



Broadcasting Decision CRTC 2012-585

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Additional reference: 2012-224-1

Ottawa, 22 October 2012

Association des francophones du Nunavut
Iqaluit, Nunavut

Application 2012-0342-1, received 19 March 2012
Public hearing in the National Capital Region
19 June 2012

CFRT-FM Iqaluit – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CFRT-FM Iqaluit from 1 December 2012 to 31 August 2014. This short-term licence renewal will allow for an earlier review of the licensee’s compliance in regard to the filing of annual returns.*

Introduction

1. The Commission received an application by the Association des francophones du Nunavut to renew the broadcasting licence for the French-language community radio programming undertaking CFRT-FM Iqaluit. The licence expires on 30 November 2012.¹ The Commission did not receive any interventions in connection with this application.
2. In Broadcasting Notice of Consultation 2012-224, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns, for the 2007-2008 through 2010-2011 broadcast years, and with section 9(4) of the Regulations relating to the provision of a response to any inquiry made by the Commission regarding a licensee’s undertaking. Specifically, the licensee failed to file the licence renewal application for its undertaking by the required deadline.
3. The public record proceeding for this application is available on the Commission’s website at www.crtc.gc.ca under “Public Proceedings.”

¹ The broadcasting licence for CFRT-FM was renewed administratively until 30 November 2012 in Broadcasting Decision 2012-341.

Previous non-compliance

4. In Broadcasting Decision 2008-333, CFRT-FM was granted a short term licence renewal due to its failure to comply with subsection 9(2) of the Regulations relating to the provision of annual returns for the 2001-2002 broadcast year.

Non-compliance during the current licence term

5. After examining the public record for this application in light of the applicable regulations and policies, the Commission considers that the issues it must address relate to the following:
 - the filing of annual returns; and
 - the late submission of the licence renewal application.

Filing of annual returns

6. Section 9(2) of the Regulations requires that on or before 30 November of each year, a licensee submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the broadcast year ending on the previous 31 August. The Commission notes that CFRT-FM's annual returns for the 2007-2008 through 2010-2011 broadcast years were never submitted. This would therefore represent the second consecutive licence term where the licensee has failed to meet this requirement.
7. In a letter dated 29 March 2012, the licensee indicated that the non-filing of the annual returns was due to changes in station personnel, specifically, the departure of the entire management team in late 2009, and to the non-transfer of information regarding the station's obligations to the Commission. It indicated that it would therefore not be able to provide annual returns for the station for the aforementioned broadcast years.
8. The licensee indicated that a new team was assembled in 2011 to manage the station effectively, given its central importance to the vitality and growth of the Franco-Nunavut culture. It stated that this new team, though smaller than the previous one, would work in close collaboration with the Alliance des radios communautaires du Canada to meet all of the station's regulatory requirements and to ensure that this situation does not reoccur.

Late submission of the licence renewal application

9. Section 9(4) of the Regulations requires that, at the request of the Commission, a licensee respond to any request for information on various matters relating to its programming undertaking, including ownership, financial affairs, programming and adherence to its regulatory obligations.
10. In a letter dated 20 December 2011, the Commission asked CFRT-FM to submit its licence renewal application by no later than 25 January 2012. Commission staff

made several telephone calls in January 2012 and February 2012 to remind the licensee to submit its renewal application. The Commission finally received CFRT-FM's renewal application on 19 March 2012, nearly two months after the deadline.

11. In the letter associated with the renewal application, the licensee apologized for the late submission and explained that a combination of factors led to the delay, such as turnover and lack of personnel, loss of important information, technical and technological difficulties and poor weather conditions, among others.

Commission's analysis

Filing of annual returns

12. The Commission notes that compliance with deadlines for the filing of annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations and obligations.
13. As noted above, in Broadcasting Decision 2008-333, the Commission granted CFRT-FM a short-term licence renewal due to the licensee's non-compliance in regard to the filing of its annual return for the 2001-2002 broadcast year.
14. The Commission recognizes that CFRT-FM has to work with significant challenges, such as limited resources and a large number of volunteers, and that it can be difficult for the station to find and retain qualified employees to manage its daily activities. The Commission notes the importance of the service offered by CFRT-FM to the Francophone community in Iqaluit with the varied programming it offers to listeners in an official language minority community.
15. In light of the above and despite the specific circumstances of the operation of CFRT-FM, the Commission concludes that the licensee is in non-compliance with section 9(2) of the Regulations. This is the second consecutive instance of non-compliance with this section of the Regulations.
16. The Commission notes the measures already taken and implemented to ensure the station's future compliance with the requirement to file complete annual returns and with the Commission's other regulations, and hopes that these measures will have positive results for the station and for the people it serves.

Late submission of the licence renewal application

17. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. As such, it must at all times be in a position to contact and obtain information from licensees in order to adequately perform its duties. In addition, any late submission of documents causes delays in execution as well as additional work for Commission staff. The inability or unwillingness to respond to the Commission is therefore cause for serious concern.

18. In the present case, since the licensee did not submit its licence renewal application by the required deadline, the Commission finds CFRT-FM in non-compliance with section 9(4) of the Regulations.
19. The Commission is of the view that the licensee was responsible for taking its situation into account and responding to the Commission's requests for information or advising the Commission of any particular difficulties by the required deadline. The Commission reminds the licensee that information may be filed with the Commission in several ways in the event of technical difficulties.

Conclusion

20. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with radio stations found to be 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 indicated 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.
21. The Commission also indicated that possible sanctions could include the following: short-term licence renewal, imposition of conditions of licence, mandatory orders, or non-renewal or suspension of the licence.
22. In accordance with the revised approach for dealing with non-compliance by radio stations set out in Broadcasting Information Bulletin 2011-347, the Commission considers that a short-term renewal for CFRT-FM would be appropriate. Accordingly, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CFRT-FM Iqaluit from 1 December 2012 to 31 August 2014. This short-term licence renewal will allow for an earlier review of the licensee's compliance with its regulatory obligations, particularly to those related to the filing of its annual return. The terms and **conditions of licence** are set out in the appendix to this decision.
23. As indicated above, the Commission expects that the licensee will implement measures that will ensure compliance and have positive results for the communities it serves.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2012-341, 22 June 2012
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2012-224, 18 April 2012, as amended by Broadcasting Notice of Consultation CRTC 2012-224-1, 19 June 2012

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CFRT-FM Iqaluit – Licence renewal*, Broadcasting Decision CRTC 2008-333, 1 December 2008

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

Appendix to Broadcasting Decision CRTC 2012-585

Conditions of licence and encouragements

Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012.

Encouragements

Local artist development and volunteer participation

The Commission encourages the licensee to implement the initiatives set out in its plan for Canadian content development and to give effect to the measures designed to encourage the participation of volunteers.

Employment equity

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.