



Broadcasting Decision CRTC 2017-297

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Reference: Part 1 licence renewal application posted on 6 March 2017

Ottawa, 23 August 2017

Bluewater Community Radio

Hanover, Ontario

Application 2016-0992-6

CFBW-FM Hanover – Licence renewal

*The Commission **renews** the broadcasting licence for the community radio station CFBW-FM Hanover from 1 September 2017 to 31 August 2021.*

This short-term renewal will allow for an earlier review of the licensee's compliance with the regulatory requirements.

Application

1. Bluewater Community Radio filed an application to renew the broadcasting licence for the community radio station CFBW-FM Hanover, Ontario, which expires 31 August 2017. The Commission did not receive any interventions regarding 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 specific filing requirements, including the requirement to file financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. According to the record for this application, CFBW-FM's annual return for the 2014-2015 broadcast year was filed after the 30 November deadline.
4. The licensee indicated that it was originally unaware that the annual return for the 2014-2015 broadcast year had not been filed with the Commission. Its volunteer bookkeeper was supposed to file the annual return in question, but left abruptly due to health issues. The licensee has since filed the annual return (in January 2017) and secured a new volunteer bookkeeper.
5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2014-2015 broadcast year.

Regulatory measures

6. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
7. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. Compliance with 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 conditions of licence. Further, a licensee that does not file requested material in a timely manner, or does not file such material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance. Given the above, the Commission views the non-compliance in this matter to be very serious.
8. In regard to the present case, the Commission acknowledges the explanation by Bluewater Community Radio. However, given that this is the second consecutive licence term in which CFBW-FM is in non-compliance with section 9(2) of the Regulations regarding the late filing of annual returns, the Commission finds it appropriate to renew the licence for the station for a short-term period of four years.
9. Further, given the serious and repeated nature of CFBW-FM's non-compliance, the Commission finds it appropriate to require the licensee to broadcast three times a day, and to distribute in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive days, within the 14-day period following the beginning of the new licence term, an announcement regarding its non-compliance.¹ To confirm compliance with this requirement, the licensee must provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast, and file, by no later than 14 days following the final broadcast of the announcement, a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CFBW-FM Hanover*, set out in Appendix 2 to this decision. A **condition of licence** to that effect is set out in Appendix 1 to this decision.

¹ This measure is set out in Broadcasting Regulatory Policy 2014-554.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the community radio programming undertaking CFBW-FM Hanover from 1 September 2017 to 31 August 2021. The **conditions of licence** are set out in Appendix 1 to this decision.
11. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory obligations. The short-term licence renewal granted in this decision will allow for an earlier review of the licensee's compliance with the Regulations.

Reminders

12. Licensees are responsible for filing complete annual returns on time. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns and to contact the Commission if further clarification is required.
13. Should Bluewater Community Radio again breach its regulatory requirements, the Commission may consider recourse to additional measures, including the imposition of a mandatory order, or the suspension, non-renewal or revocation of the broadcasting licence for the station under sections 9 and 24 of the *Broadcasting Act*.
14. 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

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting and Telecom Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

This decision is to be appended to the licence.

Appendix 1 to Broadcasting Decision CRTC 2017-297

Terms, conditions of licence, expectation and encouragement for the community radio programming undertaking CFBW-FM Hanover

Terms

The licence will expire 31 August 2021.

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 well as to the conditions set out in the broadcasting licence for the undertaking.
2. Where 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.
3. In regard to the licensee's non-compliance with the *Radio Regulations, 1986*, as set out in the present decision:
 - a) The licensee shall broadcast the following announcement three times a day, distributed in a reasonable manner, between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive days, within the 14-day period immediately following 1 September 2017, the beginning of the new licence term:
 - Radio frequencies are a limited public resource. Holding a broadcasting licence is a privilege, and broadcasters are required to abide by a number of regulations and conditions of licence in order to operate a radio station. In *CFBW-FM Hanover – Licence renewal*, Broadcasting Decision CRTC 2017-297, 23 August 2017, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The instance of non-compliance occurred during the 2014-2015 broadcast year and is a recurring issue. CFBW-FM has put measures in place to ensure that the non-compliance in question does not reoccur.
 - b) The licensee shall provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast, and file a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CFBW-FM Hanover*, set out in Appendix 2 to *CFBW-FM Hanover – Licence renewal*, Broadcasting Decision CRTC 2017-297, 23 August 2017, by no later than 14 days following the final broadcast of the announcement.

Expectation

The Commission expects all community and campus 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. Such information may be submitted through the Commission's website.

Encouragement

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to fully reflect the communities they serve. The Commission encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Appendix 2 to Broadcasting Decision CRTC 2017-297

Attestation as to the broadcast of the non-compliance announcement on CFBW-FM Hanover

In regard to the requirements set out in condition of licence 3 in Appendix 1 to *CFBW-FM Hanover – Licence renewal*, Broadcasting Decision CRTC 2017-297, 23 August 2017, I, _____ (NAME), on behalf of _____ (LICENSEE), certify that the announcement regarding CFBW-FM Hanover’s non-compliance with the *Radio Regulations, 1986* was duly broadcast three times a day, and distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive days, within the 14-day period immediately following 1 September 2017, the beginning of the new licence term, as follows:

| | | | | | |
|----------------------------------|--|-------|----|----|----|
| First date of broadcast: | | Times | 1: | 2: | 3: |
| Second date of broadcast: | | Times | 1: | 2: | 3: |
| Third date of broadcast: | | Times | 1: | 2: | 3: |
| Fourth date of broadcast: | | Times | 1: | 2: | 3: |
| Fifth date of broadcast: | | Times | 1: | 2: | 3: |

Signature

Date