



Broadcasting Decision CRTC 2015-277

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Reference: 2015-153

Ottawa, 23 June 2015

Chimnissing Communications

Christian Island, Ontario

Application 2014-0680-2, received 18 July 2014

CKUN-FM Christian Island – Licence renewal

*The Commission **renews** the broadcasting licence for the Type B Native radio station CKUN-FM Christian Island from 1 September 2015 to 31 August 2018. This short licence term will allow for an earlier review of the licensee's compliance with the regulatory requirements.*

Introduction

1. Chimnissing Communications filed an application to renew the broadcasting licence for the Type B Native radio station CKUN-FM Christian Island, Ontario, which expires on 31 August 2015.¹ The Commission did not receive any interventions regarding this application.

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 specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. Section 9(4)(b) of the Regulations requires licensees to respond to any request for information regarding its adherence to the conditions of its licence, the *Broadcasting Act*, the Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.
4. In Broadcasting Notice of Consultation 2015-153, the Commission stated that the licensee is in apparent non-compliance with section 9(2) and 9(4)(b) of the Regulations relating to the filing of annual returns and financial statements and to the

¹ The Commission administratively renewed the broadcasting licence for CKUN-FM from 1 September 2013 to 31 August 2014 in Broadcasting Decision 2013-305 and to 31 August 2015 in Broadcasting Decision 2014-429.

requirement to respond to Commission requests. Specifically, the licensee was late in filing annual returns and financial statements for the 2010-2011, 2011-2012 and 2012-2013 broadcast years. In addition, the licensee did not respond to Commission requests to submit a licence renewal application by an October 2012 deadline and then again by a November 2013 deadline. The Commission received the licensee's renewal application in July 2014, 21 months after the original deadline.

5. The licensee stated that the person who had chaired the board since the station's launch became ill, and as a result, Commission requests went unanswered.
6. The licensee added that it has appointed a temporary administrator and new chair. The licensee also stated that the board is aware of the importance of responding Commission requests and of filing applications. It has charged a person with the responsibility of ensuring that the station is in compliance.
7. In light of the above, the Commission finds Chimissing Communications in non-compliance with section 9(2) of the Regulations for the 2010-2011 to 2012-2013 broadcast years and with section 9(4)(b) of the Regulations.

Regulatory measures

8. 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 quantity, recurrence and seriousness of the non-compliance. The circumstances, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
9. Compliance with deadlines for the filing of complete annual returns and the renewal application is important because it enables the Commission to monitor a licensee's performance and compliance with regulations. Accordingly, the Commission considers the late filing of annual returns and the renewal application a serious matter.
10. Given the severity of the instances of non-compliance, the Commission finds it appropriate to renew the licence for CKUN-FM for a short-term period of three years. This short-term renewal will allow for an earlier review of the licensee's compliance with the regulatory requirements.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for the Type B Native radio programming undertaking CKUN-FM Christian Island from 1 September 2015 to 31 August 2018. The licensee shall adhere to the **conditions** set out in the broadcasting licence for the undertaking as well as to the **conditions of licence** set out in the appendix to this decision.

Reminders

12. The licensee is responsible for filing complete annual returns on time and must ensure that they cover the appropriate broadcast years (that is the period commencing on 1 September of a given year and ending on 31 August of the following year). In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns and to contact the Commission if further clarification is required.
13. 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.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2015-153, 17 April 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *CKUN-FM Christian Island – Administrative renewal*, Broadcasting Decision CRTC 2014-429, 14 August 2014
- *CKUN-FM Christian Island – Administrative renewal*, Broadcasting Decision CRTC 2013-305, 21 June 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

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

Appendix to Broadcasting Decision CRTC 2015-277

Conditions of licence and encouragement for the Type B Native radio programming undertaking CKUN-FM Christian Island, Ontario

Conditions of licence

1. The licensee shall devote, in each broadcast week, at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.
2. The licensee shall broadcast no more than an average of 4 minutes of advertising per hour per day, with a maximum of 6 minutes in any given hour, in accordance with *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990.
3. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission, and to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Encouragement

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another Aboriginal station or network with a focus on additional Aboriginal-language programming (Cree/Dene/Chipewyan) or current Aboriginal music.