



Broadcasting Decision CRTC 2012-618

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Route reference: Part 1 application posted on 4 April 2012

Ottawa, 7 November 2012

Aboriginal Multi-Media Society of Alberta
Edmonton and Lac La Biche, Alberta

Application 2012-0392-6

CFWE-FM-4 Edmonton – New transmitter at Lac La Biche

1. The Commission **approves** the application by Aboriginal Multi-Media Society of Alberta (AMMSA) to amend the broadcasting licence for the English- and Aboriginal-language, Native Type B radio programming undertaking CFWE-FM-4 Edmonton in order to add a new rebroadcasting FM transmitter at Lac La Biche. The Commission did not receive any interventions in connection with this application.
2. The new transmitter will operate at 90.5 MHz (channel 231B1) with an average effective radiated power of 19,600 watts (non-directional antenna with an effective height of antenna above average terrain of 100 metres).
3. AMMSA notes that it is currently authorized to rebroadcast the programming of CFWE-FM-4 Edmonton to the area of Lac La Biche through the following low-power transmitters:
 - CFWE-FM Lac La Biche
 - VF2244 Buffalo Lake Settlement
 - VF2242 Beaver Lake Reserve
 - VF2254 Kikino Settlement
 - VF2183 Goodfish Lake Settlement
4. The licensee stated that these low-power transmitters only cover the individual licensed areas, which results in signal interference or loss for listeners travelling between communities. Consequently, the licensee proposed to replace the aforementioned transmitters with one centralized transmitter in order to provide consistent coverage throughout Lac La Biche and the surrounding Aboriginal reserves and settlements.

5. Upon commencement of operations of the new FM transmitter, the licensee will cease operations of its transmitters CFWE-FM, VF2244, VF2242, VF2254 and VF2183.

Filing of annual returns

6. Pursuant to section 9(2) of the *Radio Regulations, 1986*, licensees are required to file annual returns accompanied by financial statements no later than 30 November for the broadcast year ending the previous 31 August. In this regard, the Commission notes that the licensee failed to file its annual returns for the 2009-2010 and 2010-2011 broadcast years by the 30 November deadline. In both cases, the returns were filed several weeks late. Further, the Commission notes that the annual returns filed with the Commission covered the period of 1 April to 31 March rather than the broadcast year period (1 September to 31 August), as required. The Commission notes, however, that the licensee has not had the opportunity to comment on this apparent non-compliance in the context of this application.
7. In Broadcasting Information Bulletin 2011-795, the Commission set out the responsibilities of licensees relating to the compilation and filing of annual returns, as well as the 1 September to 31 August broadcast year period for which they have to be filed.
8. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach for dealing with non-compliance by radio stations. In particular, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances leading to the non-compliance in question, the arguments provided by the licensee and the measures taken to rectify the situation. In accordance with its revised approach, the Commission will process the present application according to its merits. Accordingly, the Commission advises the licensee that its apparent non-compliance will be considered at the time of the renewal of its licence.
9. The Commission reminds the licensee of its obligation to file annual returns covering the broadcast year (1 September to 31 August) and notes that it will address this issue and any other outstanding issues as part of the next renewal for CFWE-FM-4's broadcasting licence.

Conditions prior to the implementation of the transmitter

10. The Commission reminds the licensee that, pursuant to section 22(1) of the *Broadcasting Act*, this authority will only be effective when the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
11. The transmitter must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **7 November 2014**. In order to ensure

that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

Secretary General

Related documents

- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

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