



Broadcasting Decision CRTC 2019-292

PDF version

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

Ottawa, 15 August 2019

7954689 Canada Inc.
Montréal, Quebec

Public record for this application: 2018-0851-0

CFQR Montréal – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CFQR Montréal from 1 September 2019 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. 7954689 Canada Inc. filed an application to renew the broadcasting licence for the English-language commercial radio station CFQR Montréal, which expires 31 August 2019. The Commission did not receive any interventions in connection with this application.

Non-compliance

Filing of annual returns

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires radio station licensees to file an annual return, including financial statements, with the Commission by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements are set out in Broadcasting Information Bulletin 2011-795.
3. The Commission notes that the station did not begin operations until 30 June 2017. Therefore, annual returns for the previous broadcast years were not required. However, according to Commission records, the annual return for the 2016-2017 broadcast year was filed on 28 November 2018, one year late. The licensee also did not include financial statements with the annual return.
4. The licensee indicated that the company had historically maintained financial records on a corporate level and that work was underway to maintain financial information on a per-station basis in the future. The licensee indicated that all financial information would be submitted by 1 December 2018.
5. The Commission notes that the missing financial statements for the 2016-2017 broadcast year have still not been filed.

6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2016-2017 broadcast year. A **condition of licence** requiring the licensee to submit financial statements for the 2016-2017 broadcast year as soon as possible and, in any event, no later **13 November 2019** is set out in the appendix to this decision.

Participation in the National Public Alerting System

7. In Broadcasting Regulatory Policy 2014-444, the Commission announced amendments to various regulations, standard conditions of licence and certain exemption orders to require the mandatory distribution of emergency alert messages by broadcasting undertakings. Section 16(2) of the Regulations required commercial radio broadcasters to participate in the National Public Alerting System (NPAS) by no later than 31 March 2015.
8. According to Commission records, the licensee has not implemented the NPAS.
9. The licensee indicated that, since the acquisition of its transmitter site in Kahnawake, it has been challenging to find a reliable Internet connection. Such a connection is necessary to implement the NPAS. The licensee indicated that it now has an Internet connection and that the NPAS is in the process of being installed.
10. In light of the above, the Commission finds the licensee in non-compliance with section 16(2) of the Regulations. A **condition of licence** requiring the licensee to implement the NPAS by no later than **30 November 2019** and setting out reporting requirements related to the NPAS implementation is set out in the appendix to this decision. The Commission further notes that the licensee must include the NPAS system implementation date in Form 1411, which is submitted as part of its annual returns.

Regulatory measures

11. 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.
12. The Commission also specified in the bulletin that it may apply certain measures on a case-by-case basis depending on the nature of the non-compliance, including the imposition of conditions of licence or mandatory orders, short-term licence renewal or the non-renewal, suspension or revocation of the licence.
13. The Commission considers that the licensee's non-compliance with respect to the implementation of the NPAS is very serious as more than four years have elapsed since the 31 March 2015 deadline for commercial radio stations to install the system.

14. In light of CFRQ's non-compliance with sections 9(2) and 16(2) of the Regulations, the Commission finds it appropriate to renew the licence for the station for a short-term period of four years.

Conclusion

15. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFQR from 1 September 2019 to 31 August 2023. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminders

16. 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 if the broadcasting certificate issued by the Department of Industry lapses.
17. The licensee must comply at all times with the requirements set out in the Act, the Regulations and its conditions of licence.
18. 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 their annual returns and to contact the Commission if further clarification is required.
19. The full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, the Commission considers that compliance must be enforced and station compliance in a timely manner will be closely monitored. The Commission could choose to apply more stringent regulatory measures, such as those set out in Broadcasting Information Bulletin 2014-608, should the requirements with respect to the NPAS not be fulfilled.

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
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *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 2019-292

Terms, conditions of licence, commitment, expectations and encouragement for the English-language commercial radio station CFQR, Montréal, Quebec

Terms

The licence will expire 31 August 2023.

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, as well as to the **conditions** set out into the broadcasting licence for the undertaking.
2. The licensee shall submit financial statements for the 2016-2017 broadcast year as soon as possible and, in any event, no later than **13 November 2019**.
3. In order to comply with the requirements set out in section 16(2) of the *Radio Regulations, 1986 and Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014, the licensee shall implement the National Public Alerting System (NPAS) by no later than **30 November 2019**. As part of this requirement:
 - a) The licensee must file with the Commission a letter attesting to the implementation date of its NPAS within 14 days after the installation. In this letter, the licensee must confirm whether maintenance, testing and updating procedures have been adopted for its automated emergency alert message distribution equipment.
 - b) In addition, the licensee must file with the Commission the results of its first NPAS tests, as scheduled by the relevant alerting authorities, within two weeks after the occurrence of such system tests.

Commitment

The licensee commits to ensuring that all of its programming (100%) broadcast during each broadcast week is local programming.

Expectations

The Commission expects the licensee to ensure that its open-line programs meet the Commission's policy regarding open-line programming at all times.

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.