



Broadcasting Decision CRTC 2015-273

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Reference: 2015-51

Ottawa, 22 June 2015

Les Communications Matane inc.
Matane, Quebec

Application 2014-0584-5, received 25 June 2014

CHOE-FM Matane – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CHOE-FM Matane from 1 September 2015 to 31 August 2022.*

Introduction

1. Les Communications Matane inc. (Communications Matane) filed an application to renew the broadcasting licence for the French-language commercial radio station CHOE-FM Matane, which expires 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 2015-51, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns. Specifically, the licensee failed to include financial statements for the 2010-2011 and 2011-2012 broadcast years. The missing financial statements were filed on 17 April 2013.
4. The licensee explained that in the past an accounting firm had prepared its annual returns. However, it indicated that it had prepared the 2010-2011 and 2011-2012 annual returns itself and that it did not know that financial statements had to be included with the returns. In addition, it stated that it has been operating CHOE-FM since 1991 and has always behaved in an exemplary and respectful manner with respect to the Commission's requirements. The licensee confirmed that it would pay particular attention to the Commission's regulatory requirements in the future.

5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2010-2011 and 2011-2012 broadcast years.
6. This is the first licence term in which the licensee has been found in non-compliance. Once informed of the situation, it quickly submitted the missing financial statements.

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 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 CHOE-FM Matane a full-term licence renewal.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CHOE-FM Matane from 1 September 2015 to 31 August 2022. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as well as the **conditions** set out in the broadcasting licence for the undertaking.

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 licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Employment equity

13. 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

- *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
- *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.*