings for CKGC-FM, the Commission notes that the licensee, upon learning that its programming software had failed, took immediate action to replace it, and proactively replaced the software on its other station, CKIQ-FM, before a problem could occur. In the Commission's view, the situation appears to be an isolated incident resulting from a technical problem that was quickly remedied by the licensee. Accordingly, the Commission finds that no further measures are warranted in regard to this non-compliance.
46. In regard to the licensee's non-compliance relating to the filing of a self-assessment report for CKGC-FM, the Commission considers this to be an isolated incident resulting from an accounting error on the part of the licensee. Further, once this error was pointed out to the licensee, it reached out to Commission staff for guidance. In the Commission's view, Northern Lights now understands how to complete the required self-assessment report, and has shown a willingness to cooperate and bring itself into compliance with this requirement in the future. Accordingly, the Commission finds that no further measures are warranted in regard to this non-compliance.

47. In regard to the NPAS, it appears that Northern Lights misunderstood section 16(2) of the Regulations. Further, it did not have the necessary equipment installed and operational on CKIQ-FM to implement the NPAS. However, given that the station issued emergency alerts manually, and given that the NPAS is operating on CKGC-FM, Iqaluit was not without emergency alerts due to the licensee's non-compliance with section 16(2) of the Regulations.
48. Since learning of its non-compliance, Northern Lights has informed Commission staff of its attempt to obtain and install the necessary NPAS equipment, and that the equipment is on order and waiting to be shipped to Iqaluit. Further, the licensee has pledged to bring itself into compliance as soon as possible. In this regard, the Commission notes that on 23 June 2020, the licensee gave verbal confirmation that the NPAS has been installed for CKIQ-FM. However, no written confirmation regarding the system's implementation has been provided to the Commission. Consequently, the Commission finds that it would be appropriate to require the licensee to implement the NPAS on CKIQ-FM by no later than **30 November 2020**. A **condition of licence** to that effect is set out in Appendix 1 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.
49. Finally, in regard to the requirement to submit annual returns, the Commission notes that the licensee has not filed either station's annual returns for the 2010-2011 through 2015-2016 broadcast years. In regard to the current licence term, the annual returns for the 2016-2017 broadcast year have not been submitted, although the licensee committed to do so by 17 May 2020 (i.e., 90 days from its 17 February 2020 reply to a Commission request for information). Further, although the annual returns for the 2017-2018 and 2018-2019 broadcast years were filed on time, they were incomplete, missing financial statements. However, as noted above, the missing information for both broadcast years was submitted on 22 May 2020.
50. While it is encouraging that the licensee has finally begun to submit annual returns and has committed to submitting all outstanding annual returns dating back to 2010-2011, the Commission finds that the licensee continues to struggle with its understanding of the requirements relating to the submission of annual returns. Moreover, although the licensee stated in Broadcasting Decision 2016-276 that it would ensure that it would remain in compliance over the next licence term (i.e., the licence term beginning 1 September 2016) and demonstrated its willingness to do so by engaging in conversations with Commission staff to better understand the information required in the annual returns and how they are to be filed, the Commission is concerned over the fact that the current licence term is the second consecutive licence term during which the licensee has been in non-compliance with the requirements relating to the filing of annual returns. As a consequence, the Commission has concerns over the licensee's ability to remain in compliance with these requirements over the next licence term.

