



Broadcasting Decision CRTC 2013-695

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Route reference: 2013-320

Ottawa, 16 December 2013

CHFNB Communications Society

Cape Croker Reserve #27 - Wiarton, Ontario

Application 2012-1509-6, received 30 November 2012

CHFNB-FM Cape Croker Reserve #27 – Wiarton – Licence renewal

*The Commission **renews** the broadcasting licence for the Native Type B radio station CHFNB-FM Cape Croker Reserve #27 – Wiarton, Ontario from 1 January 2014 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. The Commission received an application by CHFNB Communications Society to renew the broadcasting licence for the Native Type B radio station CHFNB-FM Cape Croker Reserve #27 – Wiarton, Ontario, which expires 31 December 2013.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
3. In Broadcasting Notice of Consultation 2013-320, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the provision of annual returns for the 2009-2010 broadcast year. The licensee did not provide financial statements at the time it filed its annual return.
4. The licensee has since filed the missing financial statements. The licensee further indicated that it had set up a system so that financial information will be sent directly to the economic development officer for processing. This will allow the officer to have access to the information necessary for annual returns as soon as it is available.

¹ The original expiry date of CHFNB-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 as a result of Broadcasting Decision 2013-418.

5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the provision of complete annual returns for the 2009-2010 broadcast year.
6. In Broadcasting Decision 2010-435, the Commission renewed CHFN-FM's licence for a short-term period of four years, given the station's non compliance with section 9(2) of the Regulations, which relates to the provision of annual returns, for the 2004-2005, 2005-2006 and 2007-2008 broadcast years.

Regulatory measures

7. 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.
8. The Commission notes that the missing financial statements have now been filed and is satisfied with the measures that the licensee has taken to ensure compliance in the future. It notes, however, that this is the second consecutive licence term in which the licensee has been found in non-compliance.
9. Given the circumstances surrounding the licensee's non-compliance, the Commission considers it appropriate to grant a short-term renewal to this station.

Conclusion

10. In light of the above, the Commission renews the broadcasting licence for the Native Type B radio programming undertaking CHFN-FM Cape Croker Reserve #27 – Wiarton, Ontario, from 1 January 2014 to 31 August 2019. The licence will be subject to the **conditions of licence** set out in the appendix to this decision. The short-term renewal will allow for an earlier review of the licensee's compliance with the Regulations.

Reminder

11. 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 2013-320, 3 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
- *CHFV-FM Cape Croker (Neyaashiinigmiing) – Licence renewal*, Broadcasting Decision CRTC 2010-435, 30 June 2010

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

Appendix to Broadcasting Decision CRTC 2013-695

Terms and conditions of licence for the Native Type B radio programming undertaking CHFN-FM Cape Croker Reserve #27 – Wiarton, Ontario

Terms

The licence will expire 31 August 2019.

Conditions of licence

1. In each broadcast week, the licensee shall devote a minimum of 35% of its musical selections from content category 2 (Popular music) to Canadian musical selections broadcast in their entirety.
2. The licensee shall adhere to the guidelines on gender portrayal set out in the *Equitable Portrayal Code for Television and Radio Programming*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to the provisions of the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.