



Broadcasting Decision CRTC 2014-330 and Broadcasting Orders CRTC [2014-331](#), [2014-332](#), [2014-333](#), [2014-334](#), [2014-335](#) and [2014-336](#)

PDF version

Route reference: 2013-568-1

Additional reference: 2013-568

Ottawa, 20 June 2014

Salt Spring Island Radio Corp.
Salt Spring Island, British Columbia

Reference 2013-1415-3
Public Hearing in Surrey, British Columbia
27 January 2014

CFSI-FM Salt Spring Island – Issuance of mandatory orders

The Commission issues mandatory orders requiring Salt Spring Island Radio Corp. to ensure that CFSI-FM Salt Spring Island complies at all times with sections 8(1), 8(4), 8(5), 8(6), 9(3) and 9(4) of the Radio Regulations, 1986 (the Regulations).

In Broadcasting Decision 2014-337 also issued today the Commission administratively renews the broadcasting licence for CFSI-FM Salt Spring Island from 1 September 2014 to 31 August 2015. This will allow the Commission to review licensee's compliance with the Regulations, the mandatory orders and its conditions of licence.

Background

1. In Broadcasting Notice of Consultation 2013-568-1, the Commission requested that Salt Spring Island Radio Corp. (Salt Spring) appear at the 27 January public hearing in Surrey to:
 - show cause why the Commission should not issue mandatory orders requiring Salt Spring to comply with sections 8(1), 8(4), 8(5), 8(6), 9(3) and 9(4) of the *Radio Regulations, 1986* (the Regulations); and
 - show cause as to why the Commission should not consider recourse to the suspension or revocation of the licence pursuant to sections 24 and 9, respectively, of the *Broadcasting Act*.

2. The regulatory provisions referred to above set out requirements concerning the maintenance and filing of program logs, logger tapes, music lists and the provision of information requested by the Commission. In the notice, the Commission indicated that, since May 2013, it had unsuccessfully attempted on several occasions to obtain from Salt Spring the logger tapes, music lists and program logs for CFSI-FM to analyse them in the context of the renewal of the station's licence, which expires 31 August 2014. In addition, the Commission noted that, by letters dated 18 September and 7 November 2013, it had informed Salt Spring of its apparent non-compliance with sections 8(1), 8(4), 8(5), 8(6), 9(3) and 9(4) of the Regulations.
3. The Commission further indicated that all interventions must relate solely to the instances of non-compliance identified in the notice.

Interventions

4. None of the interveners supported suspension or revocation of the licence. They submitted that CFSI-FM provides an important community-oriented service to Salt Spring Island. Some interveners who were, or are currently are, volunteers with the station considered that problems with compliance began after ownership and effective control of Salt Spring passed to Satnam Media Group (BC) Ltd. in January 2013. A lack of effective management, technical problems and a breakdown of communications were cited as factors that contributed to non-compliance. One party suggested that a short-term renewal would be appropriate so that a local group could purchase the station.
5. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca or by using the reference number provided above.

Licensee reply

6. At the hearing, the licensee was represented by Mr. Sukhdev Singh Dhillon, who controls the licensee company. On behalf of the licensee, Mr. Dhillon attributed the instances of non-compliance to a failure of the computer that logged programming and to communications breakdowns. The licensee explained that information had been deleted from the hard drive of the computer used to provide logger tapes and that there had also been a failure of the hard drive. This resulted in the deletion of programming for the days that the Commission requested.
7. With respect to the difficulties in replying to the Commission's requests for logs and music lists, the licensee submitted that its business cell phone number on Salt Spring Island had poor reception and that Mr. Dhillon's voice mail was not working properly, resulting in his failure to receive voicemail notifications of the requests from the Commission. Mr. Dhillon further noted that the Commission's September and November letters had been sent to the licensee's former business address, so he was unaware of them.

