



Broadcasting Decision CRTC 2015-261

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Reference: 2015-52

Ottawa, 18 June 2015

Native Communication Inc.

Thompson and Winnipeg, Manitoba

Applications 2014-0923-5 and 2014-0928-5, received 10 and 11 September 2014

CINC-FM Thompson and its transmitters; CIUR-FM Winnipeg – Licence renewals

*The Commission **renews** the broadcasting licences for the Type B Native radio stations CINC-FM Thompson and its transmitters, and CIUR-FM Winnipeg, from 1 September 2015 to 31 August 2022.*

Introduction

1. Native Communication Inc. filed applications to renew the broadcasting licences for the following Type B Native radio stations, which expire 31 August 2015.

Application number	Call sign and location
2014-0923-5	CINC-FM Thompson, Manitoba, and its transmitters CICP-FM Cranberry Portage CIFF-FM Flin Flon CINR-FM Norway House CISI-FM South Indian Lake CIST-FM St. Theresa Point CISV-FM Swan River CITP-FM The Pas Indian Reserve CIWM-FM Brandon CIWR-FM Waterhen VF2106 Lac Brochet VF2107 Poplar River VF2108 Red Sucker Lake VF2109 Tadoule Lake VF2167 Pukatawagan VF2168 Wabowden VF2174 Gods Lake Narrows VF2175 God's River

	VF2195 Cross Lake VF2196 Berens River VF2198 Garden Hill VF2199 Shamattawa VF2220 Brochet VF2222 Nelson House VF2261 Cormorant VF2262 Duck Bay VF2263 Grand Rapids VF2264 Pikwitonei VF2265 Split Lake VF2312 Churchill VF2313 Moose Lake VF2314 Oxford House VF2333 Gillam VF2334 Fox Lake, Alberta VF2335 Lake Manitoba VF2336 Griswold VF2337 Easterville VF2338 Thicket Portage VF2339 Bloodvein VF2340 Hollow Water First Nations VF2342 Sherridon VF2382 Long Plain VF2404 Jackhead VF2405 Pauingassi First Nation VF2406 Leaf Rapids VF2407 Little Grand Rapids VF2420 Camperville VF2421 Dauphin River VF2422 Ilford VF2423 Lynn Lake VF2462 Snow Lake VF2503 Fisher River VF2504 Paint Lake
2014-0928-5	CIUR-FM Winnipeg, Manitoba

2. The Commission did not receive any interventions regarding these applications.

Non-compliance

3. 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, are set out in Broadcasting Information Bulletin 2011-795.

4. In Broadcasting Notice of Consultation 2015-52, the Commission stated that for each station, the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of annual returns. Specifically, the licensee did not include financial statements with the annual returns for the 2010-2011 to 2012-2013 broadcast years. The licensee has since filed the missing financial statements.
5. The licensee stated that according to its chief financial officer, the annual returns were filed electronically before the 30 November deadline. It claimed that it was unaware that the financial statements for the 2012-2013 broadcast year had not been submitted, and indicated that the non-compliance was unintentional and that it was likely due to a clerical error. It indicated that its financial department would make a concerted effort to ensure that it files documents in a timely manner and that the annual returns cover the period corresponding to the broadcast year.
6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2010-2011 to 2012-2013 broadcast years for CINC-FM and CIUR-FM.

Regulatory measures

7. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
8. 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 regulations. Accordingly, the Commission considers the late or incomplete filing of annual returns a serious matter.
9. The Commission has examined the record for these applications and is satisfied with the licensee's explanations for the non-compliance. Given the circumstances surrounding the licensee's non-compliance and the fact that this is the first instance in which the licensee has been found in non-compliance, the Commission finds it appropriate to grant CINC-FM and its transmitters, and CIUR-FM a full seven-year licence term.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licences for the Type B Native radio programming undertakings CINC-FM Thompson and its transmitters set out above, and CIUR-FM Winnipeg, from 1 September 2015 to 31 August 2022. The licensee shall adhere to the **conditions of licence** for each

station set out in the appropriate appendix to this decision, as well as to the **conditions** set out in the broadcasting licences for the undertakings.

Reminders

11. The licensee is responsible for filing complete 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 its annual returns and to contact the Commission if further clarification is required.
12. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2015-52, 18 February 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

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

Appendix 1 to Broadcasting Decision CRTC 2015-261

Conditions of licence and encouragement for the Type B Native radio programming undertaking CINC-FM Thompson, Manitoba, and its transmitters

Conditions of licence

1. The licensee shall devote at least 35% of all musical selections from content category 2 (Popular Music) in each broadcast week to Canadian selections broadcast in their entirety.

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

2. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Encouragement

If the licensee intends to carry wrap-around programming, the Commission encourages it to use programming from another Aboriginal station or network with a focus on additional Aboriginal-language programming (Cree/Dene/Chipewyan) or current Aboriginal music.

Appendix 2 to Broadcasting Decision CRTC 2015-261

Conditions of licence and encouragement for the Type B Native radio programming undertaking CIUR-FM Winnipeg, Manitoba

Conditions of licence

1. The licensee shall devote at least 40% of all musical selections from content category 2 (Popular Music) in each broadcast week to Canadian selections broadcast in their entirety.

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

2. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Encouragement

If the licensee intends to carry wrap-around programming, the Commission encourages it to use programming from another Aboriginal station or network with a focus on additional Aboriginal-language programming (Cree/Dene/Chipewyan) or current Aboriginal music.