



## Broadcasting Decision CRTC 2023-192

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Reference: Part 1 licence renewal application posted on 17 January 2023

Ottawa, 6 July 2023

**Hay River Broadcasting Society**  
Hay River, Northwest Territories

*Public record: 2022-0972-5*

### CKHR-FM Hay River – Licence renewal

#### Summary

The Commission **renews** the broadcasting licence for the English-language community radio station CKHR-FM Hay River, Northwest Territories, from 1 September 2023 to 31 August 2027. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.

#### Application

1. The Commission has the authority, pursuant to subsections 9(1) and 9.1(1) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*.
2. On 10 June 2022, the Commission issued Broadcasting Notice of Consultation 2022-152,<sup>1</sup> which listed radio stations for which the broadcasting licences would expire 31 August 2023 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those stations submit renewal applications for their broadcasting licences.
3. In response, Hay River Broadcasting Society (Hay River Broadcasting) filed an application to renew the broadcasting licence for the English-language community radio station CKHR-FM Hay River, Northwest Territories, which expires 1 September 2023.<sup>2</sup> The Commission did not receive any interventions in regard to this application.

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<sup>1</sup> As corrected in Broadcasting Notice of Consultation 2022-152-1.

<sup>2</sup> The original licence expiry date for the station was 31 August 2021. The licence was administratively renewed until 31 August 2022 as a result of Broadcasting Decision 2020-381 and until 31 August 2023 as a result of Broadcasting Decision 2021-299.

## Background

4. In Broadcasting Decision 2014-294, the Commission found Hay River Broadcasting to be in non-compliance with subsection 9(2) of the *Radio Regulations, 1986* (the Regulations) for the 2010-2011 broadcast year.

## Non-compliance

### Requests for information

5. Paragraph 10(1)(i) of the old *Broadcasting Act*, which was in effect while the licensee's application was being considered, granted the Commission the authority, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.
6. Pursuant to this authority, the Commission made paragraph 9(4)(b) of the Regulations, which requires licensees to respond to any Commission request for information regarding the licensee's adherence to the conditions of its licence, the *Broadcasting Act*, the Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.
7. Subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, stipulates that any regulation made pursuant to paragraph 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. Accordingly, paragraph 9(4)(b) of the Regulations is considered to be a condition of service pursuant to paragraph 9.1(1)(o) of the new *Broadcasting Act*, and licensees continue to be subject to this requirement.
8. According to Commission records, Hay River Broadcasting filed its licence renewal application more than three months after the filing deadline, and after multiple follow-ups by Commission staff. The licensee indicated that this occurred because the person responsible for handling correspondence for the station fell ill. It added that a different person is now responsible for handling said correspondence.
9. In light of the above, the Commission finds the licensee in non-compliance with paragraph 9(4)(b) of the Regulations.

### Implementation of a National Public Alerting System

10. Subsection 10(1) of the *Broadcasting Act* authorizes the Commission, in furtherance of its objects, to make regulations regarding, among other things, the broadcasting of programs. In Broadcasting Regulatory Policy 2014-444, the Commission stated that the broadcasting system has a vital role to play in the provision of emergency alert messages to Canadians and that the duty to inform the public of imminent perils is at the core of the public service obligations of all broadcasters. The provision of

emergency alert messages is achieved through the National Public Alerting System (NPAS).

11. Pursuant to the authority granted by subsection 10(1) of the *Broadcasting Act*, the Commission made section 16 of the Regulations. It specifies, among other things, that except as otherwise provided under a condition of its licence, a licensee of a community radio station shall implement, by no later than 31 March 2016, a public alerting system that broadcasts without delay any audio alert that it receives from the National Alert Aggregation and Dissemination (NAAD) System that
  - (a) announces an imminent or unfolding danger to life; and
  - (b) is designated by the applicable issuing authority for immediate broadcast in all or part of the area within the station's A.M. 5 mV/m contour, F.M. 0.5 mV/m contour or digital service area, as the case may be.
12. According to Commission records, the licensee did not implement the NPAS by the 31 March 2016 deadline.
13. Hay River Broadcasting indicated that the staff member responsible for the NPAS died two years ago and that it was unable to find any information regarding the system. The licensee added that measures are now being taken to install the NPAS.
14. In light of the above, the Commission finds the licensee in non-compliance with subsection 16(3) of the Regulations.

### **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 number, recurrence and seriousness of the instances of 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. In regard to CKHR-FM and the licensee's non-compliance with paragraph 9(4)(b) of the Regulations, the Commission is satisfied with the licensee's explanation and the measures taken to address how correspondence for the station will be handled.
17. In regard to the licensee's non-compliance relating to the implementation of the NPAS, the Commission considers that Hay River Broadcasting is taking appropriate measures to implement the NPAS, such as contacting the Commission for guidance on how to implement the system. Nevertheless, in light of the serious nature of CHKR-FM's non-compliance relating to implementation of the NPAS as well as the vital role that the NPAS plays in the provision of emergency alert messages to Canadians, the Commission finds that it would be appropriate to require Hay River Broadcasting to install the NPAS by no later than 30 November 2023. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders**

Hay River Broadcasting, as a condition of service, to install the NPAS by no later than **30 November 2023**.

