



Broadcasting Decision CRTC 2023-279

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References: 2023-6, 2023-6-1, 2023-6-2 and 2023-6-3

Ottawa, 23 August 2023

**La radio communautaire du comté
Rimouski and Mont-Joli, Quebec**

Public record: 2022-0631-7

*Public hearing in the National Capital Region
3 May 2023*

CKMN-FM Rimouski/Mont-Joli – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the French-language community radio station CKMN-FM Rimouski/Mont-Joli, Quebec, from 1 September 2023 to 31 August 2026. 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, La radio communautaire du comté filed an application to renew the broadcasting licence for the French-language community radio station CKMN-FM Rimouski/Mont-Joli, Quebec, which expires 31 August 2023. The Commission received a joint supporting intervention in regard to this application.

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

Background

4. In Broadcasting Decision 2005-263, the Commission renewed the broadcasting licence for CKMN-FM for a short-term period due to the licensee's non-compliance with subsections 8(5), 8(6) and 9(3) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of complete and accurate radio monitoring materials.
5. In Broadcasting Decisions 2011-544 and 2015-346, the Commission renewed the broadcasting licence for CKMN-FM for short-term periods due to the licensee's non-compliance with subsection 9(2) of the Regulations relating to the filing of complete and accurate annual returns.
6. In Broadcasting Decision 2018-468, the Commission renewed the broadcasting licence for CKMN-FM for a short-term period due to the licensee's non-compliance with the following:
 - subsection 9(2) of the Regulations relating to the filing of complete and accurate annual returns; and
 - subsections 8(1), 8(2), 8(5) and 8(6) and paragraph 9(3)(b) of the Regulations relating to the filing of complete and accurate radio monitoring materials.
7. In Broadcasting Decision 2020-307, the Commission renewed the broadcasting licence for CKMN-FM for a short-term period due to the licensee's non-compliance with the following:
 - paragraph 9(3)(a) of the Regulations relating to the requirement to provide a complete and accurate self-assessment report; and
 - condition of licence 5 set out in the appendix to Broadcasting Regulatory Policy 2012-304 requiring the licensee to devote no less than 5% of its musical selections to selections drawn from content category 3 (Special Interest Music).

Non-compliance

8. In Broadcasting Notice of Consultation 2023-6, the Commission stated that the licensee was in apparent non-compliance with the following:
 - paragraph 9(3)(a) of the Regulations relating to the requirement to provide a complete and accurate self-assessment report.

Self-assessment report

9. 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.

10. Pursuant to this authority, the Commission made paragraph 9(3)(a) of the Regulations, which specifies that a licensee shall submit the information required by the station self-assessment report when requested by the Commission.
11. 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(3)(a) 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.
12. As part of the licence renewal proceeding for CKMN-FM, the Commission evaluated the station's programming for the broadcast week of 3 to 9 October 2021 and noted a lack of consistency between the music list and the self-assessment report filed by the licensee. More specifically, the Commission noted that the total indicated in the station's music list was 1,534 musical selections while the total indicated in the self-assessment report was 1,690, which represents a difference of 156 musical selections or 9.3%.
13. The licensee stated that, while compiling the results, a human error occurred when calculating the number of selections broadcast. The analysis process is complex, since the data must be compiled from several Excel files generated by the automation system. The licensee acknowledged that some selections were incorrectly counted or counted twice. Once the errors had been identified and corrected, the licensee confirmed that the number of selections came to 1,534, the number identified by Commission staff. The licensee also pointed out that community radio stations have few resources to devote to activities other than programming and station operations.
14. To ensure full regulatory compliance, the licensee proposed to set up a review committee that would analyze the data to be sent in the self-assessment report, should the Commission require renewed monitoring of the station.
15. In light of the above, the Commission finds the licensee in non-compliance with paragraph 9(3)(a) of the Regulations.

Regulatory measures

16. 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.

17. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, and depending on the nature of the non-compliance, the Commission may apply, on a case-by-case basis, measures such as renewing the licence for a short term; imposing additional conditions of licence (conditions of services); calling the licensee to a public hearing to respond to and discuss apparent non-compliance; issuing a mandatory order requiring the licensee to comply with regulatory requirements; or suspending, not renewing, or revoking the licence.
18. Regarding CKMN-FM and the licensee's non-compliance with paragraph 9(3)(a) of the Regulations, the Commission noted that the licensee appears to be experiencing difficulty in properly validating its music list. By comparing the Commission's monitoring report with its own list, the licensee was able to corroborate the difference in the number of musical selections. However, given that this is the sixth consecutive licence term in which CKMN-FM has been in non-compliance and, more specifically, the second consecutive licence term during which it has been in non-compliance with paragraph 9(3)(a) of the Regulations relating to the requirement to provide a complete and accurate self-assessment report, the Commission finds it appropriate to renew the licence for the station for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Conclusion

19. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CKMN-FM Rimouski/Mont-Joli, Quebec, from 1 September 2023 to 31 August 2026.
20. 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

21. 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*.

Radio monitoring materials

22. 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 the Regulations and conditions of service. The retention of these radio monitoring 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, files material that is incomplete or does not file the material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to its regulatory obligations. 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.

Force and effect of broadcasting licences

23. 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

24. 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

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2023-6, 10 January 2023, as amended by Broadcasting Notices of Consultation CRTC 2023-6-1, 27 January 2023; 2023-6-2, 10 February 2023; and 2023-6-3, 2 May 2023
- *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
- *CKMN-FM Rimouski/Mont-Joli – Licence renewal*, Broadcasting Decision CRTC 2020-307, 27 August 2020
- *CKMN-FM Rimouski/Mont-Joli – Licence renewal and issuance of mandatory orders*, Broadcasting Decision CRTC 2018-468 and Broadcasting Orders

CRTC 2018-469, 2018-470, 2018-471, 2018-472, 2018-473 and 2018-474,
14 December 2018

- *CKMN-FM Rimouski/Mont-Joli - Licence renewal and reimposition of a broadcasting order*, Broadcasting Decision CRTC 2015-346 and Broadcasting Order CRTC 2015-347, 29 July 2015
- *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
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *CKMN-FM Rimouski and Mont-Joli – Licence renewal and issuance of a mandatory order*, Broadcasting Decision CRTC 2011-544 and Broadcasting Order CRTC 2011-545, 31 August 2011
- *CKMN-FM Rimouski and Mont-Joli - Licence renewal*, Broadcasting Decision CRTC 2005-263, 28 June 2005

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-279

Terms, conditions of service, expectations and encouragement for the French-language community radio programming undertaking CKMN-FM Rimouski/Mont-Joli, Quebec

Terms

The licence will expire 31 August 2026.

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*.²

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.

² 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*.