51. In light of the above, the Commission finds it appropriate to set out a requirement for the licensee to file the stations' annual returns for the 2010-2011 through 2015-2016 broadcast years, along with any missing annual returns from the current licence term, by **30 November 2020**. A **condition of licence** to that effect for both CKGC-FM and CKIQ-FM is set out in Appendix 1 to this decision.
52. The Commission has examined the public record for these applications and notes the licensee's willingness to ensure the station's compliance with regulatory requirements. However, given the seriousness of the various instances of non-compliance along with the recurrence of the licensee's non-compliance with requirements relating to the submission of annual returns, the Commission finds that it would be appropriate to renew the broadcasting licences for CKGC-FM and CKIQ-FM for a short-term period of two years, which will allow for an earlier review of the licensee's compliance with regulatory requirements.
53. In addition, in light of the recurring nature of the licensee's non-compliance with section 9(2) of the Regulations, the Commission finds that it would be appropriate to require Northern Lights to broadcast on both CKGC-FM and CKIQ-FM an on-air announcement regarding its non-compliance three times a day for five consecutive days within the 14-day period immediately following the issuance of the present decision. In reply to a Commission request in this regard, the licensee agreed to such a requirement. 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 on each station, along with the following forms, both completed and signed: *Attestation as to the broadcast of the non-compliance announcement on CKGC-FM Iqaluit* and *Attestation as to the broadcast of the non-compliance announcement on CKIQ-FM Iqaluit*, which can be found in Appendices 2 and 3, respectively, to this decision. A **condition of licence** to that effect is set out in Appendix 1 to this decision.
54. Finally, section 12(2) of the Act allows the Commission to make an order requiring a person to do any act or things that it is required to do under, or forbidding a person from doing anything contrary to, Part II of the Act, or any regulation, licence, decision or order made by the Commission under Part II. Further, section 13 of the Act allows a mandatory order to be made an order of the Federal Court and makes such orders enforceable by the Federal Court.
55. Northern Lights was specifically asked to comment on the possible imposition of a mandatory order for each station to comply with the requirements relating to the submission of annual returns. In its reply, the licensee expressed the hope that such a measure would not be necessary, but also did not provide any rationale as to why mandatory orders should not be imposed.
56. Despite the licensee's awareness and its desire to operate the stations in accordance with its regulatory obligations, in order to stress the importance with which the Commission takes compliance with regulatory obligations, the Commission imposes mandatory orders for CKGC-FM and CKIQ-FM under section 12(2) of the Act

requiring Northern Lights to comply at all times with section 9(2) of the Regulations. The order requiring compliance by CKGC-FM with section 9(2) of the Regulations is set out in Appendix 4 to this decision; the order requiring compliance by CKIQ-FM with section 9(2) of the Regulations is set out in Appendix 5. In addition, pursuant to section 13 of the Act, these orders will be filed with the Federal Court and will be treated as orders of that court.

Conclusion

57. In light of all of the above, the Commission **renews** the broadcasting licences for the predominantly English-language commercial radio programming undertakings CKGC-FM Iqaluit and CKIQ-FM Iqaluit from 1 September 2020 to 31 August 2022. The **conditions of licence** for both stations are set out in Appendix 1 to this decision.

Reminders

58. 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.
59. 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 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.
60. The licensee must be in compliance with regulatory requirements at all times. 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.
61. Pursuant to section 22 of the Act, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2020-75, 26 February 2020, as amended by Broadcasting Notices of Consultation CRTC 2020-75-1, 23 March 2020; 2020-75-2, 7 April 2020; and 2020-75-3, 28 May 2020
- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-194, 3 June 2019
- *CKGC-FM and CKIQ-FM Iqaluit – Licence renewals*, Broadcasting Decision CRTC 2016-276, 20 July 2016
- *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
- *English-language FM radio station in Iqaluit*, Broadcasting Decision CRTC 2010-48, 1 February 2010
- *CKIQ-FM – Acquisition of assets*, Broadcasting Decision CRTC 2009-103, 2 March 2009

This decision and the appropriate appendices are to be appended to each licence.

Appendix 1 to Broadcasting Decision CRTC 2020-296

Terms, conditions of licence, expectation and encouragement for the predominantly English-language commercial radio programming undertakings CKGC-FM Iqaluit and CKIQ-FM Iqaluit

Terms

The licence will expire 31 August 2022.

Conditions of licence applicable to both stations

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, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall file complete annual returns for the 2010-2011 through 2015-2016 broadcast years, along with any missing annual returns from the current licence term, by **30 November 2020**.
3. a) The licensee shall broadcast the following announcement three times a day, distributed in a reasonable manner, between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m., for five consecutive days, within the 14-day period immediately following the issuance of *CKGC-FM Iqaluit and CKIQ-FM Iqaluit – Licence renewals and issuance of mandatory orders*, Broadcasting Decision CRTC 2020-296, 25 August 2020 (Broadcasting Decision 2020-296):

For CKGC-FM:

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 2020-296, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The instance of non-compliance with section 9(2) of the Regulations is a recurring issue. CKGC-FM has put measures in place to ensure that the instances of non-compliance in question do not reoccur.

