



## Broadcasting Decision CRTC 2021-60

PDF version

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

Ottawa, 15 February 2021

**Association d'Églises baptistes réformées du Québec**  
Québec and Saint-Jérôme, Quebec

*Public record for this application: 2019-0515-0*

### **CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language religious specialty radio station CFOI-FM Québec, Quebec, and its transmitter CFOI-FM-1 Saint-Jérôme until 31 August 2026. This short-term licence 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, Association d'Églises baptistes réformées du Québec filed an application to renew the broadcasting licence for the French-language religious specialty radio station CFOI-FM Québec, Quebec, and its transmitter CFOI-FM-1 Saint-Jérôme, which expires 28 February 2021.<sup>1</sup> The Commission did not receive any interventions in regard to this application.

---

<sup>1</sup> The original licence expiry date for CFOI-FM was 31 August 2020. The broadcasting licence was administratively renewed from 1 September 2020 to 28 February 2021 as a result of Broadcasting Decision 2020-284.

## Background

4. In Broadcasting Decision 2013-705, the Commission renewed the licence for CFOI-FM from 1 January 2014 to 31 August 2020.<sup>2</sup> In that decision, the Commission found the licensee in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of a complete annual return for the 2011-2012 broadcast year. The Commission also found the licensee in non-compliance with its condition of licence relating to Canadian content development contributions. Nevertheless, the Commission stated in that decision that, in light of the circumstances surrounding the licensee's non-compliance with a provision of the Regulations and with one condition of licence, it considered it appropriate to grant a full-term licence renewal to CFOI-FM.

## Non-compliance

### Implementation of a National Public Alerting System

5. 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.
6. The provision of emergency alert messages is achieved through Canada's National Public Alerting System (NPAS). In Broadcasting Regulatory Policy 2014-444, the Commission announced that it was requiring broadcasters to fully participate in the NPAS and that by 31 March 2015, all broadcasters in Canada, with certain exceptions,<sup>3</sup> would be required to alert Canadians to imminent threats to life.
7. In this regard, and pursuant to the authority granted by section 10(1) of the Act, the Commission made section 16(2) of the Regulations, which specifies that except as otherwise provided under a condition of its licence, a licensee shall implement on all stations that it is licensed to operate, by no later than 31 March 2015, a public alerting system that broadcasts without delay, on a given station, any audio alert that it receives from the National Alert Aggregation and Dissemination System that (a) announces an imminent or unfolding danger to life; and (b) is designated by the applicable issuing authority for immediate broadcast in all or part of the area within the station's A.M. 5 mV/m contour, F.M. 0.5 mV/m contour or digital service area, as the case may be.

---

<sup>2</sup> The original broadcasting licence expiry date for CFOI-FM was 31 August 2013. The licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

<sup>3</sup> Campus, community and Indigenous radio stations and television broadcasters, as well as radiocommunication distribution undertakings. For all of these undertakings, as noted in Broadcasting Regulatory Policy 2014-444, the deadline to implement the NPAS was 31 March 2016.

8. 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.
9. In Broadcasting Decision 2015-576, the Commission approved an application by the licensee to extend CFOI-FM's NPAS implementation deadline until 31 March 2016. According to Commission records, the licensee did not implement the NPAS by the 31 March 2016 deadline. Specifically, it installed the system on 22 January 2020, nearly four years after the deadline set by the Commission.
10. With respect to the apparent non-compliance, the licensee submitted that it was accidental and may be due to the very small team assigned to operations. It added that, among all the activities that the station's day-to-day operation and programming require, it inadvertently forgot the requirement to install the equipment needed to operate the NPAS.
11. The licensee added that, immediately after receiving the letter from Commission staff in which it was informed of the apparent non-compliance, it made the necessary arrangements for the equipment to be ordered and installed at the earliest possible opportunity. As proof, it provided the order confirmation for the equipment and the installation.
12. The Commission is satisfied with the actions taken by the licensee to comply with the requirement to implement the NPAS as soon as it was informed of the non-compliance. Indeed, the licensee installed the NPAS on 22 January 2020. However, more than three years and nine months elapsed between the deadline set by the Commission for the installation of the NPAS and the installation of the system by the licensee.
13. In light of the above, the Commission finds the licensee in non-compliance with section 16(2) of the Regulations.

### **Regulatory measures**

14. 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.
15. This is the second consecutive licence term in which the licensee has been found to be in non-compliance with the Regulations. Accordingly, the Commission finds it appropriate to renew the licence for CFOI-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

## Conclusion

16. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language religious specialty radio programming undertaking CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme from 1 March 2021 to 31 August 2026. The **conditions of licence** are set out in the appendix to this decision.

## Reminders

### National Public Alerting System

17. The full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. The Commission holds that compliance is mandatory. Therefore, timely compliance by stations will be closely monitored. The Commission could, at any time, 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.

### Force and effect of broadcasting licences

18. 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
- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-194, 3 June 2019
- *CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme – Extension of the deadline for implementation of the emergency alerting system*, Broadcasting Decision CRTC 2015-576, 22 December 2015
- *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

- *CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme – Licence renewal*, Broadcasting Decision CRTC 2013-705, 17 December 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013

*This decision is to be appended to the licence.*

## Appendix to Broadcasting Decision CRTC 2021-60

### Terms, conditions of licence, expectation and encouragement for the French-language religious specialty radio programming undertaking CFOI-FM Québec, Quebec, and its transmitter CFOI-FM-1 Saint-Jérôme

#### Terms

The licence will expire 31 August 2026.

#### 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, with the exception of conditions of licence 2, 7 and 8, 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 *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. In each broadcast week, the licensee shall devote at least 50% of all musical selections broadcast to selections from subcategory 31 (Concert), 30% to selections from subcategory 24 (Easy listening), 10% to selections from subcategory 34 (Jazz and blues) and 10% to selections from 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 not broadcast news bulletins, pop songs or commercial messages.
5. When broadcasting religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall comply with the guidelines on the provision of balance and ethics in religious programming set out in sections III.B.2.a) and IV of that notice.

#### 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.