



Broadcasting Decision CRTC 2013-653

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Route reference: 2013-325

Ottawa, 4 December 2013

9174-8004 Québec inc.
Sainte-Marie (Beauce), Quebec

Application 2013-0223-1, received 25 January 2013

CHEQ-FM Sainte-Marie (Beauce) – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CHEQ-FM Sainte-Marie (Beauce), Quebec, from 1 January 2014 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with the Radio Regulations, 1986.*

Introduction

1. 9174-8004 Québec inc. (9174-8004) filed an application to renew the broadcasting licence for the French-language commercial radio station CHEQ-FM Sainte-Marie (Beauce), Quebec, which expires on 31 December 2013.¹
2. The Commission received interventions commenting on this application from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ), as well as from the ministère de la Culture et des Communications and the ministère de la Sécurité publique (the Ministères), on behalf of the Government of Quebec. The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The intervention of the Ministères related to the participation of the station in the National Public Alerting System (NPAS). In this regard, 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.

¹ The original expiration date for CHEQ-FM's broadcasting licence was 31 August 2013. The licence was renewed administratively until 31 December 2013 in Broadcasting Decision 2013-418.

Non-compliance

4. 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 specific filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
5. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2010-2011 broadcast year. Specifically, the licensee failed to attach financial statements to the annual return for 2010-2011.
6. The licensee² explained that the missing financial statements resulted from an omission on the part of the previous owner. The licensee indicated that it had implemented internal procedures to ensure the complete filing of all required documents and the station's compliance with all of its regulatory requirements.
7. The Commission notes that the licensee filed the missing financial statements in April 2013.
8. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2010-2011 broadcast year.
9. Furthermore, the Commission notes that this is the second consecutive licence term in which the licensee has been in non-compliance. In fact, in Broadcasting Decision 2010-432, the Commission renewed CHEQ-FM's broadcasting licence for a short-term period of four years due to the station's non-compliance with section 9(2) of the Regulations regarding the filing of annual returns for the 2006-2007 and 2007-2008 broadcast years and its condition of licence relating to Canadian talent development contributions for the 2005-2006 to 2007-2008 broadcast years.

Regulatory measures

10. 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.

² The licensee took control of the station in June 2012 (see the Commission's approval to this effect in Broadcasting Information Bulletin 2012-503).

11. The Commission notes that compliance with deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with the Regulations. Accordingly, it considers the late or incomplete filing of annual returns a serious matter.
12. The Commission has reviewed the record for this application and is satisfied with the licensee's explanations and the measures it has put in place to address the non-compliance. However, given the circumstances surrounding the non-compliance of 9174-8004, the Commission considers it appropriate to grant CHEQ-FM a short-term licence renewal.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CHEQ-FM Sainte-Marie (Beauce), Quebec, from 1 January 2014 to 31 August 2019. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.
14. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with the Regulations.

Reminders

15. The Commission reminds 9174-8004 that it is its responsibility to submit annual returns on time. In addition, 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.
16. Pursuant to section 22 of the *Broadcasting Act*, the Commission also 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.

Employment equity

17. In accordance with Public Notice 1992-59, 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.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013

- *Notice of applications received*, Broadcasting Public Notice CRTC 2013-325, 3 July 2013
- *Applications processed pursuant to streamlined procedures*, Broadcasting Information Bulletin CRTC 2012-503, 19 September 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
- *CHEQ-FM Sainte-Marie de Beauce – Licence renewal*, Broadcasting Decision CRTC 2010-432, 30 June 2010
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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