8. The licensee outlined the following measures that it had implemented to ensure that CFSI-FM would be in compliance with the Regulations in the future:
 - It had purchased a new computer and logging software as well as a remote back-up logging system.
 - It had established new phone facilities so that staff on Salt Spring Island can contact Mr. Dhillon at any time.
 - It had hired a station new manager who, with the help of a part-time employee, will be responsible for maintain and submitting program logs, logger tapes and music lists.
 - It had hired an experienced consultant.
 - Mr. Dhillon will spend more time on Salt Spring Island so he can be more involved in the day to day operations of the station.
 - It had implemented procedures for staff and volunteers to ensure that program logs, logger tapes, music lists and other information is maintained.
 - It had reduced the number of volunteers to 20, which will make volunteers easier to manage.
9. In light of these initiatives, the licensee submitted that the Commission should not consider revocation or suspension of the licence, and the issuance of mandatory orders was not necessary. The licensee further offered to provide the Commission with quarterly updates on the programming provided by CFSI-FM as well as community involvement.
10. During the hearing, the Commission requested that the licensee file the following material: receipts for newly acquired equipment, a receipt or letter from its computer maintenance company attesting to issues related to the missing data from the logging machine's hard drive, and a copy of the email that confirmed the address of the licensee that was provided at the hearing.

Commission's analysis

11. The Commission notes that the licensee acknowledged its failure to provide logger tapes requested by the Commission for the broadcast week 28 April 2013 to 4 May 2013. Furthermore, the Commission notes that the licensee filed only some cue sheets and a self-assessment report for the broadcast week in question. The Commission has to date not received the program logs and music lists as set out in sections 8(1), 8(4) and 9(3) of the Regulations for the broadcast week beginning 28 April 2013. In light of the foregoing, the Commission finds that Salt Spring has failed to comply with sections 8(1), 8(4), 8(5), 8(6), 9(3) and 9(4) of the Regulations.

12. The Commission considers that CFSI-FM's non-compliance is very serious. As a result of this non-compliance, Commission was unable to analyse the station's programming in preparation for the station's licence renewal in a timely manner. The Commission is further concerned that the licensee has not maintained up to date contact information with Commission. As a result, the licensee submitted that it did not receive the Commission's letters of September and November 2013 advising it of apparent non-compliance. The Commission notes that even during this proceeding, four different addresses were provided. The Commission must be able to contact licensees at all times in order to be in a position to effectively and efficiently exercise its mandate to regulate and supervise the Canadian broadcasting system. Accordingly, the Commission hereby **requires** the license to file, by **30 June 2014**, the following information:

For purposes of Commission correspondence

- Contact person for all correspondence
- Mailing address to be used for correspondence
- Phone number to be used for correspondence
- Email address to be used for correspondence

For Satnam Media Group (BC) Ltd.

- Corporate office address for Satnam Media Group (BC) Ltd.
- Corporate mailing address for Satnam Media Group (BC) Ltd.
- Primary phone number for Satnam Media Group (BC) Ltd.
- Primary phone number for Mr. Sukhdev Singh Dhillon
- Primary e-mail address for Mr. Sukhdev Singh Dhillon

For CFSI-FM Salt Spring Island Radio Corp.

- Studio address for CFSI-FM Salt Spring Island
- Studio mailing address for CFSI-FM Salt Spring Island
- Primary contact phone number for CFSI-FM Salt Spring Island

13. The Commission further requires the licence to ensure that the Commission has current contact information at all times. Given the difficulties experienced by the Commission in contacting the licensee, the Commission considers it necessary and appropriate to impose this requirement on the licensee as a condition of licence to ensure that the licensee maintains current contact information through the licensee

term. Accordingly, by **condition of licence** the licensee is required to file its current contact information as set out in paragraph 12 of this decision and to advise the Commission of any change to its contact information within two business days of such change.

14. The Commission is further concerned that the licensee was not able to provide a complete and consistent explanation of the series of events related to the Commission's request for the material and information in question. Moreover, the information provided following the hearing did not include a complete set of receipts or other documentation to allow the Commission to verify the purchase of a logging computer, software, telephone system, automation system and the repair of the logging computer.
15. The Commission, however, notes the significant initiatives that the licensee proposed to ensure that the licensee is able to fulfill its regulatory obligations and operate in compliance with the Regulations in the future. Following the hearing, the Commission requested the licensee to provide program logs, logger tapes and music lists for the week of 9 to 15 February 2014. The material provided by the licensee was complete and submitted on time.

