



Broadcasting Decision CRTC 2018-285

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

Ottawa, 15 August 2018

Vista Radio Ltd.

Vanderhoof and Fort St. James, British Columbia

Public record for this application: 2017-0715-0

CIRX-FM-1 Vanderhoof and its transmitter CIRX-FM-2 Fort St. James – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CIRX-FM-1 Vanderhoof and its transmitter CIRX-FM-2 Fort St. James, British Columbia, 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. Vista Radio Ltd. filed an application to renew the broadcasting licence for the English-language commercial radio station CIRX-FM-1 Vanderhoof and its transmitter CIRX-FM-2 Fort St. James, British Columbia, which expires 31 August 2018. The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decision 2012-703, the Commission renewed the broadcasting licence for CIRX-FM-1 for a short licence term due to the licensee's non-compliance with regulatory requirements relating to Canadian content development contributions and the filing of annual returns.

Non-compliance

3. Sections 8(5) and 8(6) of the *Radio Regulations, 1986* (the Regulations) require licensees to retain a clear and intelligible audio recording or other exact copy of all matter broadcast and to provide it without delay to the Commission upon request.
4. The licensee did not submit the audio recordings of all matters broadcast on the station for the broadcast week of 7 to 13 May 2017, as requested by the Commission. Instead, the licensee sent audio files from CIRX-FM Prince George since most of the programming (122.5 hours) broadcast on CIRX-FM-1 originates from that station.

5. The licensee stated that the equipment failed for the week requested. The licensee stated that once the licensee discovered the failed audio, it immediately had its engineer replace the audio radio receiver. The licensee stated that an employee now checks the equipment each morning and that it has implemented remote computer access to enable the staff at CIRX-FM Prince George to verify the daily recorded audio for CIRX-FM-1 Vanderhoof.
6. In light of the above, the Commission finds the licensee in non-compliance with section 8(5) and 8(6) of the Regulations.

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. In this case, the Commission was able to monitor most of the programming broadcast on the station with the exception of 3 hours 30 minutes of local programming. The Commission is satisfied with the measures put in place by the licensee to ensure future compliance with the Regulations. Although the nature of the non-compliance from the current term is not the same as the non-compliance from the previous term, this is nevertheless the second consecutive licence term in which the licensee has been found to be in non-compliance. Accordingly, the Commission finds it appropriate to renew the licence for CIRX-FM-1 for a short licence term of five years. This will allow the Commission to review the licensee's compliance with regulatory requirements at an earlier date.

Conclusion

9. In a separate application, Vista requested the revocation of the broadcasting licence for the commercial radio station CIVH Vanderhoof and stated that it would commit to increasing the level of local programming on CIRX-FM-1 from 3 hours 30 minutes to 126 hours. The Commission revoked the licence for CIVH Vanderhoof in Broadcasting Decision 2018-284, also published today. In light of this commitment, the Commission encourages Vista to seek out opportunities to increase the amount of local programming broadcast on CIRX-FM-1 to ensure that the community of Vanderhoof is well served.
10. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CIRX-FM-1 Vanderhoof and its transmitter CIRX-FM-2 Fort St. James from 1 September 2018 to 31 August 2023. The terms and **conditions of licence** for this station are set out in the appendix to this decision.

Reminders

11. 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.
12. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures as part of the next licence renewal process, including the issuance of a mandatory order or the revocation or non-renewal of the licence.
13. 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.

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
- *Various commercial radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2012-703, 21 December 2012

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2018-285

Terms, conditions of licence, expectation and encouragements for the English-language commercial radio programming undertaking CIRX-FM-1 Vanderhoof and its transmitter CIRX-FM-2 Fort St. James, British Columbia

Terms

The licence will expire 31 August 2023.

Conditions of licence

1. The licensee shall adhere to the conditions set out in the licence for the undertaking as well as the standard conditions of licence set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence 8.

Expectation

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

Encouragements

The Commission encourages the licensee to seek out opportunities to increase the amount of local programming broadcast on CIRX-FM-1 to ensure that the community of Vanderhoof is well served.

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, 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.