



Broadcasting Decision CRTC 2018-303

PDF version

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

Ottawa, le 22 août 2018

United Christian Broadcasters Media Canada
Thunder Bay, Ontario

Public record for this application: 2017-0554-2

CJOA-FM Thunder Bay – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial specialty radio station CJOA-FM Thunder Bay from 1 September 2018 to 31 August 2022. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. United Christian Broadcasters Media Canada¹ (UCBC) filed an application to renew the broadcasting licence for the English-language commercial specialty radio station CJOA-FM Thunder Bay, Ontario, which expires 31 August 2018. The Commission did not receive any interventions in regard to this application.

Background

2. In Broadcasting Decision 2013-161, 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 with CJOA-FM's condition of licence relating to Canadian content development payments, and renewed the licence for the station for a short term.

Non-compliance

3. Section 9(2) of the Regulations requires radio station licensees to file an annual return, including financial statements, by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including those relating to financial statements, are set out in Broadcasting Information Bulletin 2011-795.

¹ Formerly United Christian Broadcasters Canada

4. According to Commission records, the annual returns for CJOA-FM for the 2013-2014 and 2014-2015 broadcast years were filed on time, but were incomplete as the financial statements were missing.
5. UCBC explained that it did not own or operate CJOA-FM during either of the broadcast years in question.
6. In Broadcasting Decision 2014-302, the Commission approved an application by UCBC for authority to acquire the assets of CJOA-FM from Thunder Bay Christian Radio (Thunder Bay). Following Commission approval of that application, both parties came to an agreement that UCBC would start controlling the operation of the radio station as of 1 October 2015, after the end of the 2014-2015 broadcast year. For this reason, the licensee claimed that it did not have control over the operation of CJOA-FM during the broadcast years during which the station was in non-compliance.
7. The requirement to file complete annual returns is a basic regulatory obligation for all licensed radio stations. Further, when acquiring a radio station, the purchaser is responsible for verifying the state of the station and any past instances of non-compliance. Consequently, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations.

Regulatory measures

8. 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.
9. Given that this is the second consecutive licence term in which the licensee has been in non-compliance with the requirements relating to filing annual returns, the Commission considers it appropriate to grant the station a short-term renewal of four years. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

10. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial specialty radio programming undertaking CJOA-FM Thunder Bay from 1 September 2018 to 31 August 2022. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

11. Licensees are responsible for filing complete annual returns on time, including financial statements. As set out in Broadcasting Information Bulletin 2011-795, it is

the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns, and to contact the Commission if further clarification is required.

12. Should the licensee continue to be in non-compliance with its 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.
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
- *CJOA-FM Thunder Bay – Acquisition of assets, licence amendments and technical changes*, Broadcasting Decision CRTC 2014-302, 6 June 2014
- *Various radio programming undertakings (specialty and ethnic) –Licence renewals*, Broadcasting Decision CRTC 2013-161, 28 March 2013
- *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 2018-303

Terms, conditions of licence, expectation and encouragement for the English-language commercial specialty radio programming undertaking CJOA-FM Thunder Bay, Ontario

Terms

The licence will take effect 1 September 2018 and expire 31 August 2022.

Conditions of licence

1. The licensee shall adhere to the 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 7, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall operate the station within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. The licensee shall ensure that a minimum of 95% of all musical selections broadcast during each broadcast week are drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
4. The licensee shall ensure that, in each broadcast week, not less than 15% of all musical selections drawn from content category 3 (Special Interest Music) are Canadian musical selections broadcast in their entirety.

Expectation

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

Encouragement

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.