



Broadcasting Decision CRTC 2005-263

Ottawa, 28 June 2005

La radio communautaire du comté Rimouski and Mont-Joli, Quebec

*Application 2004-1522-5
Broadcasting Public Notice CRTC 2005-32
15 April 2005*

CKMN-FM Rimouski and Mont-Joli – Licence renewal

The Commission renews the broadcasting licence for the radio programming undertaking CKMN-FM Rimouski and Mont-Joli, from 1 September 2005 to 31 August 2009. This short-term renewal will allow the Commission to assess, at an earlier date, the licensee's compliance with the provisions of the Radio Regulations, 1986.

The application

1. The Commission received an application by La radio communautaire du comté (La radio du comté) to renew the broadcasting licence for the Type B French-language community radio programming undertaking CKMN-FM Rimouski and Mont-Joli, which expires 31 August 2005.
2. The Commission did not receive any interventions in connection with this application.

Non-compliance

3. On 15 April 2003, the Commission directed La radio du comté to submit logger tapes and other related documents for the programming broadcast by CKMN-FM Rimouski and Mont-Joli during the week of 6 to 12 April 2003.
4. On 26 June 2003, the licensee submitted part of the requested documents to the Commission, along with a letter indicating that some logger tapes were missing. The licensee explained that its non-compliance with respect to the logger tapes was attributable to human negligence and the recording device used. The licensee also described the steps taken to remedy the situation.
5. The Commission's verification of the logger tapes submitted by the licensee for the week of 6 to 12 April 2003 showed that approximately 16 hours and 25 minutes of tapes were missing. The Commission consequently notified the licensee in a letter dated 25 November 2003 that its failure to provide complete logger tapes constituted an apparent violation of subsections 8(5) and 8(6) of the *Radio Regulations, 1986* (the Regulations), which read as follows:

- 8(5) A licensee shall retain a clear and intelligible tape recording or other exact copy of all matter broadcast:
- a) for four weeks from the date of the broadcast; or
 - b) where the Commission receives a complaint from any person regarding the matter broadcast or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of the broadcast.
- 8(6) Where, before the expiry of the applicable period referred to in subsection (5), the Commission requests from the licensee a clear and intelligible tape recording or other exact copy of matter broadcast, the licensee shall furnish it to the Commission forthwith.

6. In its letter dated 25 November, the Commission further noted that the list of musical selections for the week of 6 to 12 April 2003 was also incomplete because it had been prepared on the basis of the tape recordings. The Commission therefore reminded the licensee that the lists of musical selections must reflect all the musical selections broadcast during the period in question. In view of the missing documents, the Commission was unable to analyze the programming aired by CKMN-FM for that period.
7. In another effort to assess the licensee's performance, the Commission directed the licensee, in a letter dated 19 January 2004, to submit the logger tapes and related documents for the programming broadcast by CKMN-FM during the week of 11 to 17 January 2004.
8. On 6 February 2004, the licensee provided the Commission with the requested documents, but stated that some sections were missing because of electrical and electronic failures.
9. In a letter dated 19 March 2004, the Commission pointed out that it was missing 6 hours and 30 minutes of programming from the logger tapes and 3 hours from the list of musical selections. It was therefore unable to analyze the programming aired by CKMN-FM for the week in question. The Commission reminded the licensee that its failure to provide complete logger tapes and complete lists of musical selections constituted an apparent violation of subsections 8(5) and 8(6) of the Regulations and subsection 9(3), which reads as follows:
- 9(3) At the request of the Commission, a licensee shall submit for any period specified by the Commission in its request:
- a) the information required by the most recent Station Self-assessment Report form issued by the Commission; and

- b) a list of the musical selections in the order in which they are broadcast by the licensee during that period that includes the title and performer of each musical selection and a legend that identifies:
 - (i) any Canadian musical selection;
 - (ii) any hit;
 - (iii) any instrumental selection;
 - (iv) any content category 3 musical selection that is described in the appendix to Public Notice CRTC 2000-14 dated January 28, 2000 and entitled Revised Content Categories and Subcategories for Radio, published in the Canada Gazette Part I on February 5, 2000; and
 - (v) the language of the musical selection, where the musical selection is not an instrumental selection.

- 10. The Commission then directed the licensee to inform it of the steps it had taken to remedy the apparent non-compliance involving the logger tapes and lists of musical selections.
- 11. In a letter dated 31 March 2004, the licensee informed the Commission of the steps taken with its staff regarding logging requirements. The licensee also stated that it had replaced the taping software and would monitor the equipment daily to ensure its smooth operation. Finally, the licensee stated that the electrical failures were beyond its control.
- 12. In Broadcasting Public Notice CRTC 2005-32, 15 April 2005, the Commission indicated that it would review the application for renewal of the CKMN-FM licence and noted the apparent failure of the licensee to comply with the provisions of the Regulations concerning the submission of logger tapes and lists of musical selections.

Commission's analysis and determination

- 13. Based on its review of the material provided by the licensee for the weeks of 6 to 12 April 2003 and 11 to 17 January 2004, the Commission finds that the licensee has been in non-compliance with subsections 8(5), 8(6) and 9(3) of the Regulations. The Commission has noted the steps taken by La radio du comté to remedy the non-compliance with the requirements of the Regulations concerning logger tapes and lists of musical selections. The Commission reminds the licensee that it is required to comply with the provisions of the Regulations at all times.
- 14. The Commission has reviewed the application for licence renewal and the licensee's past performance. Given that the licensee has already implemented the necessary remedial action to conform with the Regulations, the Commission **renews** the broadcasting licence for the Type B French-language community radio programming undertaking CKMN-FM Rimouski and Mont-Joli, from 1 September 2005 to 31 August 2009. This short-term renewal will allow the Commission to assess, at an earlier date, the licensee's compliance with the provisions of the Regulations relating to logger tapes and lists of musical selections.

15. The licence will be subject to the **conditions** set out in *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000.

Employment equity

16. The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the applicant to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>