



Broadcasting Decision CRTC 2021-79

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

Ottawa, 22 February 2021

Radio Beauce inc.

Saint-Georges-de-Beauce, Quebec

Public record for this application: 2019-0605-9

CKRB-FM Saint-Georges-de-Beauce – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language commercial radio station CKRB-FM Saint-Georges-de-Beauce, Quebec, 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, Radio Beauce inc. (Radio Beauce) filed an application to renew the broadcasting licence for the French-language commercial radio station CKRB-FM Saint-Georges-de-Beauce, Quebec, which expires 28 February 2021.¹ The Commission did not receive any interventions in regard to this applications.

Background

4. In Broadcasting Decision 2016-237, the Commission found Radio Beauce in non-compliance with sections 8(1)(c) and 8(5) of the *Radio Regulations, 1986* (the Regulations) relating to the retention of complete and accurate logs and records,

¹ The original licence expiry date for this 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.

and with sections 2.2(5) and 2.2(10) of the Regulations relating to the broadcast of French-language vocal music. The Commission renewed the broadcasting licence for CKRB-FM for a short-term period.

Non-compliance

Radio monitoring materials

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(3)(a) of the Regulations, which specifies that a licensee shall submit the information required by the station self-assessment report when requested by the Commission, and section 9(3)(b) of the Regulations, which sets out the requirements regarding the information on musical selections that licensees must include in their lists of musical selections for any period specified by the Commission.
7. During the licence renewal proceeding for CKRB-FM, the Commission examined the station's programming for the 9 to 15 June 2019 broadcast week and identified an irregularity between the list of musical selections and the self-assessment report submitted by the licensee. Specifically, Radio Beauce identified some musical selections as having been broadcast while they were not on the list of musical selections.
8. The licensee explained that, at that time, it did not know how to use the software to change the report, or to add missing information or incorporate the musical selections broadcast during the program blocks from external subcontractors.
9. Once notified of the apparent non-compliance, the licensee confirmed that it held discussions with the software provider to better understand how to provide a complete and accurate list of musical selections. The licensee stated that it is now able to make the necessary modifications to the list of musical selections in order to add any missing information. It noted, however, that despite the gaps identified by Commission staff, it is in compliance with the other regulatory requirements relating to Canadian content and musical content.
10. In light of the above, the Commission finds Radio Beauce in non-compliance with sections 9(3)(a) and 9(3)(b) of the Regulations.

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 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.

12. In regard to the licensee's non-compliance with sections 9(3)(a) and 9(3)(b) of the Regulations, the Commission notes that the licensee has taken the necessary measures to understand how the software works and how to make the necessary changes to the list of musical selections in order to add missing information. The Commission is satisfied with the measures taken by the licensee and is convinced that it will now be able to operate the station in compliance with its regulatory obligations. Although this represents an important breach of the licensee's regulatory obligations, the Commission notes that this is the first licence term in which Radio Beauce has been in non-compliance with sections 9(3)(a) and 9(3)(b) of the Regulations relating to the obligation to provide a complete and precise self-assessment report and a complete and precise list of musical selections. However, as this is the second consecutive licence term during which Radio Beauce has been in non-compliance with the Regulations in regard to the filing of radio monitoring materials, the Commission considers that it would be appropriate to renew the broadcasting licence for CKRB-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial radio programming undertaking CKRB-FM Saint-Georges-de-Beauce, Quebec, from 1 March 2021 to 31 August 2026. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminders

Radio monitoring materials

14. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory requirements. The retention of these radio monitoring materials also makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file requested material in a timely manner, or does not file such material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.

Force and effect of broadcasting licences

15. 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.

Cultural diversity

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

Employment equity

17. In accordance with Public Notice 1992-59, 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.

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
- *CKRB-FM Saint-Georges-de-Beauce – Licence renewal*, Broadcasting Decision CRTC 2016-237, 21 June 2016
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Mise en œuvre d'une politique d'équité en matière d'emploi*, avis public CRTC 1992-59, 1 September 1992

This decision is to be appended to the licence.