



Broadcasting Decision CRTC 2015-278

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Reference: 2015-153

Ottawa, 23 June 2015

Northern Native Broadcasting, Yukon

Whitehorse, Yukon and various locations in British Columbia, Northwest Territories and Yukon

Application 2014-0868-3, received 29 August 2014

CHON-FM Whitehorse and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the Type B Native radio station CHON-FM Whitehorse and its transmitters from 1 September 2015 to 31 August 2021. This shortened licence term will allow for an earlier review of the licensee's compliance with the regulatory requirements.*

Introduction

1. Northern Native Broadcasting, Yukon filed an application to renew the broadcasting licence for the Type B Native radio station CHON-FM Whitehorse and its transmitters CHCK-FM Carmacks, CHHJ-FM Haines Junction, CHOL-FM Old Crow, CHON-FM-2 Takhini River Subdivision, CHON-FM-3 Johnson's Crossing, CHPE-FM Pelly Crossing, CHTE-FM Teslin, VF2024 Klukshu, VF2027 Watson Lake, VF2028 Mayo, VF2035 Ross River, VF2038 Upper Liard, VF2039 Carcross, VF2049 Dawson City, VF2125 Takhini River Subdivision, VF2126 Keno City, VF2127 Stewart Crossing, VF2128 Tagish, VF2147 Destruction Bay, VF2148 Whitehorse (Mayo Road Subdivision), VF2311 Lower Post and VF2414 Faro, Yukon; VF2306 Atlin and VF2353 Good Hope Lake, British Columbia; VF2354 Aklavik, and VF2498 Tsiigehtchic (Arctic Red River), Northwest Territories, 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 was in apparent non-compliance with section 9(2) of the Regulations relating

to the filing of annual returns. Specifically, the licensee filed its annual returns for the 2008-2009 and 2009-2010 broadcast years 40 and 6 months late, respectively, and the returns covered the wrong reporting period.

4. The licensee stated that it will add the filing of annual returns to a schedule for management to ensure that the returns are completed in a timely manner.
5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2008-2009 and 2009-2010 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 filing of annual returns and the filing of incomplete annual returns a serious matter.
8. 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 CHON-FM a licence term of six years, rather than a full seven-year licence term.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the Type B Native radio programming undertaking CHON-FM Whitehorse, and its transmitters CHCK-FM Carmacks, CHHJ-FM Haines Junction, CHOL-FM Old Crow, CHON-FM-2 Takhini River Subdivision, CHON-FM-3 Johnson's Crossing, CHPE-FM Pelly Crossing, CHTE-FM Teslin, VF2024 Klukshu, VF2027 Watson Lake, VF2028 Mayo, VF2035 Ross River, VF2038 Upper Liard, VF2039 Carcross, VF2049 Dawson City, VF2125 Takhini River Subdivision, VF2126 Keno City, VF2127 Stewart Crossing, VF2128 Tagish, VF2147 Destruction Bay, VF2148 Whitehorse (Mayo Road Subdivision), VF2311 Lower Post and VF2414 Faro; VF2306 Atlin, VF2353 Good Hope Lake, VF2354 Aklavik, and VF2498 Tsiigehtchic (Arctic Red River), from 1 September 2015 to 31 August 2021. The licensee shall adhere to the **conditions** set out in the broadcasting licence for the undertaking as well as the **conditions of licence** set out in the appendix to this decision. The shortened licence term granted in this decision will allow for an earlier review of the licensee's compliance with the regulatory requirements.

Reminders

10. 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.
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 2015-153, 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 2015-278

Conditions of licence and encouragement for the Type B Native radio programming undertaking CHON-FM Whitehorse, Yukon and its transmitters CHCK-FM Carmacks, CHHJ-FM Haines Junction, CHOL-FM Old Crow, CHON-FM-2 Takhini River Subdivision, CHON-FM-3 Johnson's Crossing, CHPE-FM Pelly Crossing, CHTE-FM Teslin, VF2024 Klukshu, VF2027 Watson Lake, VF2028 Mayo, VF2035 Ross River, VF2038 Upper Liard, VF2039 Carcross, VF2049 Dawson City, VF2125 Takhini River Subdivision, VF2126 Keno City, VF2127 Stewart Crossing, VF2128 Tagish, VF2147 Destruction Bay, VF2148 Whitehorse (Mayo Road Subdivision), VF2311 Lower Post and VF2414 Faro, Yukon; VF2306 Atlin and VF2353 Good Hope Lake, British Columbia; VF2354 Aklavik, and VF2498 Tsiigehtchic (Arctic Red River), Northwest Territories

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 meanings 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.