For CKIQ-FM:

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 2020-296, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The instances of non-compliance with section 9(2) of the Regulations is a recurring issue. CKIQ-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 announcements were broadcast. In addition, for CKGC-FM Iqaluit, the licensee shall file a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CKGC-FM Iqaluit*, set out in Appendix 2 to Broadcasting Decision 2020-296, by no later than 14 days following the final broadcast of the announcement. For CKIQ-FM Iqaluit, the licensee shall file a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CKIQ-FM Iqaluit*, set out in Appendix 3 to Broadcasting Decision 2020-296, by no later than 14 days following the final broadcast of the announcement.

Additional conditions of licence for CKGC-FM

4. As an exception to sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall devote at least 40% of its musical selections from content category 2 (Popular Music) in each broadcast week and between 6 a.m. and 6 p.m. from Monday to Friday to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the Regulations.

5. The licensee shall adhere to *Policy regarding open-line programming*, Public Notice CRTC 1988-213, 23 December 1988.
6. The licensee shall make at least 50% of the contribution referred to in section 15(2) of the *Radio Regulations, 1986* to FACTOR or MUSICATION, with the remainder to be allocated to the Iqaluit Music Society and/or other eligible initiative(s), as per the meaning ascribed to this term by section 15(1) of the same regulations, for the development of local talent.

Additional condition of licence for CKIQ-FM

7. In order to comply with the requirements set out in section 16(2) 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 2020**. 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 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 2020-296

Attestation as to the broadcast of the non-compliance announcement on CKGC-FM Iqaluit

In regard to the requirements set out in condition of licence 3 in Appendix 1 to *CKGC-FM Iqaluit and CKIQ-FM Iqaluit – Licence renewals and issuance of mandatory orders*, Broadcasting Decision CRTC 2020-296, 25 August 2020 (Broadcasting Decision 2020-296), I, _____ (NAME), on behalf of _____ (LICENSEE), certify that the announcement regarding CKGC-FM Iqaluit’s non-compliance with the *Radio Regulations, 1986* was duly broadcast three times a day and distributed in a reasonable manner, between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m., for five consecutive days, within the 14-day period immediately following the issuance of Broadcasting Decision 2020-296, 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

Appendix 3 to Broadcasting Decision CRTC 2020-296

Attestation as to the broadcast of the non-compliance announcement on CKIQ-FM Iqaluit

In regard to the requirements set out in condition of licence 3 in Appendix 1 to *CKGC-FM Iqaluit and CKIQ-FM Iqaluit – Licence renewals and issuance of mandatory orders*, Broadcasting Decision CRTC 2020-296, 25 August 2020 (Broadcasting Decision 2020-296), I, _____ (NAME), on behalf of _____ (LICENSEE), certify that the announcement regarding CKIQ-FM Iqaluit's non-compliance with the *Radio Regulations, 1986* was duly broadcast three times a day and distributed in a reasonable manner, between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m., for five consecutive days, within the 14-day period immediately following the issuance of Broadcasting Decision 2020-296, 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

Appendix 4 to Broadcasting Decision CRTC 2020-296

Broadcasting Mandatory Order CRTC 2020-297

Pursuant to section 12(2) of the *Broadcasting Act*, the Commission hereby orders Northern Lights Entertainment Inc., licensee of CKGC-FM Iqaluit, to comply at all times during the term of the licence granted in *CKGC-FM Iqaluit and CKIQ-FM Iqaluit – Licence renewals and issuance of mandatory orders*, Broadcasting Decision CRTC 2020-296, 25 August 2020, with the requirement set out in section 9(2) of the *Radio Regulations, 1986*, which reads as follows:

9(2) On or before November 30 of each year, the licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the year ending on the previous August 31.

Appendix 5 to Broadcasting Decision CRTC 2020-296

Broadcasting Mandatory Order CRTC 2020-298

Pursuant to section 12(2) of the *Broadcasting Act*, the Commission hereby orders Northern Lights Entertainment Inc., licensee of CKIQ-FM Iqaluit, to comply at all times during the term of the licence granted in *CKGC-FM Iqaluit and CKIQ-FM Iqaluit – Licence renewals and issuance of mandatory orders*, Broadcasting Decision CRTC 2020-296, 25 August 2020, with the requirement set out in section 9(2) of the *Radio Regulations, 1986*, which reads as follows:

9(2) On or before November 30 of each year, the licensee shall submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the year ending on the previous August 31.