



## Broadcasting Notice of Consultation CRTC 2018-128

PDF version

Ottawa, 18 April 2018

Public record: 1011-NOC2018-0128

### Notice of hearing

**18 June 2018**

**Gatineau, Quebec**

**Deadline for submission of interventions/comments/answers: 18 May 2018**

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

The Commission will hold a hearing beginning on **18 June 2018 at 9 a.m. at the Conference Centre, Portage IV, 140 Promenade du Portage, Gatineau, Quebec.**

[Attend the hearing or listen to it online.](#)

The Commission will consider the following applications:

#### Licensee and locality

1. **La radio communautaire du comté**  
Rimouski and Mont-Joli, Quebec  
Application 2017-0929-7
2. **Radio communautaire Intergénération Jardin du Québec, CHOC-FM**  
Saint-Rémi, Quebec  
Application 2017-1031-9
3. **Wired World Inc.**  
Kitchener, Ontario  
Application 2017-0573-2
4. **Chimnissing Communications**  
Christian Island, Ontario  
Application 2017-0851-2

#### Preamble

This notice of consultation relates to the renewal of broadcasting licences for licensees of certain radio stations that appear to have serious and in some cases repeated instances of non-compliance with the *Radio Regulations, 1986* (the Regulations), certain conditions of licence and/or mandatory orders over their current licence term, as detailed below. The

Commission notes that the current broadcasting licences for these stations were renewed for a short-term period due to non-compliance in the previous licence term.

The Commission is concerned with the serious and in some cases repeated nature of the apparent non-compliance. The licensees were notified of their respective instances of apparent non-compliance and the potential impact on their licence renewals. All of the licensees were given opportunities to respond to the Commission. The relevant correspondence is available on the public file of each licensee.

Given the severity and frequency of the instances of apparent non-compliance, the Commission calls the licensees to appear at the public hearing to address these issues and to show cause why the broadcasting licences for their respective stations should be renewed. In addition, the Commission expects the licensees to show cause at the hearing why:

- a renewal should not be for a short term;
- a mandatory order under section 12 of the *Broadcasting Act* requiring the licensee to comply with the Regulations and its conditions of licence should not be imposed; and
- the licences should not be suspended or revoked pursuant to sections 9 and 24 of the *Broadcasting Act*.

The Commission will want to discuss with the licensees all of the measures they have taken to address their respective instances of apparent non-compliance. Specifically, as set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014, 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 licensees and the actions taken to rectify the situation.

Additional information may be added to the public files for the stations as it becomes available. The Commission encourages interested persons to monitor the public files and the Commission's website for additional information that they may find useful when preparing their comments.

### **1. La radio communautaire du comté**

Rimouski and Mont-Joli, Quebec

Application 2017-0929-7

Application by **La radio communautaire du comté** to renew the broadcasting licence for the French-language community radio station CKMN-FM Rimouski and Mont-Joli, expiring 31 August 2018.

Commission records indicate that the licensee is in apparent non-compliance with the following sections of the Regulations and with the mandatory order set out in *CKMN-FM Rimouski/Mont-Joli – Licence renewal and reimposition of a broadcasting order*,

Broadcasting Decision CRTC 2015-346 and Broadcasting Order CRTC 2015-347, 29 July 2015 (Broadcasting Decision 2015-346 and Broadcasting Order 2015-347) in the current licence term:

- section 9(2) of the Regulations relating to the filing of annual returns by no later than 30 November of each year for the 2015-2016 broadcast year;
- sections 8(1), 8(2), 8(5), 8(6) and 9(3)(b) of the Regulations relating to the filing of complete and accurate radio monitoring materials for the broadcast week of 13-19 November 2016; and
- section 9(4) of the Regulations relating to responding to requests for information from the Commission.

