



Broadcasting Notice of Consultation CRTC 2016-48

PDF version

Ottawa, 9 February 2016

Notice of applications received

Various locations

Renewal of the broadcasting licences for certain radio stations – Licensees in apparent repeated non-compliance

Deadline for submission of interventions/comments/answers: 15 March 2016

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission announces that it has received applications to renew the broadcasting licences for certain radio stations, which expire 31 August 2016. Information regarding each application is set out in the tables below.

The licensees propose to continue the operation of their stations under the same terms and conditions as those in effect under the current licences. The licensees of the commercial radio stations will be required to adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009. The licensee of the community radio station will be required to adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012.

The stations were found in non-compliance with one or more of their regulatory requirements during their previous licence term. The licences for these stations were therefore renewed for short-term periods at the time of their last licence renewals to allow for an earlier review of their compliance with their regulatory requirements.

In each case, the Commission has examined the licensee's compliance with the requirements set out in section 9(2) of the *Radio Regulations, 1986* during the current licence term.

In addition, the Commission has monitored logger tapes and music lists of certain stations to determine the licensees' compliance with their programming requirements during the current licence term. In the list below, stations identified with an asterisk (*) have been monitored by the Commission.

Based on this examination, the Commission notes that the licensees listed below are in apparent non-compliance with certain of their regulatory requirements for the current licence term. The licensees have been so informed and have had the opportunity to comment. Any comments received from the licensees have been placed on the public file of the relevant application. The requirements in question are specified below.

The Commission notes the serious and, in some cases, repeated nature of these instances of apparent non-compliance. The Commission will consider the renewal of the broadcasting licences for these stations according to the approach set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014. Subject to the requirements of the *Broadcasting Act*, the Commission will consider the use of any or all of the measures set out at paragraph 7 of that information bulletin, as appropriate, given the facts of each application.

Specifically, as set out in that information bulletin, each instance of non-compliance will be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission will also consider the circumstances, the arguments provided by the licensee and the actions taken to rectify the situation. During the reply period, each licensee may add additional information to explain the circumstances of the apparent non-compliances as well as the actions taken to ensure that at all times, the station it operates is and will be fully compliant with the applicable regulatory requirements.

Ethnic radio station

| Licensee name¹ | Application number, call sign and location | Type of apparent non-compliance | Email address to request an electronic version of the application |
|----------------------------------|---|--|--|
| Group CHCR Inc. | 2015-0929-1 *CKDG-FM Montréal, Quebec | Canadian content Number of cultural groups to be served by condition of licence | marie@mikefm.ca |

Commercial radio stations

| Licensee name | Application number, call sign and location | Type of apparent non-compliance | Email address to request an electronic version of the application |
|----------------------|---|---|--|
| CHMZ-FM Radio Ltd. | 2015-1036-3 *CHMZ-FM Tofino, British Columbia | Submission of radio monitoring material | matthew@mcmi.ca |

¹ Contact information for all the licensees identified in this notice are available upon request at Commission offices.

| | | | |
|--------------------|---|---|--|
| CIMM-FM Radio Ltd. | 2015-0869-9 *CIMM-FM Ucluelet, British Columbia | Annual returns Submission of radio monitoring material Response to requests for information | matthew@mcmi.ca |
|--------------------|---|---|--|

Specialty (Christian music) radio station

| Licensee name | Application number, call sign and location | Type of apparent non-compliance | Email address to request an electronic version of the application |
|----------------------------|---|---|--|
| Hope FM Ministries Limited | 2015-1030-6 *CINU-FM Truro, Nova Scotia | Canadian content Submission of radio monitoring material | timandlisa@eastlink.ca |

Community radio station

| Licensee name | Application number, call sign and location | Type of apparent non-compliance | Email address to request an electronic version of the application |
|---------------------------------|--|---------------------------------|---|
| Radio communautaire de Radisson | 2015-1079-3 CIAU-FM Radisson, Quebec | Annual returns | ciaufm@lino.com |

Native radio stations

| Licensee name | Application number, call sign and location | Type of apparent non-compliance | Email address to request an electronic version of the application |
|-----------------------|--|---|---|
| FDB Broadcasting Inc. | 2015-1070-2 CFDM-FM Meadow Lake, Saskatchewan | Annual returns ² Response to requests for information | cfdm.radio@gmail.com |

² This licensee is in apparent non-compliance with its condition of licence 4 relating to the filing of annual returns, as set out as follows in Appendix 4 to *Native Type B radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-451, 28 August 2013 (Broadcasting Decision 2013-451): The licensee shall file CFDM-FM's annual returns for each of the 2008-2009 and 2010-2011 broadcast years within **90 days of the date of this decision**. Specifically, it appears that to date, these annual returns were not filed with the Commission.

| | | | |
|---|---|-----------------------------|--|
| Gespegewag Communications Society | 2015-1067-8 CHRQ-FM Restigouche, Quebec | Annual returns ³ | chrq1069@globetrotter.net |
|---|---|-----------------------------|--|

Procedure

Deadline for interventions, comments or answers

15 March 2016

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, replies, answers of respondents and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "Statutes and Regulations." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

³ This licensee is in apparent non-compliance with its condition of licence 4 relating to the filing of annual returns, as set out as follows in Appendix 3 to Broadcasting Decision 2013-451: The licensee shall file CHRQ-FM's annual returns for each of the 2008-2009, 2009-2010 and 2010-2011 broadcast years within **90 days of the date of this decision**. Specifically, it appears that these annual returns were filed with the Commission on 26 March 2014, which is more than 90 days of the date of the decision (28 August 2013).

Pursuant to *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

Electronic versions of the applications are available on the Commission's website at www.crtc.gc.ca by selecting the application number within this notice. They are also available from the applicants, either on their websites or upon request by contacting the applicants at their email addresses, provided above.

Electronic versions of the interventions and answers, as well as of other documents referred to in this notice, are available on the Commission's website at www.crtc.gc.ca by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

Documents are also available from Commission offices, upon request, during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

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