



Broadcasting Decision CRTC 2013-696

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Route reference: 2013-307

Ottawa, 16 December 2013

Aboriginal Christian Voice Network

Prince Rupert, British Columbia

Application 2013-0240-6, received 25 January 2013

CIAJ-FM Prince Rupert – Licence renewal

*The Commission **renews** the broadcasting licence for the specialty (Christian music) radio station CIAJ-FM Prince Rupert, British Columbia, from 1 January 2014 to 31 August 2020.*

Introduction

1. Aboriginal Christian Voice Network (ACVN) filed an application to renew the broadcasting licence for the specialty (Christian music) radio station CIAJ-FM Prince Rupert, British Columbia, which expires 31 December 2013.¹
2. The Commission received interventions in support of this application. It also received an intervention commenting on this application on behalf of the Province of British Columbia relating to the participation of CIAJ-FM in the National Public Alerting System (NPAS). The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. As specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS. Therefore, the Commission will not impose conditions of licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to voluntarily participate in the NPAS so that Canadians receive timely warnings of imminent perils.
4. The Commission notes that since ACVN operates as a not-for-profit corporation, it is not subject to the requirements set out in section 15 of the *Radio Regulations, 1986* (the Regulations) relating to Canadian content development contributions.

¹ The original expiry date for CIAJ-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

Non-compliance

5. In Broadcasting Notice of Consultation 2013-307, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of annual returns for the 2010-2011 broadcast year.
6. Section 9(2) of 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 specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.
7. The Commission notes that the annual return for the 2010-2011 broadcast year was filed on 18 December 2012, after the 30 November deadline.
8. The licensee stated that the non-compliance was due to the spouse of the previous secretary/treasurer and the spouse of the previous president experiencing unexpected health issues. Consequently, it took considerable time to complete and review the annual return and to obtain a CRTC login for the electronic submission. The licensee indicated that to ensure future compliance, it hired a bookkeeper to keep track of its financial records and appointed a response manager.
9. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the filing of annual returns for the 2010-2011 broadcast year.

Regulatory measures

10. 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.
11. The Commission notes that timely compliance with reporting requirements is important because it allows the Commission to monitor licensee performance and compliance with its regulations and requirements, as well as to gather statistics for assessing the industry and preparing monitoring reports on which the industry relies. Accordingly, it considers annual returns that are incomplete and/or filed late to be a serious matter.
12. The Commission has reviewed the record for this application and notes the licensee's explanation for the non-compliance. The Commission 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 the licensee's non-compliance for CIAJ-FM, the Commission finds it appropriate to grant the station a full-term licence renewal.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the specialty (Christian music) radio programming undertaking CIAJ-FM Prince Rupert, British Columbia, from 1 January 2014 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

14. 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 2013-307, 25 June 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 2013-696

Terms, conditions of licence and encouragement for the specialty (Christian music) radio programming undertaking CIAJ-FM Prince Rupert, British Columbia

Terms

The licence will expire 31 August 2020.

Conditions of licence

1. The licensee shall adhere to the conditions 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, with the exception of condition of licence 7.
2. The licensee shall operate the station within the Specialty format as defined in *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995, as amended from time to time, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
3. The licensee shall devote at least 85% of all musical selections broadcast each broadcast week to selections from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
4. The licensee shall broadcast at least six hours of balanced programming each broadcast week.
5. The licensee shall not broadcast any commercial messages.
6. The licensee shall broadcast exclusively religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993.
7. Whereas the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

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.