In Broadcasting Decision 2015-346 and Broadcasting Order 2015-347, the Commission renewed the broadcasting licence for CKMN-FM for a short-term period and reimposed a mandatory order requiring the licensee to comply at all times with the requirement of section 9(2) of the Regulations relating to the obligation to file its annual returns. Among other concerns, the Commission noted in this decision the severity of the non-compliance and the fact that this was the licensee's third consecutive licence term in non-compliance with its requirements relating to the filing of annual returns. The Commission also specified that any future non-compliance could lead to additional measures, including suspension, non-renewal or revocation of the broadcasting licence for CKMN-FM.

Should the Commission once again find the licensee in non-compliance, this would be the fourth consecutive licence term in which CKMN-FM has been found in non-compliance with its regulatory requirements.

Given the instances of apparent non-compliance noted above and the instances of non-compliance noted in Broadcasting Decision 2015-346 that appear to have been repeated during the current licence term, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a compliant manner. Moreover, the Commission could conclude that the licensee has demonstrated that it does not understand its regulatory obligations.

*Licensee's address:*

323 Montée Industrielle et Commerciale  
Rimouski, Quebec  
G5M 1A7

Fax: 418-724-7815

Email: [gestion@ckmn.fm](mailto:gestion@ckmn.fm)

Email to request electronic version of application: [gestion@ckmn.fm](mailto:gestion@ckmn.fm)

**2. Radio communautaire Intergénération Jardin du Québec, CHOC-FM**  
 Saint-Rémi, Québec  
 Application 2017-1031-9

Application by **Radio communautaire Intergénération Jardin du Québec, CHOC-FM** to renew the broadcasting licence for the French-language community radio station CHOC-FM Saint-Rémi, expiring 31 August 2018.

Commission records indicate that the licensee is in apparent non-compliance with the following sections of the Regulations in the current licence term:

- section 9(2) relating to the filing of annual returns by no later than 30 November of each year for the 2013-2014, 2014-2015 and 2016-2017 broadcast years;
- sections 8(1), 8(4) and 9(3)(b) relating to the filing of complete and accurate radio monitoring materials for the broadcast week of 13-19 November 2016; and
- section 9(4) relating to responding to requests for information from the Commission.

In *Campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-454, 29 August 2013 (Broadcasting Decision 2013-454), the Commission renewed the broadcasting licence for CHOC-FM for a short-term period due to the licensee's non-compliance with section 9(2) of the Regulations.

Should the Commission once again find the licensee in non-compliance, this would be the second consecutive licence term in which CHOC-FM has been found in non-compliance with its regulatory requirements.

Given the instances of apparent non-compliance noted above and the instance of non-compliance noted in Broadcasting Decision 2013-454 that appears to have been repeated during the current licence term, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a compliant manner. Moreover, the Commission could conclude that the licensee has demonstrated that it does not understand its regulatory obligations.

*Licensee's address:*

93 Lachapelle Street East  
 Saint-Rémi, Québec  
 J0L 2L0

Email: [direction@chocfm.com](mailto:direction@chocfm.com)

Email to request electronic version of application: [direction@chocfm.com](mailto:direction@chocfm.com)

### 3. **Wired World Inc.**

Kitchener, Ontario

Application 2017-0573-2

Application by **Wired World Inc.** to renew the broadcasting licence for the English-language community radio station CKWR-FM Kitchener, expiring 31 August 2018.

Commission records indicate that the licensee is in apparent non-compliance with the following sections of the the Regulations and with the following conditions of licence set out in Broadcasting Decision 2013-454 in the current licence term:

- section 9(2) of the Regulations relating to the filing of annual returns by no later than 30 November of each year for the 2015-2016 and 2016-2017 broadcast years;
- condition of licence no. 2 (set out in Appendix 14 to Broadcasting Decision 2013-454) relating to the broadcast of Canadian musical selections during ethnic program periods for the broadcast week of 16-22 October 2016; and
- section 16(3) of the Regulations relating to the implementation of the National Public Alerting System.

In Broadcasting Decision 2013-454, the Commission renewed the broadcasting licence for CKWR-FM for a short-term period due to the licensee's non-compliance with section 9(2) of the Regulations. Previously, in *CKWR-FM Kitchener – Licence renewal*, Broadcasting Decision CRTC 2008-300, 5 November 2008 (Broadcasting Decision 2008-300), the Commission renewed the broadcasting licence for CKWR-FM for a short-term period due to the licensee's non-compliance with section 9(2).

