



Broadcasting Decision CRTC 2014-184

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Route reference: 2014-46

Ottawa, 17 April 2014

Maliseet Nation Radio Inc.
Fredericton, New Brunswick

Application 2013-1575-5, received 8 November 2013

CKTP-FM Fredericton – Licence renewal

*The Commission **renews** the broadcasting licence for the English- and Native-language Type B Native radio station CKTP-FM Fredericton from 1 September 2014 to 31 August 2021.*

Application

1. Maliseet Nation Radio Inc. (Maliseet) filed an application to renew the broadcasting licence for the English- and Native-language Type B Native radio station CKTP-FM Fredericton, New Brunswick, which expires 31 August 2014. The Commission did not receive any interventions regarding this application.
2. The licensee proposed to operate the station under the same terms and conditions as those in effect under the current licence.

Non-compliance

3. In Broadcasting Notice of Consultation 2014-46, the Commission noted that Maliseet was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) regarding the filing of annual returns. Specifically, for the 2010-2011 and 2011-2012 broadcast years, the annual returns for CKTP-FM were filed after the deadline set out in section 9(2), specifically, the 30 November following the end of each of those broadcast years. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
4. Maliseet has accepted full responsibility for the delays in filing the annual returns in question. It explained, however, that on several occasions it attempted to submit its returns but found the Commission's website to be unhelpful. It added that it was unable to get the assistance it needed in this regard.
5. In addition, Maliseet indicated that it had experienced additional delays because its accounting program "crashed," thereby preventing it from manually re-entering the financial data.

6. Maliseet noted that it has since configured its “My CRTC Account” and has a better understanding of how to navigate the Commission’s website. As such, it is confident that in the future it will be able to provide the financial information by the required deadlines.
7. The Commission notes that CKTP-FM’s annual returns for the 2010-2011 and 2011-2012 broadcasting years were filed well beyond the 30 November deadline. The Commission is of the view that the accounting program “crash” to which Maliseet referred, along with its inexperience, are the reasons that lead to the late filing of the 2010-2011 and 2011-2012 annual returns.
8. In light of the above, the Commission finds Maliseet in non-compliance with section 9(2) of the Regulations for CKTP-FM for the 2010-2011 and 2011-2012 broadcast years.

Regulatory measures

9. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach for dealing with 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, the arguments provided by the licensee and the measures taken to rectify the situation.
10. 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 licence requirements.
11. The Commission notes that the station has been on the air since 2001, and that the above constitutes the station’s first instance of non-compliance. In the Commission’s view, correspondence with the licensee shows that it understands the importance of being compliant and that it believes the situation will not recur. In light of the above and in light of the circumstances surrounding the non-compliance, the Commission finds it appropriate to renew the broadcasting licence for CKTP-FM for a full seven-year term.

Conclusion

12. In light of all of the above, the Commission **renews** the broadcasting licence for the English- and Native-language Type B Native radio programming undertaking CKTP-FM Fredericton from 1 September 2014 to 31 August 2021. The licensee shall continue to adhere to the conditions of licence set out in Broadcasting Decision 2007-249 and to the requirements set out in Public Notice 1990-89.

Reminder

13. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2014-46, 7 February 2014
- *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
- *CKTP-FM Fredericton - Licence renewal*, Broadcasting Decision CRTC 2007-249, 26 July 2007
- *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990

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