18. Given that this renewal application was filed and processed prior to the coming into force of the new *Broadcasting Act*, and that interested parties had an opportunity to comment on the issue of compliance with the NPAS as part of that process, the Commission considers the Part 1 proceeding to fulfill the publication and consultation requirement for purposes of subsection 9.1(4) of the new *Broadcasting Act* in this case.
19. The Commission notes that neither of the two instances of non-compliance addressed in this decision are recurring issues and is satisfied that the licensee is taking measures to bring the station into compliance and to maintain said compliance in the future. The Commission has also examined the public record for this application and notes the licensee's willingness to ensure the station's compliance with regulatory requirements. However, given the seriousness of the non-compliance relating to the implementation of the NPAS, the Commission finds that it would be appropriate to renew the broadcasting licence for CHKR-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

## **Conclusion**

20. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CKHR-FM Hay River, Northwest Territories, from 1 September 2023 to 31 August 2027.
21. Pursuant to subsection 49(1) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee. For ease of reference, the **conditions of service** for this licensee are set out in the appendix to this decision. Further, the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.

## **Reminders**

22. The Commission reminds the licensee that it must comply at all times with the requirements set out in the *Broadcasting Act*, the Regulations, its licence and its conditions of service. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures, including the issuance of a mandatory order, or the revocation, non-renewal or suspension of the licence pursuant to sections 9 and 24 of the *Broadcasting Act*.

## **Responding to requests for information**

23. Licensees are required to provide, upon Commission request, information regarding their adherence to regulatory and other requirements. Failure to respond to such requests affects the Commission's ability to fulfill its mandate of supervising the Canadian broadcasting system and could lead to non-renewal of the broadcasting licence or its revocation.

## **National Public Alerting System**

24. The full participation of the broadcasting industry is important for ensuring that the NPAS is effective in safeguarding and warning Canadians. Accordingly, the Commission considers that compliance must be enforced. Stations that are in non-compliance with the requirements relating to the NPAS will be closely monitored to ensure that they come into compliance within the prescribed timeframe. The Commission could choose to apply other regulatory measures, such as those set out in Broadcasting Information Bulletin 2014-608, should the requirements relating to the NPAS not be fulfilled.

## **Force and effect of broadcasting licences**

25. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapse.

## **Practical guide for radio licence renewals**

26. To learn more about the Commission's review of compliance with requirements relating to radio licences, and about the radio renewal process, please consult the Commission's [Practical guide to radio licence renewals](#).

Secretary General

## **Related documents**

- *Call for licence renewal applications – Submission of renewal applications for broadcasting licences of radio stations expiring on 31 August 2023 – Regular renewal process*, Broadcasting Notice of Consultation CRTC 2022-152, 10 June 2022, as corrected by Broadcasting Notice of Consultation CRTC 2022-152-1, 18 August 2022
- *Various campus and community radio programming undertakings - Administrative renewals*, Broadcasting Decision CRTC 2021-299, 30 August 2021
- *Various radio programming undertakings - Administrative renewals*, Broadcasting Decision CRTC 2020-381, 27 November 2020

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting 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
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *CKHR-FM Hay River – Licence renewal*, Broadcasting Decision CRTC 2014-294, 4 June 2014

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

## Appendix to Broadcasting Decision CRTC 2023-192

### Terms, conditions of service, expectations and encouragement for the English-language community radio programming undertaking CKHR-FM Hay River, Northwest Territories

#### Terms

The licence will expire 31 August 2027.

#### Conditions of service

1. The licensee shall adhere to the conditions of service set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.<sup>3</sup>
3. In order to comply with the requirements set out in section 16 of the *Radio Regulations, 1986* and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014, the licensee shall implement the National Public Alerting System (NPAS) by no later than **30 November 2023**. As part of this requirement:
  - a. The licensee must file with the Commission a letter attesting to the implementation date of its NPAS within 14 days after the installation. In this letter, the licensee must confirm whether maintenance, testing and updating procedures have been adopted for its automated emergency alert message distribution equipment.
  - b. In addition, the licensee must file with the Commission the results of its first NPAS test, as scheduled by the relevant alerting authorities, within two weeks after the occurrence of such a system test.

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<sup>3</sup> Pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*.

## **Expectations**

### **Cultural diversity**

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

### **Updates on boards of directors of community and campus radio stations**

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 pay particular attention to employment equity in order to reflect fully the communities they serve. It encourages the licensee to consider employment equity in its hiring practices and in all other aspects of its management of human resources.