



Broadcasting Decision CRTC 2013-649

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Route reference: 2013-318

Ottawa, 4 December 2013

Radio CFXU Club
Antigonish, Nova Scotia

Application 2013-0172-0, received 25 January 2013

CFXU-FM Antigonish – Licence renewal

*The Commission **renews** the broadcasting licence for the campus radio station CFXU-FM Antigonish from 1 January 2014 to 31 August 2020.*

Introduction

1. The Commission received an application by Radio CFXU Club (Radio CFXU) to renew the broadcasting licence for the campus radio station CFXU-FM Antigonish, which expires 31 December 2013.¹ The Commission received an intervention in support of this application by the National Campus and Community Radio Association.

Non-compliance

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
3. In Broadcasting Notice of Consultation 2013-318, the Commission noted that Radio CFXU appeared to be in non-compliance with section 9(2) of the Regulations regarding the filing of complete annual returns for the 2010-2011 broadcast year. Specifically, the licensee did not provide financial statements with its annual return.
4. Radio CFXU explained that the 2010-2011 broadcast year was the last of a series of troubled years for CFXU-FM. As a campus station, it experienced high levels of turnover. It stated that 2009-2010 and 2010-2011 saw two entire staffs come and go with no link between them. Therefore, according to the licensee, an incredible amount of unwritten knowledge was lost and the station has only recently been able to

¹ The original licence expiry date for CFXU-FM was 31 August 2013. The licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

recover. Radio CFXU added that several measures had since been put in place to ensure a more efficient and effective filing of its annual returns, including the creation of more permanent positions and having the general manager work with the station manager to ensure consistency and knowledge retention.

5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2010-2011 broadcast year.

Regulatory measures

6. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
7. The Commission notes that compliance with the deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with the Regulations and its conditions of licence. As set out in Broadcasting Information Bulletin 2011-795, the Commission reminds the licensee that it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with the submission of its annual returns.
8. The Commission has reviewed the record for this application and notes the licensee's explanation for the non-compliance. The Commission is of the view that the missing financial statement was an isolated incident as there were no subsequent non-compliances identified in the current licence term. The Commission is therefore confident that the necessary measures have been put in place to ensure future compliance. Given the circumstances surrounding Radio CFXU's non-compliance, the Commission considers it appropriate to grant a full-term renewal to the station.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the campus radio programming undertaking CFXU-FM Antigonish from 1 January 2014 to 31 August 2020. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304, as amended from time to time.

Reminder

10. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Filing of ownership information

11. As set out in Broadcasting Regulatory Policy 2010-499, 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. As noted in Appendix 3 to that policy, licensees may submit such documentation via the Commission's website.

Employment equity

12. The Commission considers that campus 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.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-318, 2 July 2013
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

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