



Broadcasting Decision CRTC 2018-239

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Reference: Part 1 licence renewal application posted on 23 February 2018

Ottawa, 11 July 2018

663975 B.C. Ltd.

Fort St. John, British Columbia

Public record for this application: 2017-0746-5

CKFU-FM Fort St. John – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKFU-FM Fort St. John from 1 September 2018 to 31 August 2023. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. 663975 B.C. Ltd. filed an application to renew the broadcasting licence for the English-language commercial radio station CKFU-FM Fort St. John, British Columbia, which expires 31 August 2018. The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decision 2010-421, the Commission found the licensee in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns and renewed the licence for the station for a short-term period.
3. In Broadcasting Decision 2013-716, the Commission found the licensee in non-compliance with its condition of licence relating to Canadian content development contributions and again renewed the licence for the station for a short-term period.

Non-compliance

4. Sections 8(1), 8(2) and 9(3)(b) of the Regulations set out requirements for radio station licensees to keep and file (upon request) program logs and music lists relating to the programming broadcast on a station.
5. According to Commission records, the program logs submitted by the licensee for the broadcast week of 2-8 October 2016 contained the following inaccuracies: the time of

airing for certain musical selections was misidentified, and programming acquired or originating from a network was not included in the program logs.

6. The licensee explained that major discrepancies were found during the hours that the station was not broadcasting live, in particular overnight and on weekends. Specifically, the on-air computer would randomly drop songs if the log was running behind schedule, and those dropped songs were not recorded in the log.
7. The licensee informed the Commission that it had taken steps to avoid future non-compliance in this regard, including investing in a new computer automation system that updates the program log accurately, making the music director responsible for ensuring that all logs are reconciled with the musical selections broadcast by the station and implementing a new system for reviewing its daily logs.
8. In light of the preceding, the Commission finds the licensee in non-compliance with sections 8(1), 8(2) and 9(3)(b) of the Regulations.

Regulatory measures

9. 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.
10. In this case, this is the third consecutive licence term in which the licensee has been found in non-compliance. However, the non-compliance from the present term is unrelated to the previous instances of non-compliance. Moreover, the Commission notes that the licensee has taken steps to avoid future non-compliance with the requirements relating to the retention of program logs and music lists.
11. In light of the above, the Commission considers it appropriate to grant the station a short-term renewal of five years. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

12. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKFU-FM Fort St. John, British Columbia from 1 September 2018 to 31 August 2023. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminders

13. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory obligations. The retention of these radio monitoring materials makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file requested material in a timely and complete manner or does not file such material at all affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.
14. Pursuant to section 22 of the *Broadcasting 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.

Employment equity

15. 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

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *CKFU-FM Fort St. John – Licence renewal*, Broadcasting Decision CRTC 2013-716, 18 December 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *CKFU-FM Fort St. John – Licence renewal*, Broadcasting Decision CRTC 2010-421, 30 June 2010
- *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.