



Broadcasting Decision CRTC 2012-308

PDF version

Route reference: 2011-694

Additional reference: 2011-694-1

Ottawa, 24 May 2012

Various applicants

Calgary, Alberta

*Public hearing in Calgary, Alberta
6 February 2012*

Licensing of new radio stations to serve Calgary, Alberta

*The Commission **approves** an application by Multicultural Broadcasting Corporation Inc. for a broadcasting licence to operate a new ethnic commercial FM radio station to serve Calgary.*

*The Commission also **approves** an application by Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership for a broadcasting licence to operate a new English-language commercial FM radio station to serve Calgary.*

*The Commission **denies** the remaining applications for broadcasting licences for radio stations to serve Calgary.*

A dissenting opinion by Commissioner Peter Menzies is attached.

Introduction

1. At a public hearing commencing 6 February 2012 in Calgary, Alberta, the Commission considered 11 applications for broadcasting licences to operate new radio programming undertakings to serve Calgary, Alberta. These applications were received in response to the Commission's call for applications for radio stations to serve Calgary announced in Broadcasting Notice of Consultation 2011-398. The applicants are as follows:
 - 7954689 Canada Inc. (7954689 Canada)
 - Alberta Mosaic Radio Broadcasting Inc. (Alberta Mosaic)
 - Bell Media Inc. and 7550413 Canada Inc., partners in a general partnership carrying on business as Bell Media Calgary Radio Partnership (Bell Media Calgary)

- Clear Sky Radio Inc. (Clear Sky)
 - Diversified Society of Alberta (DSA)
 - Harvard Broadcasting Inc. (Harvard)
 - Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership (Pattison)
 - Multicultural Broadcasting Corporation Inc. (MBC)
 - Punjabi – World Network Ltd. (Punjabi – WNL)
 - Rawlco Radio Ltd. (Rawlco)
 - Unison Media Inc. (Unison)
2. The Commission notes that Alberta Mosaic, MBC and Unison all proposed to operate ethnic commercial FM radio programming undertakings; that DSA proposed to operate an ethnic community FM radio programming undertaking; and that Punjabi – WNL proposed to operate an ethnic commercial AM radio programming undertaking. The remaining applicants proposed to operate English-language commercial FM radio programming undertakings.
 3. The Commission further notes that certain of the above-noted applications are technically mutually exclusive, as follows:
 - Alberta Mosaic, Bell Media Calgary, Clear Sky, DSA, Harvard, Pattison and Unison all proposed the use of the frequency 95.3 MHz (channel 237) for their proposed stations.
 - 7954689 Canada and Rawlco proposed the use of the frequency 100.3 MHz (channel 262) for their proposed stations.
 4. For their part, MBC and Punjabi – WNL proposed the frequencies 106.7 MHz (channel 294B) and 1670 kHz, respectively, for their proposed stations.
 5. The Commission also received an application by Corus Entertainment Inc. (Corus), on behalf of its wholly owned subsidiary CKIK-FM Limited, in response to Broadcasting Notice of Consultation 2011-398. Corus proposed to amend the broadcasting licence for its AM radio programming undertaking CHQR Calgary to add an FM transmitter to that station's licence, within its existing contours, in order to rebroadcast that station's programming in Calgary. The Commission notes that Corus currently owns two FM radio stations in Calgary, namely, CFGQ-FM (through CKIK-FM Limited) and CKRY-FM (through Corus Radio Company), and that there are currently 17 commercial radio stations operating in the Calgary radio market. Approval of Corus's application could therefore constitute a third FM presence in Calgary, contrary to the Commission's Common Ownership Policy (see Broadcasting Public Notice 2008-4). Consequently, Corus could require an exception to that policy in order for its application to be approved.

