



Broadcasting Decision CRTC 2013-634

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Route reference: 2013-318

Ottawa, 28 November 2013

O.K. Creek Radio Station Inc.
Okanese First Nation, Saskatchewan

Application 2013-0110-1, received 22 January 2013

CHXL-FM Okanese First Nation – Licence renewal

*The Commission **renews** the broadcasting licence for the community radio station CHXL-FM Okanese First Nation, Saskatchewan from 1 January 2014 to 31 August 2020.*

Introduction

1. O.K. Creek Radio Station Inc. (O.K. Creek) filed an application to renew the broadcasting licence for the community radio station CHXL-FM Okanese First Nation, Saskatchewan, which expires 31 December 2013.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-318, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the filing of annual returns, for the 2010-2011 broadcast year.
3. 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. In the present case, the annual return for 2010-2011 was filed after the 30 November deadline.
4. O.K. Creek explained that when the apparent non-compliance occurred, CHXL-FM's station manager was the newly appointed acting manager and had no experience with the Commission's annual return reporting process. It further explained that the station manager had difficulties with the submission process as well as navigating the Commission's website. The licensee stated that the station manager had completed the return on time and believed that he had submitted it, only to later learn that it had

¹ The original licence expiry date for this station was 31 August 2013. The licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

not been processed. Finally, the licensee stated that the station manager takes his job very seriously and has taken steps to ensure that the same problem will not occur in the future.

5. In light of the above, the Commission finds O.K. Creek in non-compliance with section 9(2) of the Regulations for the 2010-2011 broadcast year.

Regulatory measures

6. 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.
7. The Commission notes that compliance with the 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.
8. The Commission has reviewed the record for this application and notes the licensee's explanation for the non-compliance. It is of the view that the late filing of the annual return was an isolated incident as there were no subsequent non-compliance issues identified in the current licence term. The Commission is therefore confident that the necessary measures have been put in place to ensure future compliance. Given the circumstances surrounding O.K. Creek's non-compliance for CHXL-FM, the Commission considers it appropriate to grant a full-term renewal to the station.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the community radio programming undertaking CHXL-FM Okanese First Nation from 1 January 2014 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

10. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-318, 2 July 2013
- *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.*

Appendix to Broadcasting Decision CRTC 2013-634

Terms, conditions of licence, expectation and encouragement for the community radio programming undertaking CHXL-FM Okanese First Nation, Saskatchewan

Terms

The licence will expire 31 August 2020.

Conditions of licence

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

Expectation

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus radio station licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website.

Encouragement

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.