



Broadcasting Decision CRTC 2023-220

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Reference: Part 1 licence renewal application posted on 22 November 2022

Ottawa, 24 July 2023

HB Communications Inc.
Hudson Bay, Saskatchewan

Public record: 2022-0821-4

CFMQ-FM Hudson Bay – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the low-power, English-language community radio station CFMQ-FM Hudson Bay, Saskatchewan, from 1 September 2023 to 31 August 2028. 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 2022-152,¹ 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, HB Communications Inc. (HB Communications) filed an application to renew the broadcasting licence for the low-power, English-language community radio station CFMQ-FM Hudson Bay, Saskatchewan, which expires 31 August 2023.² The Commission did not receive any interventions in regard to this application.

¹ As corrected in Broadcasting Notice of Consultation 2022-152-1.

² The original expiry date of the station's licence was 31 August 2021. The broadcasting licence was administratively renewed until 31 August 2022 as a result of Broadcasting Decision 2020-381 and until 31 August 2023 by Broadcasting Decision 2021-299.

Non-compliance

4. 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).
5. Pursuant to the authority granted by subsection 10(1) of the *Broadcasting Act*, the Commission made section 16 of the *Radio Regulations, 1986* (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.
6. According to Commission records, the licensee did not implement the NPAS by the 31 March 2016 deadline.
7. The licensee stated that, while it does not have its own NPAS equipment, the system was technically implemented in March 2016 via an agreement with the licensee of CJVR-FM and CKJH Melfort, Saskatchewan.³ The two stations' NPAS equipment is programmed to include CFMQ-FM Hudson Bay in its alerting area. When CFMQ-FM is rebroadcasting the programming of these two stations, any incoming alert would also be broadcast. When CFMQ-FM is broadcasting local programming, it receives emergency alerts through emails and texts, in which case the broadcast feed is then interrupted manually. In 2016, HB Communications was not in a financial position to purchase its own equipment and the board of directors could not justify the purchase. At that time, the board approved the process as outlined above. Further, due to it being a non-profit organization, the licensee also struggled financially during COVID-19 and was unable to purchase their own NPAS equipment during that period.
8. The licensee submitted that it would need time to fundraise to purchase and install the required NPAS equipment, but it could implement and install the required equipment by December 2023.

³ Both stations are owned by Pattison Media Ltd.

9. Given that the alerts during the local programming periods are not broadcast directly, and without delay from the NAAD System, the Commission considers that the alerting system as implemented by the licensee does not meet the requirements set out in section 16 of the Regulations. In light of the above, the Commission finds the licensee in non-compliance with section 16 of the Regulations.

Regulatory measures

10. 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.
11. In regard to the licensee's non-compliance relating to the implementation of the NPAS, the Commission acknowledges that the licensee, which serves a small community, used the resources it had available in order to implement the NPAS to a certain extent. However, all broadcasters are required to comply fully with section 16 of the Regulations as they have a duty to inform the public of imminent perils. Given the seriousness of the licensee's non-compliance with section 16 of the Regulations, the Commission finds that it would be appropriate to renew the broadcasting licence for CFMQ-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.
12. Further, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** HB Communications Inc., as a condition of service, to implement the NPAS on CFMQ-FM by no later than **30 November 2023**.
13. 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 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*.

Conclusion

14. In light of all of the above, the Commission **renews** the broadcasting licence for the low-power, English-language community radio programming undertaking CFMQ-FM Hudson Bay, Saskatchewan from 1 September 2023 to 31 August 2028.
15. 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

16. 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.

National Public Alerting System

17. 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

18. 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

19. 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*
- *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*

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-220

Terms, conditions of service, expectations and encouragement for the low-power, English-language community radio programming undertaking CFMQ-FM Hudson Bay, Saskatchewan

Terms

The licence will expire 31 August 2028.

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 license 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*.⁴
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.

⁴ 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.