Conclusion

16. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with non-compliance by radio stations. In particular, the Commission noted that each instance of non-compliance would be evaluated in light of such factors as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it would consider the circumstances leading to the non-compliance in question, the licensee's arguments, as well as the measures taken to rectify the situation.
17. In addition, the Commission noted that possible sanctions include the imposition of conditions of licence or mandatory orders, as well as suspension or revocation of the licence.
18. In light of all of the measures that the licensee has proposed to ensure compliance with its regulatory obligations and given that it was in compliance with respect to the submission of logs, logger tapes and music lists for the week of 9 to 15 February 2014, the Commission will not suspend or revoke the licence. However, to ensure its future compliance with its regulatory requirements, the Commission finds it appropriate to issue mandatory orders requiring Salt Spring Radio Corp. to comply with sections 8(1), 8(4), 8(5), 8(6), 9(3) and 9(4) of the *Radio Regulations, 1986*. These mandatory orders are set out in Appendices 1 to 6 to this decision.
19. Pursuant to section 13 of the *Broadcasting Act*, the mandatory orders will be filed with the Federal Court and will become orders of that court. Failure to comply with a Federal Court order may result in recourse to the compliance procedures of that court.

20. In accordance with the commitment it made at the hearing, the Commission further expects the licensee to file quarterly reports on the programming provided by CFSI-FM as well as community involvement.
21. In Broadcasting Decision 2014-337 also issued today, the Commission is administratively renewing the broadcasting licence for CFSI-FM from 1 September 2014 to 31 August 2015. This will permit the Commission to examine the licensee's compliance with the Regulations, the mandatory orders and its conditions of licence.
22. The Commission reiterates the importance it places on a licensee's compliance with its regulatory requirements. The Commission views any non-compliance as a very serious matter. Accordingly, the Commission may consider recourse to additional measures, including suspension, non-renewal or revocation of the licence under sections 9 and 24 of the *Act*, should Salt Spring again breach its regulatory requirements.

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2013-568-1, 4 December 2013
- *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 1 to Broadcasting Decision CRTC 2014-330

Broadcasting Mandatory Order CRTC 2014-331

Salt Spring Island Radio Corp., the licensee of the specialty FM radio programming undertaking CFSI-FM Salt Spring Island and its rebroadcasting transmitter CFSI-FM-1 Mount Bruce BC, which is controlled by Satnam Media Group (BC) Ltd. a corporation wholly owned and controlled by Sukhdev Singh Dhillon (the licensee of CFSI-FM), is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times with the requirement contained in subsection 8(1) of the *Radio Regulations, 1986*, which reads as follows:

Except as otherwise provided under a condition of its licence, a licensee shall:

- (a) keep, in a form acceptable to the Commission, a program log or a machine readable record of the matter broadcast by the licensee;
- (b) retain the log or record for a period of one year after the date when the matter was broadcast; and
- (c) cause to be entered in the log or record each day the following information:
 - (i) the date,
 - (ii) the call letters, location and frequency of the licensee's station,
 - (iii) the time at which each station identification announcement is made,
 - (iv) in relation to each program broadcast,
 - (A) the title and a brief description,
 - (B) subject to subsection (2), the number of the relevant content category,
 - (C) the time at which the program begins and ends,
 - (D) the code set out in the schedule indicating the origin of the program and where applicable the language, type or group, and
 - (E) if applicable, the code set out in the schedule identifying non-Canadian programming, and
 - (v) in relation to each commercial message, the quarter hour during which it is broadcast, its duration and the number of the relevant content subcategory.

