



Broadcasting Decision CRTC 2011-546

PDF Version

Route reference: 2011-188

Ottawa, 31 August 2011

Northwest Broadcasting Inc.
Kaministiquia, Ontario

*Application 2010-1890-4, received 21 December 2010
Public hearing in the National Capital Region
17 May 2011*

CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township - Licence renewal

*The Commission **renews** the broadcasting licence for the English-language, low-power commercial radio station CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township, from 1 September 2011 to 31 August 2017. This short-term licence renewal will allow for an earlier review of the licensee's compliance with the Radio Regulations, 1986.*

Introduction

1. The Commission received an application by Northwest Broadcasting Inc. (Northwest) to renew the broadcasting licence for the English-language, low-power commercial radio programming undertaking CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township, which expires 31 August 2011. The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2011-188, the Commission stated that the licensee was in apparent non-compliance with section 2.2(3) of the *Radio Regulations, 1986* (the Regulations), which relates to the broadcast of Canadian content for category 3 (Special Interest Music) selections. The Commission also specified that it expected the licensee to show cause at the hearing as to why a mandatory order should not be issued requiring the licensee to comply with section 2.2(3) of the Regulations. The Commission also noted that, in Broadcasting Decision 2007-321, it granted a short-term renewal for CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township due its failure to comply with its condition of licence relating to its Canadian talent development (CTD) contribution for the 2001-2002 broadcast year.

Commission's analysis and determinations

3. After examining the application in light of applicable regulations and policies, the Commission considers that the issue to be addressed in its determinations relates

to the licensee's failure to comply with section 2.2(3) of the Regulations. Specifically, it was found that the licensee did not broadcast any Canadian category 3 selections during the broadcast week of 14 to 20 February 2010.

4. Northwest explained that CFQK-FM broadcasts category 3 music only during a weekly 15-minute ethnic program, a pre-produced religious program that has aired for many years on Sundays from 7:00 a.m. to 7:15 a.m. as a public service to the local Finnish population by the local Finnish church. During the broadcast week of 14 to 20 February 2010, the program contained only three musical selections, of which one musical selection was excluded from the category 3 total as it did not conform to the definition of a musical selection as outlined in the Regulations. The remaining two musical selections were determined by the Commission to be non-Canadian, as they did not conform to the definition of a Canadian selection as outlined in the Regulations.
5. Northwest stated that, in order to ensure future compliance by CFQK-FM with the Regulations, it has corrected the program's opening music selection in order to meet the Commission's definition of a Canadian selection set out in subsection 2.2(2) of the Regulations. Furthermore, Northwest stated that it now checks every week that the program's opening musical selection remains the same, which will ensure its compliance with section 2.2(3) of the Regulations, relating to the broadcast of Canadian content for category 3 music.
6. The Commission notes that Northwest's previous instance of non-compliance relating to CTD contributions has been remedied and that the current instance relating to Canadian content for category 3 music involved three songs broadcast in a 15 minute ethnic program and is the sole non-compliance of the licensee in the current licence term. Although the current instance of non-compliance occurred on only one occasion during the licence term, the Commission nevertheless reminds the licensee that it is responsible for all the material it broadcasts whether the material is acquired or not.

Conclusion

7. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with radio stations found in non-compliance. The Commission noted in particular that each instance of non-compliance will be evaluated in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it will consider the circumstances leading to the non-compliance in question, the licensee's arguments, and the measures taken to rectify the situation.
8. The Commission also indicated that the possible sanctions include the following: short-term licence renewal, imposition of conditions of licence, mandatory orders, or the non-renewal or suspension of the licence.
9. The Commission is satisfied with the measures outlined by Northwest to ensure that CFQK-FM will remain in compliance with the Regulations and with its conditions of licence at all times. Accordingly, the Commission does not consider

it necessary to issue a mandatory order pursuant to section 12(2) of the *Broadcasting Act* requiring the licensee to comply with section 2.2(3) of the Regulations.

10. However, in accordance with its revised practice regarding radio non-compliance set out in Information Bulletin 2011-347, the Commission considers that a short-term renewal period for CFQK-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language, low-power commercial radio programming undertaking CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township, from 1 September 2011 to 31 August 2017. This short-term licence renewal will allow for an earlier review of the licensee's compliance with the Regulations. The licence will be subject to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62.

Encouragement

Employment equity

11. 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

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2011-188, 16 March 2011
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *CFQK-FM Kaministiquia and its transmitter CKED-FM Shuniah Township - Licence renewal*, Broadcasting Decision CRTC 2007-321, 22 August 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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