6. Accordingly, the Commission issued Broadcasting Notice of Consultation 2011-695, in which it called for comments on whether the addition of an FM transmitter to the broadcasting licence for CHQR within its existing contours would constitute the presence of an FM station in the Calgary market and, if so, whether the Commission should consider granting Corus an exception to the Common Ownership Policy and maintain the consideration of its application as part of the Calgary public hearing announced in Broadcasting Notice of Consultation 2011-694. Following that public process, the Commission has denied the application by Corus, for the reasons set out in Broadcasting Decision 2012-307, also issued today.
7. As part of the process relating to the applications for new radio stations to serve Calgary, the Commission received and considered interventions regarding each application. The public record for these applications is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and decisions

8. After examining the public record for these applications in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:
 - Can the Calgary radio market sustain additional commercial radio services without an undue negative impact on existing stations?
 - If so, which of the applications should be approved, in light of the factors set out in Decision 99-480?

The ability of the Calgary radio market to sustain additional radio stations

9. Calgary is the largest city in the province of Alberta. The Calgary radio market is currently served by 17 radio stations, 13 of which are FM stations (including one ethnic and one religious station), and 4 of which are AM stations.
10. According to Statistics Canada, the population of the Calgary census metropolitan area (CMA) was 1,214,839 in 2011, an increase of almost 12.6% from its population of 1,079,310 in 2006. Furthermore, according to a Financial Post Markets projection, the total population of the Calgary CMA will grow to 1,408,096 by 2017, an increase of 15.9% from 2011. The Commission notes that the Calgary CMA is currently the fifth-largest in Canada.
11. According to the Conference Board of Canada's (CBOC) Spring 2012 economic outlook, real gross domestic product (GDP) growth in Calgary is expected to be 3.5% in 2012. This follows a 3.1% gain in 2011. It further points to positive factors such as the strength of the manufacturing and business services sectors, the rebound in construction activity, and expected strong energy prices that will contribute to nation-leading real GDP growth between 2014 and 2016. In addition, the CBOC estimates that retail sales in Calgary will grow at a compound rate of 5.6% between 2012 and 2016, which would outpace the estimated 4.2% growth in retail sales over the same period for the overall Canadian market. Finally, the Commission notes that the unemployment rate in Calgary declined

from 6.8% in 2010 to 5.8% in 2011. These rates are well below those seen for Canada as a whole (i.e., 8.0% in 2010; 7.5% in 2011).

12. In regard to Calgary's ethnic population and, in particular, its South Asian population, Statistics Canada, in its 2010 report entitled *Projections of the Diversity of the Canadian Population, 2006 to 2031*, presented demographic projections indicating that the South Asian population in Calgary, under a conservative low-growth scenario, could grow from 58,000 in 2006 to 174,000 by 2031. The Commission notes that MBC commissioned a similar report through Statistics Canada. Using the same methodology as that used for their projections for the year 2031, Statistics Canada indicated in that report that the South Asian population, under a conservative low-growth scenario, could grow to 106,000 by 2016. As such, the Commission is of the view that this population is large enough to support a new ethnic radio service focussed on the South Asian radio market.
13. In light of the above, the Commission considers that the Calgary radio market could, at this time, support the addition of one new ethnic radio service and one new commercial radio service.

Assessment of the applications

14. Having determined that the Calgary radio market can sustain the introduction of one new ethnic radio service and one new commercial radio service, the Commission has considered the applications to serve those radio markets in light of the following factors relevant to the evaluation of the applications, set out in Decision 99-480:
 - the quality of the application;
 - the diversity of news voices in the Calgary radio market;
 - the level of market impact; and
 - competitive balance.
15. Details of the applications for the Calgary radio market are set out in Appendix 1 to this decision.
16. Having considered the applications in light of the criteria set out above, the Commission finds that the proposals by MBC for a new ethnic FM radio station and by Pattison for a new commercial FM radio station best meet the needs of the Calgary radio market.

