



Broadcasting Decision CRTC 2013-624

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Route reference: 2013-316

Ottawa, 22 November 2013

Native Communication Inc.
Selkirk, Manitoba

Application 2013-0278-6, received 6 February 2013

CICY-FM Selkirk and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the Native Type B radio station CICY-FM Selkirk, Manitoba and its transmitters from 1 January 2014 to 31 August 2020.*

Introduction

1. The Commission received an application by Native Communication Inc. (NCI) to renew the broadcasting licence for the Native Type B radio station CICY-FM Selkirk, Manitoba and its transmitters CIPM-FM Peguis and CIFR-FM Fairford, which expires 31 December 2013.¹ The Commission did not receive any interventions in connection with this application.

Non-Compliance

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
3. In Broadcasting Notice of Consultation 2013-316, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the Regulations, relating to the provision of annual returns for each of the 2009-2010, 2010-2011 and 2011-2012 broadcast years. The licensee did not file complete annual returns for CICY-FM the 2009-2010 to 2011-2012 broadcast years, and did not file financial statements for the 2011-2012 broadcast year.
4. The licensee stated that it had believed that all annual returns were complete and had been filed with the Commission. It stated that the clerical error that resulted in delivering the electronic files was unintended. The licensee submitted that it operates

¹ The original expiry date of CICY-FM's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 as a result of Broadcasting Decision 2013-418.

three different stations, all of which are audited as one company by its auditor and by the Department of Canadian Heritage. It considered that this may account for some of the discrepancies in the filing of annual returns.

5. As well, the licensee indicated that its reporting period as a not-for-profit corporation differs from that required in annual returns.
6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the provision of annual returns for each of the 2009-2010, 2010-2011 and 2011-2012 broadcast years.

Regulatory measures

7. 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.
8. The Commission notes that native undertakings are subject to a variety of reporting requirements to different government agencies, which can make compliance more difficult. The Commission further notes that the licensee has filed the missing annual returns and financial statement and that it has indicated that it will make a concerted effort to ensure that it files documents with the Commission in a timely manner.
9. Given the circumstances surrounding the licensee's non-compliance, the Commission considers it appropriate to grant a full-term renewal to this station. The Commission reminds the licensee that annual returns must cover the period from 1 September to 31 August of the following year and that a licensee must submit a complete annual return for each of its stations.

Conclusion

10. In light of the above, the Commission renews the broadcasting licence for CICY-FM Selkirk, Manitoba and its transmitters CIPM-FM Peguis and CIFR-FM Fairford from 1 January 2014 to 31 August 2020. The licence will be subject to the **conditions of licence** set out in the appendix to this decision.

Reminder

11. 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

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-316, 2 July 2013
- *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 2013-624

Terms and conditions of licence for the Native Type B radio programming undertaking CICY-FM Selkirk, Manitoba, and its transmitters CIPM-FM Peguis and CIFR-FM Fairford

Terms

The licence will expire 31 August 2020.

Conditions of licence

1. The licensee shall broadcast no more than an average of four minutes of advertising per hour per day, with a maximum of six minutes in any given hour, in accordance with *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990.
2. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular music) to Canadian musical selections broadcast in their entirety.
3. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Equitable portrayal code*, as amended from time to time and approved by the Commission.
4. The licensee shall adhere to the provisions of the CAB's *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.