



## Broadcasting Decision CRTC 2015-271

PDF version

Reference: 2015-153

Ottawa, 22 June 2015

### Northern Native Broadcasting

Terrace and various locations in British Columbia

*Application 2014-0936-8, received 12 September 2014*

### CFNR-FM Terrace and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the Type B Native radio station CFNR-FM Terrace and its transmitters from 1 September 2015 to 31 August 2020. This shortened licence term will allow for an earlier review of the licensee's compliance with the regulatory requirements.*

#### Introduction

1. Northern Native Broadcasting filed an application to renew the broadcasting licence for the Type B Native radio station CFNR-FM Terrace, British Columbia, and its transmitters VF2064 Fort St. James, VF2066 Dease Lake, VF2072 Good Hope Lake, VF2073 Quesnel, VF2077 Moberly Lake, VF2078 Lower Post, VF2110 Blueberry River, VF2111 Burns Lake, VF2112 Doig River, VF2113 Fort Ware, VF2114 Iskut, VF2115 Kincolith, VF2116 Kitimat, VF2117 Kitkatla, VF2118 Gitanyow (Kitwancool Indian Reserve), VF2119 Prince Rupert, VF2120 Telegraph Creek, VF2133 Atlin, VF2134 Canim Lake, VF2135 Kitsequecla, VF2163 Hazelton, VF2165 Kitwanga, VF2166 Tachie, VF2169 Smithers, VF2170 Port Simpson, VF2171 Skidegate, VF2172 Toosey Indian Reserve, VF2226 Canyon City, VF2227 Klemtu, VF2228 Nemaiah Valley, VF2230 Cheslatta Indian Reserve, VF2231 Fort Babine, VF2232 New Bella Bella, VF2233 Bella Coola, VF2235 Williams Lake, VF2237 Anahim Lake, VF2238 Redstone Flat Indian Reserve, VF2271 Aiyansh, VF2272 Alkali Lake, VF2273 McLeod Lake, VF2276 Dog Creek, VF2279 Ingenkia, VF2079 Masset and the new transmitter in Fort Nelson, which expires on 31 August 2015. The Commission did not receive any interventions regarding 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 2015-153, the Commission stated that the licensee is in apparent non-compliance with section 9(2) of the Regulations relating to the filing of annual returns and financial statements. Specifically, the licensee was late in filing annual returns and financial statements for the 2008-2009, 2009-2010 and 2010-2011 broadcast years.
4. The licensee stated that it caught up with the submission of its annual returns in 2012. It stated that it had difficulty accessing the online reports.
5. The licensee stated that it has developed standard working spreadsheets that are user friendly and easy to follow. Further, the chief executive officer and accounting manager will share duties required in completing the annual returns.
6. In light of the above, the Commission finds Northern Native Broadcasting in non-compliance with section 9(2) of the Regulations for the 2008-2009 to 2010-2011 broadcast years.

### **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 filing of annual returns and the filing of incomplete annual returns a serious matter.
9. The Commission has examined the public record for this application and is satisfied with the licensee's explanations and with the measures it has put in place to address the non-compliance. Given the circumstances surrounding the licensee's non-compliance, the Commission finds it appropriate to grant CFNR-FM a licence term of five years, rather than a full seven-year licence term.

### **Conclusion**

10. In light of all of the above, the Commission **renews** the broadcasting licence for the Type B Native radio programming undertaking CFNR-FM Terrace and the transmitters set out above from 1 September 2015 to 31 August 2020. The licensee shall adhere to the **conditions of licence** set out in the appendix to this decision as well as to the **conditions** set out in the broadcasting licence for the undertaking. The shortened licence term granted in this decision will allow for an earlier review of the licensee's compliance with the regulatory requirements.

## Reminders

11. The licensee is responsible for filing complete annual returns on time and must ensure that they cover the appropriate broadcast years (that is the period commencing on 1 September of a given year and ending on 31 August of the following year). 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 licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.
13. As set out in Broadcasting Decision 2015-210, the new transmitter in Fort Nelson must be operational at the earliest possible date and in any event no later than 21 May 2017, unless a request for an extension of time is approved by the Commission before that date. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before that date.

Secretary General

## Related documents

- *CFNR-FM Terrace – New transmitter at Fort Nelson*, Broadcasting Decision CRTC 2015-210, 21 May 2015
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2015-153, 17 April 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 2015-271

**Conditions of licence and encouragement for the Type B Native radio programming undertaking CFNR-FM Terrace, British Columbia and its transmitters VF2064 Fort St. James, VF2066 Dease Lake, VF2072 Good Hope Lake, VF2073 Quesnel, VF2077 Moberly Lake, VF2078 Lower Post, VF2110 Blueberry River, VF2111 Burns Lake, VF2112 Doig River, VF2113 Fort Ware, VF2114 Iskut, VF2115 Kincolith, VF2116 Kitimat, VF2117 Kitkatla, VF2118 Gitanyow (Kitwancool Indian Reserve), VF2119 Prince Rupert, VF2120 Telegraph Creek, VF2133 Atlin, VF2134 Canim Lake, VF2135 Kitseguecla, VF2163 Hazelton, VF2165 Kitwanga, VF2166 Tachie, VF2169 Smithers, VF2170 Port Simpson, VF2171 Skidegate, VF2172 Toosey Indian Reserve, VF2226 Canyon City, VF2227 Klemtu, VF2228 Nemaiah Valley, VF2230 Cheslatta Indian Reserve, VF2231 Fort Babine, VF2232 New Bella Bella, VF2233 Bella Coola, VF2235 Williams Lake, VF2237 Anahim Lake, VF2238 Redstone Flat Indian Reserve, VF2271 Aiyansh, VF2272 Alkali Lake, VF2273 McLeod Lake, VF2276 Dog Creek, VF2279 Ingenkia, VF2079 Masset and the new transmitter in Fort Nelson**

### Conditions of licence

1. The licensee shall devote, in each broadcast week, at least 35% of its musical selections from content category 2 (Popular Music) 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 same meanings as those set out in the *Radio Regulations, 1986*.

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

### Encouragement

Where the licensee intends on carrying 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.