



## Broadcasting Decision CRTC 2021-234

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Reference: Part 1 licence renewal application posted on 22 March 2021

Ottawa, 16 July 2021

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

*Public record for this application: 2021-0042-8*

### **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 2021 to 31 August 2025. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.

#### **Application**

1. The Commission has the authority, pursuant to subsection 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 subsection 3(1) of the Act, as well as to amend those conditions.
2. Native Evangelical Fellowship of Canada, Inc. (Native Evangelical) filed an application to renew 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, which expires 31 August 2021. The Commission did not receive any interventions in regard to this application.

#### **Non-compliance**

3. In Broadcasting Notice of Consultation 2021-114, the Commission stated that the licensee was in apparent non-compliance with the following:
  - subsection 8(1) of the *Radio Regulations, 1986* (the Regulations) relating to the requirement to provide a complete and accurate program log;
  - subsection 8(5) of the Regulations relating to the requirement to retain a clear and complete audio recording;

- paragraph 9(3)(a) of the Regulations relating to the requirement to provide an accurate self-assessment report for the week of 30 August to 5 September 2020;
- paragraph 9(3)(b) of the Regulations relating to the requirement to provide a complete and accurate music list; and
- condition of licence 5 relating to the broadcast of an on-air message and the filing of the audio recordings and attestation to the Commission within 14 days following the final broadcast of that announcement.

### **Radio monitoring materials**

4. Paragraph 10(1)(i) of the Act authorizes the Commission, in furtherance of its objects, to make regulations 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.
5. Pursuant to this authority, the Commission made subsection 8(1) of the Regulations, which sets out the requirement to provide a complete and accurate program log, as well as subsection 8(5), which specifies that a licensee shall retain a clear and intelligible audio recording or other exact copy of all matters broadcast. In addition, the Commission made paragraph 9(3)(a) of the Regulations, which specifies that a licensee shall submit the information required by the station Self-assessment Report, and paragraph 9(3)(b), which sets out the requirements regarding the information that licensees must include in their lists of musical selections.
6. According to Commission records, the radio monitoring materials for the week of 30 August to 5 September 2020 provided to the Commission:
  - did not indicate in the program log the content subcategories as set out in Broadcasting Regulatory Policy 2010-819 pursuant to clause 8(1)(c)(iv)(B) of the Regulations, or the codes as set out in Schedule 1 of the Regulations identifying non-Canadian programming pursuant to clause 8(1)(c)(iv)(E) of the Regulations;
  - did not include an audio recording pursuant to subsection 8(5) of the Regulations;
  - contained inconsistencies between the music list and the Self-assessment Report required in paragraph 9(3)(a) of the Regulations; and
  - did not identify Canadian musical selections or the content category or language of musical selections pursuant to paragraph 9(3)(b) of the Regulations.
7. In response to a request for information from the Commission, Native Evangelical indicated that 8% of its daily programming is content subcategory 12 (Spoken word – other) and that the remaining 92% is content subcategory 35 (Non-classic religious). Native Evangelical also stated that its previous software did not record the coding for its programming, including the identification of Canadian musical selections. It

specified that it was unable to add the coding manually in the reports provided because of a bug in its software.

8. In addition, the licensee indicated that the computer at the radio studio crashed and that the attendant did not have the technical skills to fix it. Other personnel was unable to provide support because of COVID-19 travel restrictions. Once the manager was able to travel to the studio, it was discovered that the content of the hard drive that had failed could not be recovered.
9. Native Evangelical indicated that it has set up a new computer and implemented new radio scheduling software. This new software includes content category and Schedule 1 code elements and exports this information to reports in the required format. The software also includes a new “check replay” function. The licensee also indicated that it intends to set up a computer in its Winnipeg office to record CJTL-FM’s Internet stream as a backup.
10. The licensee also stated that it has received training, operational handbooks and other materials from the National Campus and Community Radio Association that will help it meet its regulatory obligations. It also reached out to broadcasters in Edmonton for suggestions on ways to make its system more reliable and compliant and is currently testing some of the suggestions received.
11. In light of the above, the Commission finds Native Evangelical in non-compliance with subsections 8(1) and 8(5) and paragraphs 9(3)(a) and 9(3)(b) of the Regulations.