Should the Commission once again find the licensee in non-compliance, this would be the third consecutive licence term in which CKWR-FM has been found in non-compliance with its regulatory requirements.

Given the instances of apparent non-compliance noted above and the instances of non-compliance noted in Broadcasting Decisions 2013-454 and 2008-300 that appear to have been repeated during the current licence term, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a compliant manner. Moreover, the Commission could conclude that the licensee has demonstrated that it does not understand its regulatory obligations.

*Licensee's address:*

1446 King Street East

Kitchener, Ontario

N2G 2N7

Fax: 519-886-0090

Email: [clarym@rogers.com](mailto:clarym@rogers.com)

Email to request electronic version of application: [clarym@rogers.com](mailto:clarym@rogers.com)

#### 4. **Chimnissing Communications**

Christian Island, Ontario  
Application 2017-0851-2

Application by **Chimnissing Communications** to renew the broadcasting licence for the Type B Native radio station CKUN-FM Christian Island, expiring 31 August 2018.

Commission records indicate that the licensee is in apparent non-compliance with the following sections of the Regulations in the current licence term:

- section 9(2) relating to the filing of annual returns by no later than 30 November of each year for the 2015-2016 and 2016-2017 broadcast years;
- sections 8(1), 8(2), 8(3), 8(4), 8(5), 8(6) and 9(3)(b) relating to the filing of complete and accurate radio monitoring materials for the broadcast week of 16-22 October 2016; and
- section 16(3) relating to the implementation of the National Public Alerting System.

In *CKUN-FM Christian Island – Licence renewal*, Broadcasting Decision CRTC 2015-277, 23 June 2015 (Broadcasting Decision 2015-277), the Commission renewed the broadcasting licence for CKUN-FM for a short-term period due to the licensee's non-compliance with sections 9(2) and 9(4)(b) of the Regulations relating to the filing of annual returns and responding to the Commission's requests for information.

Should the Commission once again find the licensee in non-compliance, this would be the second consecutive licence term in which CKUN-FM has been found in non-compliance with its regulatory requirements.

Given the instances of apparent non-compliance noted above and the instances of non-compliance noted in Broadcasting Decision 2015-277 that appear to have been repeated during the current licence term, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a compliant manner. Moreover, the Commission could conclude that the licensee has demonstrated that it does not understand its regulatory obligations.

*Licensee's address:*

11 Ogemaa Miikan  
Christian Island, Ontario  
L9M 0A9

Fax: 705-247-2239

Email: [nishradio101.3@gmail.com](mailto:nishradio101.3@gmail.com)

Email to request electronic version of application: [nishradio101.3@gmail.com](mailto:nishradio101.3@gmail.com)

## Procedure

### Deadline for interventions, comments or answers

**18 May 2018**

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, answer, replies 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 related 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 an answer from a respondent must be filed with the Commission and served on the applicant or licensee on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

Interventions and answers must 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 intervention or answer must include one of the following statements in either the first or the last paragraph:

1. I request to appear at the public hearing.
2. I do not want to appear at the public hearing.

Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position but do not wish to appear at the hearing. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010.

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.

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 or licensee 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 filing, or where required, service 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 or served. The Commission advises parties who file or 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.

In the event that an application to be considered during the non-appearing phase of the hearing is brought to an oral phase of the hearing, and if parties wish to appear, they must provide reasons why their written interventions or answers are not sufficient and why an appearance is necessary. Parties requiring communication support must state their request on the first page of their intervention. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the public hearing.

Persons requiring communications support such as assistance listening devices and sign language interpretation are requested to inform the Commission at least twenty (20) days before the commencement of the public hearing so that the necessary arrangements can be made.

### **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](http://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](http://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](http://www.crtc.gc.ca) by visiting the "Have your say!" section, 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 at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782  
Toll-free TDD: 1-877-909-2782

Secretary General