



Broadcasting Decision CRTC 2013-673

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Route reference: 2013-325

Ottawa, 11 December 2013

Radio du Golfe inc.
Sainte-Anne-des-Monts, Quebec

Application 2013-0016-0, received 10 January 2013

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, 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 2014 to 31 August 2019. This short-term licence renewal will enable the Commission to review, at an earlier date, the licensee's compliance with its regulatory requirements.*

Introduction

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 on 31 December 2013.¹
2. The Commission received interventions commenting on this application from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ), as well as from the Ministère de la Culture et des Communications and the Ministère de la Sécurité Publique (the Ministères) on behalf of the Government of Quebec. The licensee replied to the interventions. The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The intervention by the Ministères was regarding the participation of the station in the National Public Alerting System (NPAS). In this regard, as specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS.

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

Therefore, the Commission will not impose any conditions of licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to participate voluntarily in the NPAS so that Canadians receive timely warnings of imminent perils.

Non-compliance

4. 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 specific filing requirements, including the requirement to submit financial statements with annual returns, are set out in Broadcasting Information Bulletin 2011-795.
5. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2010-2011 broadcast year. Specifically, the financial statements were not attached to the annual return for that year.
6. The licensee indicated that it was unable to explain this instance of non-compliance given that its accountant had confirmed to the licensee that he had filed a complete annual return for 2010-2011. The licensee added that it had since implemented a double-checking system to ensure that all the required documents are filed with the Commission. The Commission notes that, once advised, Radio du Golfe filed the missing financial statements.
7. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations with respect to the filing of complete annual returns for the 2010-2011 broadcast year.
8. Furthermore, the Commission notes that this is the second consecutive licence term in which the licensee has been in non-compliance. In Broadcasting Decision 2010-431, the Commission renewed the broadcasting licence for CJMC-FM for a short-term period of four years due to the station's non-compliance with the requirement set out in section 9(2) of the Regulations with respect to the filing of annual returns for the 2003-2004 to 2007-2008 broadcast years and with its condition of licence relating to Canadian talent development contributions for the 2002-2003, 2004-2005, 2006-2007 and 2007-2008 broadcast years.

Regulatory measures

9. 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.

10. The Commission notes that compliance with the deadlines for filing complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with the Regulations. Accordingly, it considers annual returns that are incomplete or filed late to be a serious matter.
11. The Commission reminds the licensee that it is its responsibility to submit annual returns on time. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is also the licensee's responsibility to ensure that all appropriate forms and documentation are included with the submission of its annual returns. If further clarification is required, it is the licensee's responsibility to contact the Commission to obtain further direction.
12. The Commission has reviewed the record for this application and is satisfied with the measures that the licensee has put in place to address the non-compliance. However, given the circumstances surrounding Radio du Golfe's non-compliance and the fact that the non-compliance has been repeated, the Commission finds it appropriate to grant CJMC-FM a short-term licence renewal.

Conclusion

13. 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 2014 to 31 August 2019. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.
14. The Commission stresses the importance of compliance with regulatory obligations by licensees. The short-term licence renewal granted in this decision will enable the Commission to review, at an earlier date, the licensee's compliance with its regulatory requirements.

Reminder

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

Employment equity

16. In accordance with Public Notice 1992-59, 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.

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 2013-325, 3 July 2013
- *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
- *CJMC-FM Sainte-Anne-des-Monts and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2010-431, 30 June 2010
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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