



## Broadcasting Decision CRTC 2013-158

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Route reference: 2012-457

Ottawa, 27 March 2013

**Radio MF Charlevoix inc.**  
Saint-Hilarion, Quebec

*Application 2011-0321-7, received 14 February 2011*

### **CIHO-FM Saint-Hilarion and its transmitters – Licence renewal and amendment**

*The Commission **renews** the broadcasting licence for the French-language community radio station CIHO-FM Saint-Hilarion and its transmitters from 1 April 2013 to 31 August 2019.*

*The Commission also **approves** the licensee's request to delete its condition of licence relating to the filing of a self-assessment report.*

#### **Introduction**

1. The Commission received an application from Radio MF Charlevoix inc. to renew and amend the broadcasting licence for the French-language community radio programming undertaking CIHO-FM Saint-Hilarion and its transmitters CIHO-FM-1 La Malbaie, CIHO-FM-2 Baie-Saint-Paul, CIHO-FM-3 Petite-Rivière-Saint-François and CIHO-FM-4 Saint-Siméon, which expires on 31 March 2013.<sup>1</sup> The Commission did not receive any interventions in connection with this application.
2. The licensee proposed to amend its licence by deleting the following condition of licence imposed in Broadcasting Decision 2009-533:

The licensee must file, every three months, a self-assessment report on the broadcast of French-language vocal music and of music from category 3 for each period beginning on Monday and ending the following Sunday between 6:00 a.m. and 6:00 p.m.
3. The licensee stated that during the current licence term, CIHO-FM had fully complied with this condition of licence and had demonstrated its willingness and ability to meet all the requirements relating to its licence. It therefore submitted that this condition of licence was no longer necessary.

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<sup>1</sup>The original licence expiry date for this station was 31 August 2011. The broadcasting licence was administratively renewed until 30 March 2013 as a result of Broadcasting Decisions 2011-557 and 2012-456.

4. In Broadcasting Decision 2009-533, the Commission granted CIHO-FM a short-term licence period due to its failure to comply with section 2.2(5) of the *Radio Regulations, 1986* (the Regulations) concerning the requirement to devote at least 65% of its musical selections to French-language vocal music (FVM) selections, as well as with its failure to comply with its condition of licence requiring that at least 5% of all musical selections broadcast in each broadcast week be drawn from content category 3 (Special Interest Music).
5. In Broadcasting Notice of Consultation 2012-457, the Commission stated that the licensee may have failed to comply with section 9(2) of the Regulations with respect to the filing of annual returns for the 2009-2010 broadcast year.

### **Commission's analysis and decisions**

6. After reviewing the public record for this application in light of applicable regulations and policies, the Commission considers that the issues to be addressed are the following:
  - the station's compliance with the condition of licence imposed in Broadcast Decision 2009-533;
  - the apparent non-compliance of the station during the current licence term.

#### **Station's compliance with the condition of licence imposed in broadcasting decision 2009-533**

7. The Commission notes that it monitored the station for the week of 10 to 16 April 2011. This monitoring revealed that the station devoted 64.7% of its category 2 selections (Popular Music) and 24.8% of its category 3 selections to Canadian selections. The analysis also revealed that the station devoted more than 5% of its musical selections to category 3 selections and more than 20% of its selections to selections belonging to categories other than subcategory 21 (Pop, rock and dance). Further, the Commission's analysis shows that the licensee devoted 87.3% of its selections to FVM selections. The Commission concludes that the station complied with its regulatory obligations during the licence term, as corroborated by the self-assessment reports filed by the licensee.
8. In light of the above, the Commission considers it appropriate to delete the above-noted condition of licence, as requested by the licensee.

#### **Apparent non-compliance during the current licence term**

9. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach for dealing with non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances, the arguments provided by the licensee and the measures taken to rectify the situation.

10. Section 9(2) of the Regulations requires that a licensee file by 30 November of each year a statement of accounts for the year ending on the previous 31 August. The Commission notes that CIHO-FM's annual returns were submitted after the 30 November deadline for the 2009-2010 broadcast year.
11. The licensee indicated that it experienced technical difficulties when the time came to submit its financial report and that it had to obtain technical support from Commission staff to submit its report.
12. The Commission notes, however, that the licensee was in compliance with the rest of the requirements in section 9(2) of the Regulations during the rest of the licence term. The Commission is satisfied with the licensee's explanations and considers that no sanction is required in this case.
13. The Commission reminds the licensee that it must file its annual returns by 30 November of each year for the broadcast year ending on the previous 31 August, as set out in section 9(2) of the Regulations.

## Conclusion

14. In light of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CIHO-FM Saint-Hilarion and its transmitters CIHO-FM-1 La Malbaie, CIHO-FM-2 Baie-Saint-Paul, CIHO-FM-3 Petite-Rivière-Saint-François and CIHO-FM-4 Saint-Siméon from 1 April 2013 to 31 August 2019. The terms and **conditions of licence** are set out in the appendix to this decision.
15. Further, the Commission **approves** the licensee's request to delete its current condition of licence 3.

Secretary General

## Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2012-457, 28 August 2012
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-456, 28 August 2012
- *Administrative renewals*, Broadcasting Decision CRTC 2011-557, 31 August 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Community radio station in Saint-Hilarion*, Broadcasting Decision CRTC 2009-533, 28 August 2009

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

## **Appendix to Broadcasting Decision CRTC 2013-158**

### **Terms, conditions of licence, expectation and encouragement for the French-language community radio programming undertaking CIHO-FM Saint-Hilarion, Quebec and its transmitters CIHO-FM-1 La Malbaie, CIHO-FM-2 Baie-Saint-Paul, CIHO-FM-3 Petite-Rivière-Saint-François and CIHO-FM-4 Saint-Siméon**

#### **Terms**

The licence will expire 31 August 2019.

#### **Conditions of licence**

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012.

#### **Expectation**

##### **Filing of ownership information**

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, 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. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website.

#### **Encouragement**

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.