MBC

17. The Commission considers that MBC, a new entrant to the Calgary radio market, is a well-financed and experienced broadcaster whose experience would contribute to its ability to establish itself in that radio market.
18. MBC indicated that all of the station's programming would be ethnic programming targeting no less than 23 ethnic groups in 19 different languages, and that no less than 90% of the programming would be broadcast in third languages. The applicant agreed to adhere to these commitments by condition of licence. Further, the programming would be

devoted primarily to the South Asian radio market, and more specifically to the Punjabi and Hindi speaking populations. The Commission notes that the provision of such a broad service to the Calgary radio market would ensure that a number of smaller ethnic groups in that market have a basic radio service.

19. MBC indicated that 120 hours per broadcast week would be devoted to local programming. Further, approximately 50 hours of the programming to be broadcast over the broadcast week would be spoken word programming, of which seven hours and 45 minutes would be news (70% local). The applicant stated that the high quality of the programming to be provided to the Calgary radio market would be ensured by significant programming expenses.
20. The Commission notes that MBC committed to devote, by condition of licence, at least 10% of all content category 3 (Specialty Music) musical selections aired during each ethnic programming period to Canadian selections broadcast in their entirety. It further notes that these levels exceed the minimum regulatory requirement set out in the *Radio Regulation, 1986* (the Regulations), and would therefore provide enhanced exposure for Canadian music. A **condition of licence** requiring MBC to abide by the above commitment is set out in Appendix 2 to this decision.
21. All commercial radio licensees must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the Regulations, as amended from time to time. The Commission notes that MBC made a commitment to exceed the minimum contribution to CCD. Specifically, it committed to devote, over and above the basic annual CCD contribution, a total of \$553,000 to CCD (\$79,000 per broadcast year) over seven consecutive broadcast years upon commencement of operations. A **condition of licence** to that effect is also set out in Appendix 2. The applicant indicated that the over-and-above CCD contribution would be distributed to the following eligible initiatives:
 - a bursary for a female aboriginal journalism student;
 - a bursary for a music student;
 - talent contests; and
 - for the winners of the above-noted talent contests, training, recording sessions, photo shoots, websites and touring.

Pattison

22. The Commission considers that Pattison, a new entrant to the Calgary radio market, is well financed and would benefit from regional synergies with its other Alberta-based operations. Consequently, this applicant should be well placed to operate as a standalone operator in this very competitive radio market.
23. Pattison proposed to offer an Adult Album Alternative (AAA) format, principally targeting female listeners from 25 to 49 years of age. All of the station's programming would be local to the Calgary community, with the exception of 21 minutes per broadcast

week, which would be devoted to the David Suzuki Report. In each broadcast week, 21 hours and 18 minutes would be devoted to spoken word programming, of which three hours and seven minutes would be news programming with a special focus on Calgary and southern Alberta. The applicant also proposed to broadcast various long and short form programs, as well as music shows, and further indicated that 15% of the programming broadcast each broadcast week would be devoted to emerging artists. It further indicated that the high quality of the programming to be provided to the Calgary radio market would be ensured through significant programming expenses.

24. Pattison committed to devote, by condition of licence, at least 40% of all content category 2 (Popular Music) musical selections aired during each broadcast week and between 6:00 a.m. and 6:00 p.m., Monday to Friday, to Canadian selections broadcast in their entirety. It further notes that these levels exceed the minimum regulatory requirement set out in the Regulations, and would therefore provide enhanced exposure for Canadian popular music. A **condition of licence** requiring Pattison to abide by the above commitment is set out in Appendix 3 to this decision.
25. In regard to the requirements relating to contributions to CCD set out in section 15 of the Regulations, the Commission notes that Pattison made a commitment to exceed the minimum contribution to CCD. Specifically, it committed to devote, over and above the basic annual CCD contribution, a total of \$8,750,000 to CCD (\$1,250,000 per broadcast year) over seven consecutive broadcast years upon commencement of operations. A **condition of licence** to that effect is also set out in Appendix 3. Of this amount, at least 20% would be devoted to FACTOR. The majority of the remaining amount would be directed to The Peak Performance Project, a proven initiative that is similar to what Pattison currently offers at its Vancouver station “The Peak.” The rest would be directed to the following eligible initiatives:
 - Save The Music Foundation
 - Mega Music Canadian Music Giveaway
 - Peak Performance Stage at the Fled Island Annual Music Festival

