



Broadcasting Decision CRTC 2015-576

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Reference: Part 1 application posted on 20 August 2015

Ottawa, 22 December 2015

Association d'Églises baptistes réformées du Québec
Québec and St-Jérôme, Quebec

Application 2015-0836-8

CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme – Extension of the deadline for implementation of the emergency alerting system

*The Commission **approves** an application by Association d'Églises baptistes réformées du Québec to extend until 31 March 2016 the deadline for implementation of the National Public Alert System for its specialty radio station CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme.*

*The Commission **denies** the licensee's application to be granted an exception from the requirements set out in Broadcasting Regulatory Policy 2014-444, as well as Broadcasting Order 2014-445.*

Background

1. In Broadcasting Regulatory Policy 2014-444, the Commission amended various regulations, standard conditions of licence and exemption orders requiring the mandatory distribution of emergency alert messages by broadcasting undertakings. This policy was the culmination of a public process examining the need for regulatory intervention to ensure that emergency alerts received through the National Alert Aggregation and Dissemination (NAAD) System would be distributed by broadcasting undertakings to the general public. The NAAD System forms part of the overarching system known as Canada's National Public Alerting System (NPAS).
2. The majority of radio stations were required to participate in the system by 31 March 2015. However, campus, community, and native radio stations, as well as radiocommunication distribution undertakings were given until 31 March 2016.¹
3. The vast majority of broadcasters and broadcasting distribution undertakings (BDUs) have taken the initiative and implemented emergency alerting measures that will make Canadians' lives safer. Certain undertakings, however, are not ready to make

¹ The obligations of radio undertaking are set out in section 16 of the *Radio Regulations, 1986*.

use of the NAAD system, which has been operational since 2010.² The purpose of the emergency alerting framework set out in Broadcasting Regulatory Policy 2014-444 is to ensure that alerts are available to as many Canadians as possible. In that policy, the Commission stated that the full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, it considered that any request related to a delay or an exception to the implementation of emergency alerting should be accompanied by compelling rationale and a plan to meet any modified deadline.

Application

4. The Commission received an application by the Association d'Églises baptistes réformées du Québec concerning the broadcasting licence for its French-language, religious specialty radio station CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme, Quebec. The licensee requested relief from its emergency alerting obligations, either through an extension, until 31 March 2016, of the deadline for its mandatory participation in the NPAS, or, alternatively, to be granted an exception to it altogether. The licensee cited its station's small size as justification for its request. It added that it only recently became aware of the station's non-compliance with the Commission's requirement related to the broadcast of emergency alert messages, to which it was required to comply by 31 March 2015.
5. In its application, the licensee noted that the station is operated by a team of volunteers, all of whom are unfamiliar with these matters and specifically with the operation of the NPAS and the steps to take to implement an alerting system on its station.
6. The licensee requested that the Commission grant it a complete exception in recognition that the cost to fully participate in the NPAS is greater than the benefit realized, owing to its small size. Barring complete exception, it requested that the Commission grant an extension of the implementation deadline to 31 March 2016, consistent with the date in place for certain smaller broadcasters, including campus and community radio broadcasters.
7. The Commission received an intervention offering comments from the National Campus and Community Radio Association (NCRA), that currently represents 89 not-for-profit radio stations. The public record for this application can be found on the Commission's website at www.crtc.gc.ca, or by using the application number set out above.

Intervention

8. The NCRA submitted that relief from the requirement to participate in the NPAS may be warranted in some cases. It indicated that some of their members have confirmed

² See Broadcasting Decision 2011-438

that they will have difficulty meeting their obligations by 31 March 2016 for financial reasons.

9. The NCRA indicated that it had reached out to its membership to better understand the impacts of implementing the NPAS on them. The NCRA detailed examples of member stations who indicated that they would be unable to continue broadcasting due to the financial hardship that purchasing and maintaining equipment would cause. The intervener believes that most member stations will find a way to comply with the NPAS requirement but that there are likely to be some smaller member stations that will seek relief in order to continue broadcasting.
10. The licensee did not reply to the NCRA's comment.

Commission's analysis and decisions

11. In Broadcasting Regulatory Policy 2014-444, the Commission considered the question of broad relief from regulatory measures. The Commission then noted that licensees' applications for a condition of licence granting them relief would be examined on a case-by-case basis. Furthermore, the Commission found that it was premature to set up a formal relief mechanism, as such a mechanism could encourage delays in industry participation in the NPAS.
12. With respect to the financial burden on the licensee to implement an alerting system, some provinces may grant funding to support broadcaster participation in the NPAS,³ but this does not represent a guaranteed source of financial assistance, and there is no consistent approach across the country. Currently, there are cases where smaller broadcasters may face financial burden while trying to comply with the requirements of Broadcasting Regulatory Policy 2014-444.
13. In its application, the licensee failed to provide evidence that it had investigated what steps it could take to become compliant with its emergency alerting obligations. Specifically, it did not indicate whether it had contacted equipment vendors for cost estimates, or investigated alternative methods it may use to relay alerts to listeners. As such, the evidence provided to warrant an exception from the obligations is, in the Commission's view, insufficient.

Conclusion

14. In light of the above, the Commission **approves** the application by Association d'Églises baptistes réformées du Québec to extend the implementation deadline for participation in the NPAS until 31 March 2016. The licensee is expected to make use of the time granted in this extension to investigate funding options available to it, as well as what steps need to be taken to ensure compliance.

³ The NCRA cited Alberta, Quebec, Nova Scotia and New Brunswick as examples.

15. The Commission therefore **denies** the application for a complete exception to the emergency alerting requirements set out in the *Radio Regulations, 1986*.

Reminder

16. The Commission reminds licensees that they must take the time to investigate funding, technology, and compliance options prior to requesting specific exemptions to the emergency alerting requirements. Such applications should include compelling and detailed rationale, as well as evidence of any concrete actions taken to become compliant with these requirements.

Secretary General

Related documents

- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *The Weather Network/Météomédia – Licence renewal and extension of the mandatory distribution of the service*, Broadcasting Decision CRTC 2011-438, 22 July 2011

**This decision is to be appended to the licence.*