



Broadcasting Decision CRTC 2015-266

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Reference: 2015-51

Ottawa, 19 June 2015

Bethany Pentecostal Tabernacle
Whitehorse, Yukon Territory

Application 2014-0783-3, received 14 August 2014

CIAY-FM Whitehorse – Licence renewal

*The Commission **renews** the broadcasting licence for the low-power English-language specialty radio station CIAY-FM from 1 September 2015 to 31 August 2022.*

Application

1. Bethany Pentecostal Tabernacle filed an application to renew the broadcasting licence for the low-power English-language specialty radio station CIAY-FM Whitehorse, which expires 31 August 2015. 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 specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. In Broadcasting Notice of Consultation 2015-51, the Commission stated that Bethany Pentecostal Tabernacle was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns. Specifically, the licensee did not file complete financial statements with the annual returns for the 2011-2012 and 2012-2013 broadcast years by the 30 November deadline.
4. The licensee explained that its bookkeeper was not familiar with the electronic filing process and believed that the Commission had received the information. Another employee now oversees the filing process to make sure that the data is filed correctly. The Commission has now received the complete financial statements.
5. In light of the above, the Commission finds Bethany Pentecostal Tabernacle in non-compliance with section 9(2) of the Regulations for the 2011-2012 and 2012-2013 broadcast years.

Regulatory measures

6. 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.
7. 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 to be a serious matter.
8. The Commission has examined the record for this application and is satisfied with the licensee's explanations and with the measures it has have put in place to address the non-compliance. Given the circumstances surrounding the licensee's non-compliance, the Commission finds it appropriate to grant CIAY-FM a full-term licence renewal of seven years.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licences for the low-power English-language specialty radio programming undertaking CIAY-FM Whitehorse, Yukon Territory, from 1 September 2015 to 31 August 2022. The licensee shall adhere to the **conditions** set out in its broadcasting licence as well as the terms and **conditions of licence** set out in the appendix to this decision.

Reminder

10. Licensees are responsible for submitting 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 their annual returns and to contact the Commission if further clarification is required.
11. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision 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 2015-51, 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 the licence.*

Appendix to Broadcasting Decision CRTC 2015-266

Conditions of licence and encouragement for the low-power English-language specialty programming undertaking CIAY-FM Whitehorse, Yukon Territory

Conditions of licence

1. The licensee shall be subject 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, with the exception of condition of licence 7.
2. The station shall be operated within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995 and *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000.
3. The licensee shall devote at least 95% of the musical selections it broadcasts each broadcast week to selections from sub-category 35 (Non-classic religious).
4. The licensee shall adhere to the guidelines on ethics for religious programming set out in section IV of the *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, regarding tolerance, integrity, social responsibility and solicitation of funds.
5. The licensee may broadcast no more than 6 minutes of advertising in any broadcast hour, and broadcast an average of no more than 4 minutes of advertising in every broadcast hour up to a total of 504 minutes of advertising per broadcast week.

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.