



Broadcasting Decision CRTC 2020-241

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Reference: Part 1 licence renewal application posted on 31 January 2020

Ottawa, 6 August 2020

St. Andrews Community Channel Inc.

St. Andrews, New Brunswick

Public record for this application: 2019-1028-2

CHCO-TV St. Andrews – Licence renewal

*The Commission **renews** the broadcasting licence for the low-power community-based television station CHCO-TV St. Andrews, New Brunswick, from 1 September 2020 to 31 August 2025.*

*The licensee is subject to a **condition of licence** requiring it to implement the National Public Alerting System by no later than **1 September 2022**.*

Application

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act.
2. On 3 June 2019, the Commission issued Broadcasting Notice of Consultation 2019-192, which listed the television services and stations for which broadcasting licences needed to be renewed to continue their operations. In that notice, the Commission requested that the licensee of those stations and services submit renewal applications for their broadcasting licences.
3. In response, St. Andrews Community Channel Inc. filed an application to renew the broadcasting licence for the low-power community-based television station CHCO-TV St. Andrews, New Brunswick, which expires on 31 August 2020.
4. The licensee confirmed that it will adhere to the standard conditions of licence, expectations and encouragements set out in Appendix 2 to Broadcasting Regulatory Policy 2016-224, as well as to the conditions of licence set out in Appendix 19 to Broadcasting Decision 2013-467.
5. The licensee requested to continue to be relieved from the requirements of sections 10(1) to 10(4) of the *Television Broadcasting Regulations, 1987* (the Regulations) in regard to the retention of program logs or records.

Interventions

6. The Commission received four interventions in support of this application.
7. The Commission also received an intervention in regard to the present application from the Forum for Research and Policy in Communications (FRPC). In its intervention, the FRPC submitted that the Part 1 process used by the Commission for the renewal of the broadcasting licences for independent television stations is not appropriate given that a Part 1 proceeding does not give the public sufficient notice to consider and comment on the licence.
8. The Commission notes that dealing with licence renewal applications under the Part 1 process is a long-standing practice that was first announced to the public and to the broadcasting industry in Broadcasting Information Bulletin 2015-116. Any party may comment on a Part 1 application and examine the licensee's correspondence with Commission staff regarding non-compliance. Moreover, this approach has served the Commission and the public well, as evidenced by the high level of compliance by licensees of television services.

Non-compliance

9. Section 10(1) of the Act authorizes the Commission to make regulations furthering its objects regarding the broadcasting of programs. In Broadcasting Regulatory Policy 2014-444, the Commission reiterated that the broadcasting system has a vital role to play in the provision of emergency alert messages to Canadians and that the duty to inform the public of imminent perils is at the core of the public service obligations of all broadcasters. Consistent with this authority, the Commission made section 18 of the Regulations, which requires each licensee operating a community station to participate in the National Public Alerting System (NPAS) by no later than 31 March 2016.
10. According to Commission records, the licensee has not implemented the NPAS.
11. The licensee indicated that CHCO-TV is carried by two terrestrial broadcasting distribution undertakings and one direct-to-home service, and each would effectively provide any emergency alert overriding any signal generated by the broadcast facility.
12. The licensee added that during approximately 12 hours per broadcast day, CHCO-TV broadcasts the audio portion of its community billboard, provided by CHTD-FM, which would provide any alerts. It also indicated that, during scheduled community programming, it is able to broadcast alerts manually.
13. According to the licensee, on 27 May 2020, it contacted Pelmorex National Alert Aggregation and Dissemination System support to obtain information on providing emergency alerts and, on 1 June 2020, it contacted an equipment supplier in order to find a solution to this issue in the coming weeks.

14. The Commission acknowledges that the licensee has stated its intent to become compliant with the NPAS requirements and considers that, given that it operates a small community station, the licensee should be offered leniency regarding the timeframe for implementing the NPAS.
15. Further, the Commission notes that CHCO-TV redirects local radio over its airwaves when programming is not being broadcast. In response to a request from the Commission, the licensee stated that it has implemented a plan to alter its over-the-air feed in order to incorporate an alerting system by 2022.
16. In light of the above, the Commission finds the licensee in non-compliance with section 18 of the Regulations. A **condition of licence** requiring the licensee to implement the NPAS by no later than **1 September 2022** 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.

Continued relief from logging requirements

17. Section 10(1)(i) of the Act authorizes the Commission to make regulations in furtherance of its objects requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify. Consistent with this authority, section 10 of the Regulations requires licensees to maintain and submit logs and records regarding the programming that they broadcast.
18. The licensee is currently relieved from the requirements of sections 10(1) to 10(4) of the Regulations with regard to the retention of program logs or records. The licensee requested to maintain this exception.
19. Because of the small size and limited resources of the station, the Commission considers it appropriate to maintain the exception from sections 10(1) to 10(4) of the Regulations granted in Appendix 19 to Broadcasting Decision 2013-467. A **condition of licence** to this effect is set out in the appendix to this decision.

Conclusion

20. In light of all the above, the Commission **renews** the broadcasting licence for the low-power community-based television programming undertaking CHCO-TV St. Andrews, New Brunswick, from 1 September 2020 to 31 August 2025. The terms and conditions of licence are set out in the appendix to this decision.

Reminders

21. The full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, the Commission holds that compliance is mandatory and that timely compliance by stations will be closely monitored.

22. The licensee must retain a clear and intelligible audio-visual recording of all its programming, and provide it, upon request, to the Commission, pursuant to the requirements of sections 10(5) and 10(6) of the Regulations.

Secretary General

Related documents

- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-192, 3 June 2019
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *New procedures for licence renewal applications*, Broadcasting Information Bulletin CRTC 2015-116, 31 March 2015
- *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
- *Various independent conventional and community-based television programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-467, 30 August 2013

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2020-241

Terms, conditions of licence, expectations and encouragements for the English-language low-power community-based television programming undertaking CHCO-TV St. Andrews, New Brunswick

Terms

The licence will expire 31 August 2025.

Conditions of licence

1. The licensee shall adhere to the provisions and requirements for community-based television stations set out in Appendix 2 to *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. As an exception to sections 10(1) to 10(4) of the *Television Broadcasting Regulations, 1987* (the Regulations), the licensee is relieved from the requirements set therein with regard to the retention of program logs or records. The Commission reminds the licensee that it must retain a clear and intelligible audio-visual recording of all its programming, and provide it, upon request, to the Commission, pursuant to the requirements of sections 10(5) and 10(6) of the Regulations.
3. To comply with the requirements set out in section 18 of the *Television Regulations, 1987* and in *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 by no later than **1 September 2022**. As part of this requirement, the licensee must report on its progress to the Commission every six months, beginning **1 March 2021**.

Expectations

The standard expectations applicable to this licensee are set out in Appendix 2 to *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 2 to *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016.