



## Broadcasting Decision CRTC 2021-59

PDF version

Reference: Part 1 licence renewal application posted on 30 October 2020

Ottawa, 15 February 2021

### **Base Commander of Canadian Forces in Suffield** Suffield, Alberta

*Public record for this application: 2019-0921-9*

### **CKBF-FM Suffield and its transmitter CKBF-FM-1 Suffield – Licence renewal**

*The Commission **renews** the broadcasting licence for the non-commercial English-language radio station CKBF-FM Suffield, Alberta, and its transmitter CKBF-FM-1 Suffield from 1 March 2021 to 31 August 2026. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.*

#### **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 2019-194, which listed the radio stations for which the broadcasting licences would expire 31 August 2020 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those stations submit renewal applications for their broadcasting licences.
3. In response, the Base Commander of Canadian Forces in Suffield filed an application to renew the broadcasting licence for the non-commercial English-language radio station CKBF-FM Suffield, Alberta, and its transmitter CKBF-FM-1 Suffield, which expires 28 February 2021.<sup>1</sup> The Commission did not receive any interventions in regard to this application.

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<sup>1</sup> The original licence expiry date for the station was 31 August 2020. The licence was administratively renewed from 1 September 2020 until 28 February 2021 as a result of Broadcasting Decision 2020-284. In Broadcasting Decision 2019-301, the Commission approved the application for the rebroadcasting transmitter CKBF-FM-1. Under the terms of that decision, the transmitter must be implemented no later than 23 August 2021. As of the date of this decision, CKBF-FM-1 is not yet in operation.

4. The licensee provides a non-commercial FM radio service exclusively for the benefit of British Armed Forces personnel and their dependents stationed at Canadian Forces Base Suffield. CKBF-FM broadcasts at least 50 hours of locally produced programming each week. The remaining programming is provided by Services Sound and Video Corporation, a British-based service that offer a mixture of its own programming and that of the British Broadcasting Corporation.

### **Non-compliance**

5. Section 10(1)(i) of the Act authorizes the Commission, in furtherance of its objects, to make regulations 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.
6. Pursuant to this authority, the Commission made section 9(2) of the *Radio Regulations, 1986* (the Regulations) which requires licensees to file an annual return, including financial statements, by no later than 30 November of a given year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to file financial statements, are set out in Broadcasting Information Bulletin 2011-795.
7. According to Commission records, the annual returns provided to the Commission for the 2013-2014 and 2016-2017 broadcast years did not include financial statements. The licensee filed the missing financial statements on 30 May 2019 in response to a question from Commission staff in relation to the application for a new rebroadcasting transmitter for CKBF-FM approved in Broadcasting Decision 2019-301. The financial statements were therefore filed after the required deadlines for the 2013-2014 and 2016-2017 broadcast years.
8. The licensee stated that it was not aware that the financial statements had not been filed until it was notified by the Commission in May 2019. The licensee apologized for this oversight and, to ensure compliance in the future, committed to appoint a Response Manager responsible for ensuring that all the required information, including financial statements, is submitted correctly and on time.
9. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2013-2014 and 2016-2017 broadcast years.

### **Regulatory measures**

10. 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 number, recurrence and seriousness of the instances of 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.

11. In regard to the licensee's non-compliance with section 9(2) of the Regulations, the Commission notes that the licensee promptly filed the missing financial statements once it was aware that they were missing. The Commission is satisfied with the measures taken by the licensee to ensure compliance in the future and notes that this is the first instance of non-compliance for CKBF-FM. Nevertheless, given the non-compliance, the Commission finds it appropriate to renew the licence for the station for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

## Conclusion

12. In light of all of the above, the Commission **renews** the broadcasting licence for the non-commercial English-language radio programming undertaking CKBF-FM Suffield, Alberta, and its transmitter CKBF-FM-1 Suffield from 1 March 2021 to 31 August 2026. The licence will be issued to the Base Commander of Canadian Forces Base in Suffield, authorizing them or any other person who subsequently occupies that position<sup>2</sup> to operate the undertaking. The **conditions of licence** are set out in the appendix to this decision.

## Reminders

### Annual returns

13. Licensees are responsible for filing complete annual returns on time, including the financial statements. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensees' 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.

### Force and effect of broadcasting licences

14. Pursuant to section 22 of 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.

Secretary General

## Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-284, 21 August 2020
- *CKBF-FM Suffield – New transmitter at Canadian Forces Base Suffield*, Broadcasting Decision CRTC 2019-301, 23 August 2019

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<sup>2</sup> That person must be eligible to hold a licence in accordance with *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998.

- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-194, 3 June 2019
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 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 2021-59**

### **Terms, conditions of licence, and encouragement for the non-commercial English-language radio programming undertaking CKBF-FM Suffield, Alberta, and its transmitter CKBF-FM-1 Suffield**

#### **Terms**

The licence will expire 31 August 2026.

#### **Conditions of licence**

1. The licensee is relieved of the requirements set out in section 2.2 of the *Radio Regulations, 1986* regarding the broadcast of Canadian musical selections.
2. The licensee shall not broadcast any commercial messages.
3. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.

#### **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.