#### **Condition of licence 5**

12. In Broadcasting Decision 2019-283, the Commission found Native Evangelical in non-compliance with subsection 9(2) of the Regulations relating to the filing of annual returns for a second consecutive licence term. Consequently, the Commission imposed condition of licence 5, which required the licensee to broadcast within the 14-day period immediately following the beginning of the new licence term an on-air announcement regarding its non-compliance and to provide to the Commission the audio recordings and an attestation for the broadcast days during which the announcement was broadcast.
13. Commission records indicate that the licensee failed to provide the audio recordings and attestation required in its condition of licence 5. The Commission advised the licensee of the omission, and the licensee subsequently broadcast the announcement from 25 to 29 January 2021. However, the licensee did not provide audio recordings of all these announcements. The information provided also indicated that the announcements were broadcast over only four consecutive days instead of the five days required and that the announcement was broadcast only twice on 25 and 28 January 2021 instead of the three times daily required.
14. Native Evangelical indicated that it started broadcasting the announcement the week of 18 January 2021, but that on the third day, the station lost power and went off-air

for 18 hours. As a result, the licensee waited until the following Monday to start again.

15. Native Evangelical's attestation indicated it broadcast the announcement three times a day for five consecutive days starting 25 January 2021. It also attested that in fact the announcement was broadcast five times on 29 January 2021 because of issues with the software likely related to its Wi-Fi connection. Along with the attestation provided to the Commission for the broadcast of the on-air announcement, the licensee had included an explanation for the missing recording from 28 January 2021. The licensee stated that the logger recording computer was inadvertently stopped on 28 January and that by the time this was discovered, one of the announcements was not recorded.
16. To ensure compliance in the future, Native Evangelical turned its manager position from a volunteer part-time position into a full-time position.
17. In light of the above, the Commission finds Native Evangelical in non-compliance with its condition of licence 5 as set out in Broadcasting Decision 2019-283.

### **Regulatory measures**

18. 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 number, recurrence and seriousness of the instances of 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.
19. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, and depending on the nature of the non-compliance, the Commission may apply, on a case-by-case basis, measures such as renewing the licence for a short term; imposing additional conditions of licence; calling the licensee to a public hearing to respond to and discuss apparent non-compliance; issuing a mandatory order requiring the licensee to comply with regulatory requirements; or suspending, not renewing, or revoking the licence.
20. The Commission has examined the public record for this application and notes the steps the licensee has taken and its willingness to ensure the station's compliance with its regulatory requirements. However, given the seriousness of the various instances of non-compliance along with the recurrence of the licensee's non-compliance with its regulatory requirements, the Commission finds that it would be appropriate to renew the broadcasting licence for CJTL-FM and its transmitter CJTL-FM-1 for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements. The Commission is encouraged by the steps the licensee has taken to ensure compliance in the future and is not imposing additional remedial measures at this time.

## **Conclusion**

21. 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 2021 to 31 August 2025. The **conditions of licence** are set out in the appendix to this decision.

## **Reminders**

22. Should the licensee continue to be in non-compliance with regulatory requirements during the next licence term, the Commission may consider recourse to additional measures, including the issuance of a mandatory order, or the revocation or non-renewal of the licence.

## **Radio monitoring materials**

23. 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 requirements and conditions of licence. The retention of complete and accurate radio monitoring materials also 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, files material that is incomplete, 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.

## **Local news and information**

24. Local radio stations are an important daily source of local news and information for communities. Holding a broadcasting licence comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.
25. In its application, Native Evangelical indicated that it would broadcast 109 hours of local programming in each broadcast week. However, the Commission notes that of the 109 hours of local programming per broadcast week, only 28 minutes are devoted to local news and 0 minutes are devoted to national and international news.
26. Although Broadcasting Public Notice 2006-158 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that public notice, the Commission reminds the licensee that the above-noted station, in its local programming, must incorporate spoken word material of direct and particular

relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

### **Force and effect of broadcasting licences**

27. Pursuant to section 22 of 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.

Secretary General

### **Related documents**

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2021-114, 22 March 2021
- *CJTL-FM Pickle Lake and its transmitter CJTL-FM-1 Thunder Bay – Licence renewal*, Broadcasting Decision CRTC 2019-283, 8 August 2019
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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

## **Appendix to Broadcasting Decision CRTC 2021-234**

### **Terms, conditions of licence, expectation and encouragement 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**

#### **Terms**

The licence will expire 31 August 2025.

#### **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.

#### **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.