



## Broadcasting Decision CRTC 2011-485

PDF version

Route reference: 2011-188

Ottawa, 11 August 2011

**Campbellford Area Radio Association**  
Campbellford, Ontario

*Application 2011-0345-7, received 18 February 2011*  
*Public hearing in the National Capital Region*  
*17 May 2011*

### **CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc – Licence renewal**

*The Commission **renews** the broadcasting licence for the English-language Type B community radio station CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc from 1 September 2011 to 31 August 2016.*

#### **Introduction**

1. The Commission received an application by Campbellford Area Radio Association to renew the broadcasting licence for the English-language Type B community radio programming undertaking CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc. The licence expires 31 August 2011.
2. In Broadcasting Notice of Consultation 2011-188, the Commission noted that it appeared that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns for the 2009-2010 broadcast year.
3. The Commission received one comment from the National Campus and Community Radio Association. The public record for this proceeding can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

#### **Non-compliance**

4. As set out in section 9(2) of the Regulations, on or before 30 November of each year, licensees are required to file their annual return for the broadcast year ending the previous 31 August. The Commission notes that the licensee filed its annual return for the 2009-2010 broadcast year on 4 January 2011.
5. In a letter dated 9 March 2011, the licensee stated that it had made several attempts at filling its annual return through the Commission's E-Pass system without success.

Consequently, the licensee decided to mail its return to the Commission. The licensee later realized that its return had been mailed to the wrong address.

### **Commission's analysis and determinations**

6. The Commission notes that this is the second consecutive licence term in which CKOL-FM has been found in non-compliance with the Regulations but is the first instance of non-compliance relating to the filing of annual reports. In Broadcasting Decision 2007-162, the Commission renewed CKOL-FM's licence for a four-year term due to the licensee's non-compliance with the Regulations as they relate to the broadcast of Canadian content for category 2 (Popular Music) selections.
7. The Commission concedes that it did experience problems with its E-Pass system at the time the 2009-2010 annual returns were due to be filed. The Commission notes that the licensee has never failed to submit its annual return on time in the past. In light of the above, the Commission is confident that this was an isolated incident that will not repeat itself. Nonetheless, the Commission reminds the licensee that it is its responsibility to ensure that the annual return has in fact been received by the Commission.

### **Conclusion**

8. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to dealing with radio stations found to be in non-compliance. In particular, the Commission noted that each instance of non-compliance would be evaluated in light of such factors as the quantity, recurrence and seriousness of the non-compliance. The Commission also noted that it would consider the circumstances leading to the non-compliance, the licensee's arguments and the measures taken to rectify the situation.
9. In accordance with its revised approach regarding radio non-compliance set out in Broadcasting Information Bulletin 2011-347, the Commission considers that a shorter renewal period for CKOL-FM is appropriate. Accordingly, the Commission **renews** the broadcasting licence for the English-language Type B community radio programming undertaking CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc from 1 September 2011 to 31 August 2016. The **conditions of licence** are set out in the appendix to this decision.
10. In Broadcasting Regulatory Policy 2010-499, the Commission announced that it would remove the distinction between Type A and Type B community stations. In order to do so entirely, the Commission must amend the Regulations. As such, when the regulations are amended, the type designation will become irrelevant and this station will be a community station.

Secretary General

## Related documents

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC [2011-347](#), 26 May 2011
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC [2011-188](#), 16 March 2011
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC [2010-499](#), 22 July 2010
- *CKOL-FM Campbellford and its transmitter CKOL-FM-1 Madoc – Licence renewal*, Broadcasting Decision CRTC [2007-162](#), 1 June 2011

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

# Appendix to Broadcasting Decision CRTC 2011-485

## Conditions of licence and encouragement

### Conditions of licence

1. The licence shall be subject to the conditions set out in the *New licence form for community radio stations*, Public Notice CRTC [2000-157](#), 16 November 2000, with the exception of conditions 1 and 9.
2. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
3. In each broadcast week, the licensee shall devote no less than 15% of its programming to Spoken Word (content category 1), which is comprised of News (subcategory 11) and Spoken word – other (subcategory 12), as defined in *Revised content categories and subcategories for radio*, Public Notice CRTC [2000-14](#), 28 January 2000, as amended from time to time. The entirety of this spoken word programming shall be locally produced (that is, produced by or exclusively for the licensee).
4. In each broadcast week, the licensee shall devote 12% or more of its musical selections from content category 3 (Special Interest Music) to Canadian selections broadcast in their entirety. This condition of licence will expire upon the coming into force of amendments to the *Radio Regulations, 1986* introducing requirements pertaining to the minimum level of content category 3 musical selections that must be devoted to Canadian selections broadcast in their entirety by campus and community radio undertakings.

### Encouragement

#### Employment equity

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