



## Broadcasting Decision CRTC 2014-268

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Route reference: 2014-59

Ottawa, 23 May 2014

### **Peace River Broadcasting Corporation Ltd.**

Peace River, Fairview, Fox Creek, High Level, High Prairie and Manning, Alberta

*Application 2013-1531-7, received 7 November 2013*

### **CKKX-FM Peace River and its transmitters – Licence renewal**

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKKX-FM Peace River and its transmitters from 1 September 2014 to 31 August 2017. This short-term licence renewal will allow the Commission to review, at an earlier date, the licensee's compliance with its regulatory requirements.*

#### **Application**

1. Peace River Broadcasting Corporation Ltd. filed an application to renew the broadcasting licence for the English-language commercial radio station CKKX-FM Peace River, Alberta and its transmitters CKKF-FM Fairview, CFFC-FM Fox Creek, CFKX-FM High Level, CJHP-FM High Prairie and CKKX-FM-1 Manning, which expires 31 August 2014. The Commission did not receive any interventions in connection with this application.

#### **Non-compliance**

2. In Broadcasting Notice of Consultation 2014-59, the Commission stated that the licensee was in apparent non-compliance with its requirements relating to Canadian content and logger tapes. Specifically, the licensee may have failed to meet the regulatory requirements set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), with respect to the broadcast of Canadian musical selections from content category 2 (Popular music), and in sections 8(5) and 8(6), with respect to the filing of logger tapes.
3. Sections 2.2(8) and 2.2(9) of the Regulations require licensees to devote, during the broadcast week and between 6 a.m. and 6 p.m. Monday to Friday, at least 35% of its musical selections from content category 2 to Canadian selections. The Commission's analysis of the programming broadcast during the 5 to 11 May 2013 broadcast week revealed that the licensee's Canadian content levels for category 2 music were at 31.4% during those two periods.

4. Sections 8(5) and 8(6) of the Regulations require licensees to retain a clear and intelligible recording of its broadcast for four weeks from the date of the broadcast and to provide the recording to the Commission if requested. In this respect, the licensee submitted a tape recording for the week of 5 to 11 May 2013 that was missing 12 hours of programming.
5. With respect to the shortfall in Canadian content levels, the licensee explained that it was due to an absent employee and the lack of a backup system for logging Canadian content. In addition, the licensee explained that it had wrongly categorized some songs by Canadian artists based on the artists' history.
6. The licensee added that the missing hours on the logger tapes were due to equipment failure and challenges it had with its engineering and IT providers that have since been resolved.
7. The licensee stated that when the non-compliance issues were first brought to its attention in May 2013, it took immediate action to put in place new policies, protocols and equipment to ensure the station's compliance in the future. It added that it takes its regulatory obligations seriously.
8. In light of the above, the Commission finds the licensee in non-compliance with sections 2.2(8), 2.2(9), 8(5) and 8(6) of the Regulations.
9. In Broadcasting Decision 2010-778, the Commission renewed CKKX-FM's broadcasting licence for a short term in light of the station's non-compliance with section 9(2) of the Regulations, which relates to the provision of annual returns. This is therefore the second consecutive licence term in which the licensee has been found in non-compliance.

### **Regulatory measures**

10. 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.
11. The Commission notes the licensee's explanations and the measures it has put in place to address the situation of non-compliance and to ensure compliance in the future. However, given the seriousness of the non-compliance and the fact that it is a second licence term in which the licensee is in non-compliance, the Commission considers that a short-term licence renewal for CKKX-FM is appropriate.

## Conclusion

12. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKKX-FM Peace River and its transmitters CKKF-FM Fairview, CFFC-FM Fox Creek, CFKX-FM High Level, CJHP-FM High Prairie and CKKX-FM-1 Manning from 1 September 2014 to 31 August 2017. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.
13. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements. It is the licensee's responsibility to ensure that it is aware of and respects its regulatory obligations at all times. The short-term renewal granted in this decision will allow the Commission to review, at an earlier date, the licensee's compliance with its regulatory requirements.

## Reminder

14. Pursuant to section 22 of the *Broadcasting 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.

## Employment equity

15. 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

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-59, 13 February 2014
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CKKX-FM Peace River and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2010-778, 21 October 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.*