



Broadcasting Notice of Consultation CRTC 2013-316

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Ottawa, 2 July 2013

Notice of applications received

Various locations

Renewal of the broadcasting licences for certain Native Type B radio stations – Licensees in apparent non-compliance

**Deadline for submission of interventions/comments/answers:
6 August 2013**

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission announces that it has received applications to renew the broadcasting licences for certain Native Type B radio stations, which expire 31 August 2013.

The licensees proposed to operate their stations under the same terms and conditions as those in effect under the current licences. In addition, the licensees will be required to adhere to the conditions set out in *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990.

In each case, the Commission has examined the licensees' compliance with the requirements relating to the filing of annual returns set out in section 9(2) of the *Radio Regulations, 1986* (the Regulations). Based on this examination, the Commission notes that the licensees listed below appear to be in non-compliance with section 9(2) of the Regulations during the current licence term, for the broadcast years listed below.

The Commission intends to consider the renewal of these broadcasting licences, subject to interventions, according to the approach set out in *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Licensee name and address Email address / website to request an electronic version of the application	Application, call sign and location	Broadcast years of apparent non- compliance	Licensee's explanation for the apparent non-compliance
<p>Native Communication Inc. 1507 Inkster Blvd. Winnipeg, Manitoba R2X 1R2 Fax: 204-779-5628 Email: hbui@ncifm.com</p>	<p>2013-0278-6 CICY-FM Selkirk, Manitoba and its transmitters CIPM-FM Peguis and CIFR-FM Fairford</p>	<p>2009-2010, 2010-2011 and 2011-2012</p>	<p>The licensee believed that all annual returns were complete and had been filed with the Commission. It does not understand why the Commission did not receive them. It stated that the clerical error in the delivering of the electronic files was unexpected and certainly unintended. The licensee also explained that it operates three different stations and that all three are audited as one company by its auditor and by the Department of Canadian Heritage. According to the licensee, this may account for some of the discrepancies in the filing of annual returns.</p> <p>The licensee further indicated that its reporting period as a non-profit, non-share entity differs from what is required in the annual returns (period of 1 April to 31 March rather than 12 months ending August 31).</p>

Points Eagle Radio Inc. 9111-F West Ipperwash Road Kettle & Stony Point First Nation, Ontario N0N 1J1 Fax: 519-786-2834 Email: 1033@eaglecountry.ca Website: www.eaglecountry.ca	2013-0319-8 CKCI-FM Sarnia, Ontario	2008-2009, 2009-2010 and 2010-2011	The licensee explained that finances were managed by the Kettle and Stony Point Finance Department, which was not aware of Commission requirements. The finance department manages all finances for the First Nation and the compliance requirements considered by the finance department are those of the Department of Aboriginal and Northern Affairs, which provides the majority of funding to the First Nation.
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Procedure

Deadline for interventions, comments or answers

6 August 2013

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been altered during electronic transmission.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Important notice

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal

information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the licensees, either on their websites or upon request by contacting the licensees at their email addresses, provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours at the Commission offices and documentation centres directly involved with these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

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Secretary General