



Broadcasting Decision CRTC 2021-65

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Reference: Part 1 licence renewal application posted on 30 October 2020

Ottawa, 16 February 2021

CAB-K Broadcasting Ltd.
Vegreville, Alberta

Public record for this application: 2019-0758-6

CKVG-FM Vegreville – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKVG-FM Vegreville, Alberta, from 1 March 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 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 stations submit renewal applications for their broadcasting licences.
3. In response, CAB-K Broadcasting Ltd. (CAB-K Broadcasting) filed an application to renew the broadcasting licence for the English-language commercial radio station CKVG-FM Vegreville, Alberta, which expires 28 February 2021.¹ The Commission did not receive any interventions in regard to this application.

Non-compliance

4. Section 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

¹ The original licence expiry date for this station was 31 August 2020. The licence was administratively renewed from 1 September 2020 until 28 February 2021 as a result of Broadcasting Decision 2020-284.

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 section 9(3)(a) of the *Radio Regulations, 1986* (the Regulations), which specifies that a licensee shall submit the information required by the station self-assessment report when requested by the Commission. In addition, the Commission made section 9(3)(b) of the Regulations, which sets out the requirements regarding the information on musical selections that licensees must include in their lists of musical selections for any period specified by the Commission.
6. In a letter dated 23 August 2019, in regard to the self-assessment report for CKVG-FM, the Commission informed CAB-K Broadcasting of an irregularity for the 9 to 15 June 2019 broadcast week, specifically, that the music list identified 12.8% fewer musical selections than did the self-assessment report (1251 versus 1434). In addition, the Commission informed the licensee that 164 of the content category 2 (Popular Music) musical selections and 35 of the content category 3 (Special Interest Music) musical selections broadcast on CKVG-FM during that same broadcast week were not included in the music list or in the self-assessment report filed by the licensee.
7. In its reply, the licensee submitted that the incorrect information regarding the number of musical selections in the self-assessment report and the number of musical selections from content categories 2 and 3 broadcast during the broadcast week in question was due to a clerical error.
8. CAB-K Broadcasting stated that once being made aware of the non-compliance, it altered the automation systems for all of its stations in order to address a situation where a song may cross over an hour, by adding hard sync points to its formats and forcing the 6:00 a.m. start regardless of what is being broadcast at that moment. The licensee added that it has clarified for station staff various ambiguities relating to the reporting process, and has made adjustments to its procedures and assigned additional staff members to review internal reporting documents.
9. In light of the above, in regard to CKVG-FM, the Commission finds the licensee in non-compliance with sections 9(3)(a) and 9(3)(b) of the Regulations.

Regulatory measures

10. 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.
11. In regard to the licensee's non-compliance with sections 9(3)(a) and 9(3)(b) of the Regulations, CAB-K Broadcasting has acknowledged the non-compliance, has

demonstrated an understanding of the regulatory requirements, and has taken the appropriate corrective actions to address the issues leading to non-compliance. In the Commission's view, the measures put in place by the licensee should allow it to operate the station in compliance with regulatory requirements going forward. Nevertheless, given the seriousness of these instances of non-compliance, the Commission finds that it would be appropriate to renew the broadcasting licence for CKVG-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Conclusion

12. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKVG-FM Vegreville, Alberta, from 1 March 2021 to 31 August 2025. The **conditions of licence** for this station are set out in the appendix to this decision.

Remaining Canadian content development contributions

13. As specified in condition of licence 2 set out in the appendix to Broadcasting Decision 2014-74, the original licensing decision for CKVG-FM, CAB-K Broadcasting was required to make, in addition to the basic annual contribution to Canadian content development (CCD) set out in section 15 of the Regulations, an annual over-and-above CCD contribution of \$1,600 (\$11,200 over seven consecutive broadcast years) to the promotion and development of Canadian content upon commencement of operations.
14. Based on this payment schedule, the licensee will fulfill the above CCD contribution requirement by the end of the 2022-2023 broadcast year, after which it will only be subject to the basic annual CCD contribution requirement set out in the Regulations. Accordingly, the Commission considers that it would be appropriate to reiterate the condition of licence imposed on CKVG-FM in Broadcasting Decision 2014-74, but with modifications to indicate the remaining broadcast years during which the licensee must make over-and-above CCD contributions. This **condition of licence** is set out in the appendix to this decision.

Reminders

Radio monitoring materials

15. 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. The retention of these 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.

Force and effect of broadcasting licences

16. 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

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-284, 21 August 2020
- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-194, 3 June 2019
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *English-language FM radio station in Vegreville*, Broadcasting Decision CRTC 2014-74, 20 February 2014

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2021-65

Terms, conditions of licence, expectation and encouragement for the English-language commercial radio programming undertaking CKVG-FM Vegreville, Alberta

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 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. To fulfill its outstanding commitments to Canadian content development (CCD) set out in the appendix to *English-language FM radio station in Vegreville*, Broadcasting Decision CRTC 2014-74, 20 February 2014, the licensee shall, in addition to the basic annual contribution to CCD set out in section 15 of the *Radio Regulations, 1986*, make contributions of \$1,600 during the 2020-2021 broadcast year, \$1,600 during the 2021-2022 broadcast year, and \$1,600 during the 2022-2023 broadcast year to the promotion and development of Canadian content. Of these amounts, no less than 20% per broadcast year shall be devoted to FACTOR or Musicaction. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

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.