



Broadcasting Decision CRTC 2020-50

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Reference: 2019-225

Ottawa, 6 February 2020

Radio Témiscamingue incorporée
Ville-Marie and Témiscaming, Quebec

Public record for this application: 2018-0684-5
Public hearing in the National Capital Region
5 September 2019

CKVM-FM Ville-Marie and its transmitter CVKM-1-FM Témiscaming – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CKVM-FM Ville-Marie and its transmitter CKVM-1-FM Témiscaming from 1 April 2020 to 31 August 2022. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Radio Témiscamingue incorporée (Radio Témiscamingue) filed an application to renew the broadcasting licence for the French-language commercial radio station CKVM-FM Ville-Marie, Quebec, and its transmitter CKVM-1-FM Témiscaming, which expires 31 March 2020.¹ The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decisions 2013-692 and 2010-430, the Commission renewed the broadcasting licence for CKVM-FM for short-term periods due to the licensee's non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns.
3. In Broadcasting Decision 2007-331, the Commission renewed CKVM-FM's broadcasting licence for a short-term period due to the licensee's non-compliance with section 2.2 of the Regulations relating to the broadcast of French-language vocal music.

¹ In Broadcasting Decision 2019-256, the Commission administratively renewed the broadcasting licence from 1 September 2019 to 31 March 2020.

Non-compliance

4. In Broadcasting Notice of Consultation 2019-225, the Commission stated that Radio Témiscamingue was in apparent non-compliance with the following sections of the Regulations and with the following condition of licence:
 - sections 8(1) and 8(2) of the Regulations relating to the filing of program logs or a record of the matter broadcast;
 - section 9(3)(a) of the Regulations relating to the filing of an accurate self-assessment report;
 - section 9(3)(b) of the Regulations relating to the filing of a complete and accurate music list; and
 - condition of licence 2 set out in the appendix to Broadcasting Decision 2013-692 relating to the requirement to file a self-assessment report every three months.

Radio monitoring material

5. Sections 8(1) and 8(2) of the Regulations set out requirements relating to the keeping of audio recordings and program logs of all matter broadcast. Sections 9(3)(a) and 9(3)(b) of the Regulations set out requirements relating to the information to be included in a station's self-assessment report and the list of musical selections broadcast by the licensee, for any period specified by the Commission.
6. According to Commission records, it appears that a program was broadcast at a different time than that indicated in the program log that Radio Témiscamingue submitted to the Commission.
7. Further, during its assessment, the Commission identified 39 musical selections that were broadcast on CKVM-FM but that were not listed in the list of musical selections filed with the Commission. It also identified 1,636 Canadian musical selections broadcast during the broadcast week of 6 to 12 May 2018, which did not correspond to the 1,597 musical selections that the licensee indicated in its self-assessment report.
8. The licensee indicated that, over the past ten years, the station has had four executive directors, and that the station's current executive director has been in this position since 2017. It added that the conditions relating to the 2013 licence renewal were not properly communicated when the former executive director left.
9. Radio Témiscamingue also explained that the station was the victim of hacking on 27 April 2018, resulting in the loss of all of the information on the music library's songs. To ensure that this situation does not reoccur, the licensee asked the third parties producing programs for the station to provide the list of songs and the log for their programming segment.

10. In light of the above, the Commission finds the licensee in non-compliance with sections 8(1), 8(2), 9(3)(a) and 9(3)(b) of the Regulations.

Condition of licence 2 relating to the filing of self-assessment reports

11. Condition of licence 2 set out in the appendix to Broadcasting Decision 2013-692 specifies that the licensee must submit to the Commission, every three months, a self-assessment report on the programming aired during a given week.
12. During the current licence term, Radio Témiscamingue did not submit the self-assessment reports on time. It only filed the reports after the Commission initiated a compliance evaluation of the station, in which it reminded the licensee of its obligation in this regard.
13. As noted above, the licensee indicated that the information relating to the conditions of licence was not properly communicated to the current executive director. It stated, however, that the individual responsible for routing and computer support is now well aware of the requirement to produce quarterly reports. Further, the executive director and the above-noted individual entered the dates for the submission of annual returns in their monitoring tools.
14. In light of the above, the Commission finds the licensee in non-compliance with condition of licence 2 set out in the appendix to Broadcasting Decision 2013-692.

Regulatory measures

15. 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.
16. The Commission notes the steps taken by Radio Témiscamingue to ensure compliance in the future and considers that the licensee has demonstrated its commitment to collaboration. Nevertheless, this is the fourth consecutive licence term in which the licensee has been found to be in non-compliance with the Regulations. Accordingly, the Commission finds it appropriate to renew the broadcasting licence for CKVM-FM for a short-term period.

Conclusion

17. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CKVM-FM Ville-Marie, Quebec, and its transmitter CKVM-1-FM Témiscaming from 1 April 2020 to 31 August 2022. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The **conditions of licence** are set out in the appendix to this decision.

Reminders

18. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory requirements. The retention of these materials makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file the 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.
19. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures as part of the next licence renewal process, including the issuance of a mandatory order, or the revocation or non-renewal of the licence.
20. 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

- *Various commercial radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-256, 16 July 2019
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-225, 27 June 2019
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *CKVM-FM Ville-Marie and its transmitter CKVM-1-FM Témiscaming – Licence renewal*, Broadcasting Decision CRTC 2013-692, 13 December 2013
- *CKVM-FM Ville-Marie and its transmitter – Licence renewal*, Broadcasting Decision CRTC 2010-430, 30 June 2010
- *CKVM-FM Ville-Marie and its transmitter CKVM-FM-1 Témiscaming – Licence renewal*, Broadcasting Decision CRTC 2007-331, 28 August 2007

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2020-50

Terms, conditions of licence, expectation and encouragement for the French-language commercial programming undertaking CKVM-FM Ville-Marie, Quebec, and its transmitter CKVM-1-FM Témiscaming

Terms

The licence will take effect 1 April 2020 and expire 31 August 2022.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. Every three months, the licensee shall submit to the Commission a self-assessment report on the programming aired during a given week. This report must demonstrate that the licensee has complied with the *Radio Regulations, 1986* (the Regulations), the Commission's policies, and the conditions of its licence. Further, the report must demonstrate that the licensee has complied with the requirements of section 2.2(5) of the Regulations relating to the percentage of French-language vocal musical selections broadcast in their entirety during each broadcast week.

Expectation

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

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.