



Broadcasting Decision CRTC 2019-236

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Reference: Part 1 licence renewal application posted on 28 February 2019

Ottawa, 3 July 2019

Arctic Radio (1982) Limited

Flin Flon, Manitoba

Public record for this application: 2018-0878-4

CFAR-FM Flin Flon and its transmitter – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CFAR-FM Flin Flon and its transmitter from 1 September 2019 to 31 August 2025. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Arctic Radio (1982) Limited (Arctic Radio) filed an application to renew the broadcasting licence for the English-language commercial radio station CFAR-FM Flin Flon, Manitoba, and its transmitter CFAR Flin Flon, which expires 31 August 2019. The Commission did not receive any interventions regarding this application.

Non-compliance

Canadian musical selections

2. Section 2.2(3)(b) of the *Radio Regulations, 1986* (the Regulations) provides that a licensee licensed to operate a station other than a community station or a campus station shall, in any broadcast week, devote at least 10% of its musical selections from content category 3 to Canadian selections and schedule them in a reasonable manner throughout each broadcast day.
3. During the broadcast week that the Commission monitored, the licensee broadcast six musical selections drawn from content category 3. None of these selections were Canadian.
4. The licensee stated the category 3 selections were part of a weekly Sunday morning acquired program featuring music by the Mormon Tabernacle Choir. Arctic Radio stated that it would either acquire Canadian musical selections from content category 3 or simply stop broadcasting the program in order to ensure that CFAR-FM operates in compliance in the future.

5. In light of the above, the Commission finds the licensee in non-compliance with section 2.2(3)(b) of the Regulations.

Regulatory measures

6. The Commission's approach to non-compliance by radio stations is set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014. 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.
7. The Commission notes that the non-compliance with respect to Canadian category 3 selections related to relatively few selections. Given that only six selections from content category 3 were broadcast, CFAR-FM would have been in compliance if one of the selections had been Canadian. The licensee has acknowledged the non-compliance and demonstrated an understanding of its regulatory obligations. The Commission is satisfied with the corrective actions proposed by the licensee. It further considers that the non-compliance had very little impact on the broadcasting system given that CFAR-FM met the required levels of Canadian music in content category 2.
8. In light of the above, the Commission considers it appropriate to grant the station a short-term licence renewal of six years. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

9. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFAR-FM Flin Flon, Manitoba, and its transmitter CFAR Flin Flon from 1 September 2019 to 31 August 2025. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

10. Pursuant to section 22 of the *Broadcasting Act* (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.
11. The Commission reminds the licensee that it must comply at all times with the requirements set out in the Act, the Regulations and its conditions of licence.

Secretary General

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2019-236

Terms, conditions of licence, expectation and encouragement for the English-language commercial radio programming undertaking CFAR-FM Flin Flon, Manitoba and its transmitter CFAR Flin Flon

Terms

The licence will expire 31 August 2025.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as well as the conditions set out in the licence for the undertaking.
2. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming.

Expectation

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

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.