Appendix 2 to Broadcasting Decision CRTC 2014-330

Broadcasting Mandatory Order CRTC 2014-332

Salt Spring Island Radio Corp., the licensee of the specialty FM radio programming undertaking CFSI-FM Salt Spring Island and its rebroadcasting transmitter CFSI-FM-1 Mount Bruce BC, which is controlled by Satnam Media Group (BC) Ltd. a corporation wholly owned and controlled by Sukhdev Singh Dhillon (the licensee of CFSI-FM), is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times with the requirement contained in subsection 8(4) of the *Radio Regulations, 1986*, which reads as follows:

A licensee shall furnish, to the Commission on request, its program log or machine readable record for any day, with a certificate by or on behalf of the licensee attesting to the accuracy of its content.

Appendix 3 to Broadcasting Decision CRTC 2014-330

Broadcasting Mandatory Order CRTC 2014-333

Salt Spring Island Radio Corp., the licensee of the specialty FM radio programming undertaking CFSI-FM Salt Spring Island and its rebroadcasting transmitter CFSI-FM-1 Mount Bruce BC, which is controlled by Satnam Media Group (BC) Ltd. a corporation wholly owned and controlled by Sukhdev Singh Dhillon (the licensee of CFSI-FM), is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times with the requirement contained in subsection 8(5) of the *Radio Regulations, 1986*, which reads as follows:

A licensee shall retain a clear and intelligible tape recording or other exact copy of all matter broadcast

- (a) for four weeks from the date of the broadcast; or
- (b) where the Commission receives a complaint from any person regarding the matter broadcast or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of the broadcast.

Appendix 4 to Broadcasting Decision CRTC 2014-330

Broadcasting Mandatory Order CRTC 2014-334

Salt Spring Island Radio Corp., the licensee of the specialty FM radio programming undertaking CFSI-FM Salt Spring Island and its rebroadcasting transmitter CFSI-FM-1 Mount Bruce BC, which is controlled by Satnam Media Group (BC) Ltd. a corporation wholly owned and controlled by Sukhdev Singh Dhillon (the licensee of CFSI-FM), is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times with the requirement contained in subsection 8(6) of the *Radio Regulations, 1986*, which reads as follows:

Where, before the expiry of the applicable period referred to in subsection (5), the Commission requests from the licensee a clear and intelligible tape recording or other exact copy of matter broadcast, the licensee shall furnish it to the Commission forthwith.

Appendix 5 to Broadcasting Decision CRTC 2014-330

Broadcasting Mandatory Order CRTC 2014-335

Salt Spring Island Radio Corp., the licensee of the specialty FM radio programming undertaking CFSI-FM Salt Spring Island and its rebroadcasting transmitter CFSI-FM-1 Mount Bruce BC, which is controlled by Satnam Media Group (BC) Ltd. a corporation wholly owned and controlled by Sukhdev Singh Dhillon (the licensee of CFSI-FM), is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times with the requirement contained in subsection 9(3) of the *Radio Regulations, 1986*, which reads as follows:

At the request of the Commission, a licensee shall submit for any period specified by the Commission in its request

(a) the information required by the most recent Station Self-assessment Report form issued by the Commission;

and

(b) a list of the musical selections in the order in which they are broadcast by the licensee during that period that includes the title and performer of each musical selection and a legend that identifies

(i) any Canadian musical selection,

(ii) any hit,

(iii) any instrumental selection,

(iv) any content category 3 musical selection, and

(v) the language of the musical selection, where the musical selection is not an instrumental selection.

Appendix 6 to Broadcasting Decision CRTC 2014-330

Broadcasting Mandatory Order CRTC 2014-336

Salt Spring Island Radio Corp., the licensee of the specialty FM radio programming undertaking CFSI-FM Salt Spring Island and its rebroadcasting transmitter CFSI-FM-1 Mount Bruce BC, which is controlled by Satnam Media Group (BC) Ltd. a corporation wholly owned and controlled by Sukhdev Singh Dhillon (the licensee of CFSI-FM), is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times with the requirement contained in subsection 9(4) of the *Radio Regulations, 1986*, which reads as follows:

At the request of the Commission, a licensee shall respond to

- (a) any complaint or request for resolution of a dispute filed by any person or any request for information regarding programming originated or distributed by the licensee or regarding the licensee's technical operations, subscribership, financial affairs or ownership; and
- (b) any request for information regarding the licensee's adherence to the conditions of its licence, the Act, these Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.