



## Broadcasting Decision CRTC 2015-279

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Reference: 2015-52

Ottawa, 23 June 2015

### **Radio Broadcaster of the Kitigan Zibi Anishinabeg First Nation Band Maniwaki, Quebec**

*Application 2014-0876-6, received 2 September 2014*

### **CKWE-FM Maniwaki – Licence renewal**

*The Commission **renews** the broadcasting licence for the Type B Native radio station CKWE-FM Maniwaki from 1 September 2015 to 31 August 2022.*

#### **Introduction**

1. The Radio Broadcaster of the Kitigan Zibi Anishinabeg First Nation Band filed an application to renew the broadcasting licence for the Type B Native radio station CKWE-FM Maniwaki, 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 2015-52, 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 and financial statements. Specifically, the licensee did not attach the financial statements to the annual return for the 2010-2011 broadcast year. The missing financial statements were filed in December 2014.
4. In addition, the annual returns for the 2010-2011 through 2012-2013 broadcast years and the financial statements for the 2011-2012 and 2012-2013 broadcast years did not cover the appropriate broadcasting years (that is, the period beginning on 1 September of a given year and ending on 31 August of the following year).
5. The licensee explained that the non-compliance was unintentional and that it was not aware that the financial statements, as filed, did not meet Commission requirements. It added that going forward it will ensure that all required documents are filed in order to meet the Commission's regulatory requirements.

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 through 2012-2013 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 be 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 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 and the fact that this is the first licence term in which the licensee has been found in non-compliance, the Commission finds it appropriate to grant CKWE-FM a full-term licence renewal.

### **Conclusion**

10. In light of all of the above, the Commission **renews** the broadcasting licence for the Type B Native radio programming undertaking CKWE-FM Maniwaki from 1 September 2015 to 31 August 2022. The licence will be issued to the Radio Broadcaster of the Kitigan Zibi Anishinabeg First Nation Band, authorizing Charles Morin in his capacity as the Radio Broadcaster of the Kitigan Zibi Anishinabeg First Nation Band and any subsequent person<sup>1</sup> occupying that position to operate the aforementioned undertaking. 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.

### **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 beginning 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

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<sup>1</sup> That person must be eligible to hold a broadcasting licence in accordance with the *Direction to the CRTC (Ineligibility of Non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998. The Commission must be advised in writing when the person occupying this position changes.

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.

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 the licence.*

## **Appendix to Broadcasting Decision CRTC 2015-279**

### **Terms, conditions of licence and encouragement for the Type B Native radio programming undertaking CKWE-FM Maniwaki**

#### **Terms**

The licence will expire 31 August 2022.

#### **Conditions of licence**

1. The licensee shall devote at least 35% of its 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 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, 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**

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.