



Broadcasting Decision CRTC 2013-459

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Route reference: 2013-220

Ottawa, 29 August 2013

Fondation Radio Galilée
Québec, Quebec

Application 2012-1386-8, received 29 October 2012

CION-FM Québec and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the specialty radio station CION-FM Québec and its transmitters CION-FM-1 Beauceville and CION-FM-2 Saguenay from 1 September 2013 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with the Radio Regulations, 1986.*

Introduction

1. Fondation Radio Galilée filed an application to renew the broadcasting licence for the specialty radio station CION-FM Québec and its transmitters CION-FM-1 Beauceville and CION-FM-2 Saguenay, which expires 31 August 2013.¹
2. The Commission received an intervention regarding this application from l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ). The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Non-compliance

3. In Broadcasting Notice of Consultation 2013-220, 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 provision of annual returns for the 2005-2006, 2009-2010 and 2010-2011 broadcast years.
4. Section 9(2) of the Regulations requires licensees to file annual returns by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.

¹ The original broadcasting licence expiry date for this station was 31 August 2012. The licence was administratively renewed until 31 August 2013 as a result of Broadcasting Decision 2012-447.

5. In the present case, the annual returns for 2005-2006 and 2009-2010 were filed after the 30 November deadline, and the annual returns for 2010-2011 were incomplete when filed. The Commission notes that the missing financial statement for the 2010-2011 broadcast year has since been submitted.
6. The licensee stated that there was a misunderstanding relating to the filing of annual returns. It specified that the annual returns are now being dealt with by a specialized firm that will submit the annual returns to the licensee within the first weeks of the following broadcast year. It further specified that it will aim to submit annual returns to the Commission in October of each year, and will ensure that they are filed by the 30 November deadline.
7. In light of the above, the Commission finds Fondation Radio Galilée in non-compliance with section 9(2) of the Regulations relating to the filing of annual returns for the 2005-2006, 2009-2010 and 2010-2011 broadcast years.

Regulatory measures

8. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, 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 of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
9. The Commission notes that compliance with deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations and requirements. Accordingly, it considers annual returns that are incomplete and/or filed late to be a serious matter.
10. The Commission therefore considers that the appropriate measure is a short-term renewal for CION-FM, the length of which reflects the nature and extent of the non-compliance.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for the specialty radio programming undertaking CION-FM Québec and its transmitters CION-FM-1 Beauceville and CION-FM-2 Saguenay from 1 September 2013 to 31 August 2019. The **conditions of licence** are set out in the appendix to this decision. The Commission notes that although the licensee is a not-for-profit corporation and CION-FM is not a commercial radio station as defined in the Regulations, certain conditions of licence set out in Broadcasting Regulatory Policy 2009-62 shall apply to the licence for this station.

12. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Reminder

13. The Commission reminds the licensee that it is its responsibility to submit annual returns on time. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is also the licensee's responsibility to ensure that all appropriate forms and documentation are included with the submission of its annual returns. If further clarification is required, it is the licensee's responsibility to contact the Commission to obtain further direction.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-220, 7 May 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-447, 17 August 2012, as amended by Broadcasting Decision CRTC 2012-447-1, 22 August 2012
- *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
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009

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

Appendix to Broadcasting Decision CRTC 2013-459

Terms, conditions of licence and encouragement for the specialty radio programming undertaking CION-FM Québec, Quebec and its transmitters CION-FM-1 Beauceville and CION-FM-2 Saguenay

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. The licensee shall adhere to conditions of licence 1, 3, 4, 5 and 6 set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time.
2. The licensee shall broadcast exclusively religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as amended from time to time.
3. The licensee shall adhere to the guidelines on ethics in religious programming as set out in section IV of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as amended from time to time.
4. The licensee shall not broadcast commercial messages.

Encouragement

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, 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.