



## Broadcasting Decision CRTC 2017-317

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Reference: Part 1 licence renewal application posted on 5 April 2017

Ottawa, 31 August 2017

**Groupe des médias étudiants de l'Université du Québec à Trois-Rivières**  
Trois-Rivières, Quebec

*Application 2016-1063-4*

### **CFOU-FM Trois-Rivières – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language campus radio station CFOU-FM Trois-Rivières from 1 September 2017 to 31 August 2021.*

*This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

#### **Application**

1. Groupe des médias étudiants de l'Université du Québec à Trois-Rivières (Groupe des médias étudiants) filed an application to renew the broadcasting licence for the French-language campus radio station CFOU-FM Trois-Rivières (Quebec), which expires 31 August 2017. The Commission did not receive any interventions regarding this application.

#### **Background**

2. In Broadcasting Decision 2012-704, the Commission granted a short-term licence renewal of five years to CFOU-FM due to the licensee's non-compliance with the requirement to file annual returns.

#### **Non-compliance**

3. 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 with annual returns, are set out in Broadcasting Information Bulletin 2011-795.
4. The Commission has examined the record for this application and notes that the annual returns for the 2012-2013 through 2014-2015 broadcast years were filed on time, but were incomplete. Specifically, the financial statements covered the calendar year (1 January to 31 December) rather than the broadcast year (1 September to 31 August).

5. The licensee indicated that it had hired a new director in 2013 and that the director had not been aware of the regulations and the requirement whereby annual returns must reflect the broadcast year. The licensee also indicated that station management was working to implement measures to ensure compliance over the course of the new licence term, such as implementing a calendar to follow-up on requirements regarding the different levels governing radio. It committed to re-filing the annual returns and ensuring that they reflect the broadcast year.
6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2012-2013 through 2014-2015 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 leading to the non-compliance, 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, it considers the late or incomplete filing of annual returns a serious matter.
9. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, the following measures may be applied on a case-by-case basis depending on the nature of the non-compliance: renew the licence for a short term; impose additional conditions of licence; call the licensee to a public hearing to respond to and discuss apparent non-compliance; following a public hearing, issue a mandatory order requiring the licensee to comply with regulatory requirements; or suspend, not renew or revoke the licence.
10. Given that this is the second licence term for which Groupe des médias étudiants is in non-compliance, and for the same reasons, the Commission considers it appropriate to grant the station a short-term licence renewal of four years.
11. Further, the Commission requires the licensee to file CHOU-FM's annual returns for the 2012-2013 through 2014-2015 broadcast years by no later than **30 September 2017**. A **condition of licence** to that effect is set out in the appendix to this decision.

### **Conclusion**

12. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language campus radio programming undertaking CFOU-FM Trois-Rivières, Quebec, from 1 September 2017 to 31 August 2021. The terms and **conditions of licence** are set out in the appendix to this decision.

13. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements. The short-term licence renewal granted in this decision will allow for an earlier review of the licensee's compliance with the Regulations.

## Reminders

14. Licensees are responsible for filing complete annual returns by 30 November of each year for the broadcast year ending the previous 31 August. The annual return must cover the broadcast year (the period beginning on 1 September of a given year and ending on 31 August of the following year), regardless of the end date of the licensee's fiscal or taxation year. Moreover, in accordance with the requirements set out in Broadcasting Information Bulletin 2011-795, licensees are responsible for ensuring that all appropriate forms and documentation are included with their annual returns and contacting the Commission if further clarification is required.

15. Should the licensee again breach its regulatory requirements, the Commission may consider recourse to additional measures, including the imposition of a mandatory order, or the suspension, non-renewal or revocation of its broadcasting licence under sections 9 and 24 of the *Broadcasting Act* (the Act).

16. Pursuant to section 22 of the Act, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry lapse.

Secretary General

## Related documents

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Various campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2012-704, 21 December 2012
- *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 2017-317**

### **Terms, conditions of licence, expectations and encouragement for the French-language campus radio programming undertaking CFOU-FM Trois-Rivières**

#### **Terms**

The licence will expire 31 August 2021.

#### **Conditions of licence**

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall file with the Commission annual returns that reflect the broadcast year, for the 2012-2013, 2013-2014 and 2014-2015 broadcast years, by no later than **30 September 2017**.

#### **Expectations**

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. As noted in Appendix 3 to that policy, licensees may submit such documentation via the Commission's website.

#### **Encouragement**

The Commission considers that campus radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.