



Broadcasting Decision CRTC 2013-434

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Route reference: 2013-220

Ottawa, 23 August 2013

Byrnes Communications Inc.

Woodstock, Ontario

Application 2012-0088-1, received 25 January 2012

CIHR-FM Woodstock – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CIHR-FM Woodstock from 1 September 2013 to 31 August 2020.*

Introduction

1. Byrnes Communications Inc. (Byrnes) filed an application to renew the broadcasting licence for the commercial radio station CIHR-FM Woodstock, Ontario, which expires 31 August 2013.¹ The Commission received interventions in support of this application as well as one commenting on the application from the Province of Ontario.
2. The Province of Ontario's comment related to the participation of the station in the National Public Alerting System (NPAS). The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. As specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS. Therefore, the Commission will not impose conditions of licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to voluntarily participate in the NPAS so that Canadians receive timely warnings of imminent perils.

Non-compliance

4. In Broadcasting Notice of Consultation 2013-220, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations 1986* with regard to the provision of complete annual returns for the 2007-2008 broadcast year in that it did not submit financial statements with the return.

¹ The original expiry date of CIHR-FM's broadcasting licence was 31 August 2012. This licence was administratively renewed until 31 August 2013 as a result of Broadcasting Decision 2012-447.

5. Section 9(2) of the Regulations requires licensee to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.
6. The licensee indicated that it believed that its accounting firm had submitted the financial statements along with the 2007-2008 annual return. The missing statements were submitted following a request from the Commission in February 2013.
7. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the filing of annual returns.

Regulatory measures

8. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to 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 of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
9. With respect to the missing financial statements, the Commission notes the explanation provided by the licensee and that the missing statements have now been filed. However, the Commission reminds the licensee that, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with the submission of its annual returns. If further clarification is required, it is the licensee's responsibility to contact the Commission to obtain further direction.
10. The Commission has reviewed the record for this application and is of the view that the failure to provide financial statements for the 2007-2008 broadcast year was an isolated incident. Given the circumstances surrounding Byrnes' non-compliance, the Commission considers it appropriate to grant a full-term renewal to CIHR-FM.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for CIHR-FM Woodstock, Ontario from 1 September 2013 to 31 August 2020. The licence will be subject to the **conditions of licence** set out in the appendix to this decision.
12. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-220, 7 May 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-447, 17 August 2012, as corrected by Broadcasting Decision CRTC 2012-447-1, 22 August 2012
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

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

Appendix to Broadcasting Decision CRTC 2013-434

Terms, conditions of licence and encouragement for the commercial radio programming undertaking CIHR-FM Woodstock, Ontario

Terms

The licence will expire 31 August 2020.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time.
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in section 2.2(8) of the *Radio Regulations, 1986*, devote, in any broadcast week, a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category,” and “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Encouragement

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.