



Broadcasting Decision CRTC 2006-83

Ottawa, 15 March 2006

André Joly, on behalf of a not-for-profit corporation to be incorporated
Montréal, Quebec

Application 2005-0343-4
Public Hearing in the National Capital Region
14 November 2005

Religious AM radio station in Montréal

*The Commission **denies** an application for a broadcasting licence to operate a French-language religious AM radio station in Montréal.*

The application

1. The Commission received an application by André Joly, on behalf of a not-for-profit corporation to be incorporated, for a broadcasting licence to operate a French-language commercial religious AM radio programming undertaking in Montréal at 650 kHz with a transmitter power of 5,800 watts daytime.
2. The applicant proposed to broadcast 126 hours of Christian programming per week. In each broadcast week, at least 95% of all musical selections broadcast would be drawn from subcategory 35 (Non-classic religious) as set out in *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000. Specifically, Mr. Joly proposed predominantly gospel music, biblical teachings and any other program of a Christian nature.
3. The proposed station would offer at least 100 hours of local programming in each broadcast week. This programming would include 44 hours of spoken word programming, of which one hour and 28 minutes would be news segments.
4. The applicant proposed to broadcast a minimum of 20 hours per week of religious programming, as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993 (the Religious Policy). Mr. Joly made a commitment to offer a minimum of five hours of balanced programming; that is, programming that presents diverging opinions on religion and topics of interest to the public.
5. The applicant indicated that he would provide ongoing training and supervision to all staff that have access to the airwaves (hosts, reporters, volunteers, etc.).

6. The applicant stated that membership in the corporation to be incorporated would be consist of [TRANSLATION] “only organizations, churches and individuals of the evangelical Protestant faith.”
7. The applicant made a commitment to contribute \$8,000 annually to support local artists.

Interventions

8. The Commission received interventions in support of the application, an intervention in opposition, and a comment.
9. In its opposing intervention, Canadian Hellenic Cable Radio Ltd. (CHCR), the licensee of CKDG-FM Montréal, expressed concern about the process by which the Commission announced the application without first issuing a call for applications. CHCR noted that the Commission had recently approved four radio stations in Montréal, and contended that it is simply too early to consider other radio stations for that market. According to the intervener, the Montréal market needs more time to adjust and find an appropriate balance.
10. In its comment, the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) stressed the importance of the commitments that applicants must make with respect to Canadian content, French-language vocal music and Canadian talent development.

Applicant's replies

11. In response to CHCR, Mr. Joly noted that the applications for licences to serve the Montréal market proposed targeted, specialty services. He also noted that CHCR is the only intervener that opposed his application.
12. In response to ADISQ, the applicant maintained that a commitment to contribute \$8,000 in direct payment to Canadian talent development is a considerable effort for a not-for-profit organization such as his.

Commission's analysis and determination

13. The Commission considers that the proposed service will have had a rather limited commercial impact on the Montréal market. The station will target a limited, specialty audience and the forecasted advertising revenues are generally modest. Accordingly, in the circumstances, the Commission determined that a call for applications was not necessary. In *The issuance of calls for radio applications*, Public Notice CRTC 1999-111, 8 July 1999, the Commission stated that it would not issue a call for applications in certain specific cases, including applications for low-power stations and other proposals with very little or no commercial potential.

14. Section 3(1)(i) of the *Broadcasting Act* specifically states that the programming provided by the Canadian broadcasting system should be varied, balanced and provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern. Because the applicant proposed to operate a religious commercial radio station, the Commission considered the application in light of the provisions set out in the Religious Policy.
15. The Commission stipulated in the Religious Policy that it remains a principal tenet of the Canadian broadcasting system that licensees should provide balance on matters of public concern. The Commission is of the view that those who broadcast religious programming have an obligation to offer differing views on matters of general public concern and, at the same time, must expose the audience to different points of view on religion itself. Accordingly, the Commission expects applicants to provide details on how they intend to ensure balance in their programming, and how they would respond to complaints from the public about balance in programming.
16. To satisfy the balance requirements set out in the Religious Policy, Mr. Joly proposed a minimum of five hours of programming per week aimed at ensuring balance; i.e., open-line programs and interviews with individuals expressing differing views.
17. According to the program schedule filed with the application, an open-line show, a balance program proposed by the applicant, would air between 11:00 p.m. and 3:00 a.m., Fridays and Saturdays. The Commission is of the view that scheduling programming aimed at ensuring balance to air late in the evening and during the night is not an appropriate means of ensuring that a diverse audience will tune in to the programs and participate.
18. The Commission notes that the applicant proposed inviting individuals with differing views to express those views on air. However, he did not demonstrate in his application that he has an existing network of individuals and organizations who have confirmed their participation in the programming.
19. The Commission considers that the criteria for selecting members of the future corporation limit the participation of individuals who could ensure balanced programming for the proposed station. Furthermore, these criteria could limit the station's ability to reflect the diverse communities in Montréal.
20. Consequently, the Commission is not convinced that the proposed programming could ensure balanced multi-faith representation and that this programming would ensure that listeners would be exposed to a variety of opinions on religion, as provided for in the Religious Policy.
21. The Commission acknowledges the complementarity of the gospel music proposed by the applicant. However, the Commission is not convinced that the applicant satisfactorily demonstrated that it should be awarded a frequency.

22. In light of the foregoing, the Commission **denies** the application by André Joly, on behalf of a not-for-profit corporation to be incorporated, for a broadcasting licence to operate a French-language commercial (religious) AM radio programming undertaking in Montréal.

Secretary General

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