Conclusion

26. Based on all of the foregoing, the Commission **approves** the following application for a broadcasting licence to operate an ethnic FM radio programming undertaking in Calgary:

Multicultural Broadcasting Corporation Inc.
Application 2011-1334-9, received 28 September 2011
27. The terms and **conditions of licence** for this new service are set out in Appendix 2 to this decision.
28. The Commission also **approves** the following application for broadcasting licence to operate an English-language commercial FM radio programming undertaking in Calgary:

Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership

Application 2011-1325-8, received 27 September 2011

29. The terms and **conditions of licence** for this new service are set out in Appendix 3 to this decision.
30. In light of the above, the Commission **denies** the remaining applications for broadcasting licences to operate radio programming undertakings in Calgary, as set out below:

7954689 Canada Inc.

Application 2011-1344-8, received 28 September 2011

Alberta Mosaic Radio Broadcasting Inc.

Application 2011-1345-6, received 28 September 2011

Bell Media Inc. and 7550413 Canada Inc., partners in a general partnership carrying on business as Bell Media Calgary Radio Partnership

Application 2011-1341-4, received 28 September 2011

Clear Sky Radio Inc.

Application 2011-1343-0, received 28 September 2011

Diversified Society of Alberta

Application 2011-0687-3, received 14 April 2011

Harvard Broadcasting Inc.

Application 2011-1338-1, received 28 September 2011

Punjabi – World Network Ltd.

Application 2011-0936-4, received 14 June 2011

Rawlco Radio Ltd.

Application 2011-1340-7, received 28 September 2011

Unison Media Inc.

Application 2011-1327-4, received 28 September 2011

31. Because Pattison is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *CHQR Calgary – New FM transmitter in Calgary*, Broadcasting Decision CRTC 2012-307, 24 May 2012
- *Call for comments regarding an application by Corus Entertainment Inc., on behalf of CKIK-FM Limited, to amend the broadcasting licence for CHQR Calgary in order to add an FM rebroadcasting transmitter in Calgary*, Broadcasting Notice of Consultation CRTC 2011-695, 9 November 2011

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2011-694, 9 November 2011, as amended by Broadcasting Notice of Consultation CRTC 2011-694-1, 25 November 2011
- *Call for applications – Radio stations to serve Calgary, Alberta*, Broadcasting Notice of Consultation CRTC 2011-398, 30 June 2011
- *Diversity of voices – Regulatory policy*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Introductory statement – Licensing new radio stations*, Decision CRTC 99-480, 28 October 1999

**This decision and the appropriate appendices are to be appended to each licence.*

Appendix 1 to Broadcasting Decision CRTC 2012-308

Details from the applications for new broadcasting licences for radio programming undertakings to serve Calgary, Alberta

Applicant	Details from the application
<p>7954689 Canada Inc. Application 2011-1344-8</p>	<p>Type: English-language commercial FM radio programming undertaking</p> <p>Technical parameters: 100.3 MHz (channel 262B), effective radiated power of 7,800 watts (non-directional antenna with an effective height of antenna above average terrain of 298.5 metres)</p> <p>Format: Hybrid Hit Music/Hybrid Hit Radio (HHM/HHR) music</p> <p>Target audience: Not specified</p> <p>Canadian content (music): 35% category 2* over the broadcast week*** and between 6 a.m. and 6 p.m. Monday to Friday</p> <p>Local programming per broadcast week: 120 hours</p> <p>Spoken word programming per broadcast week: 10 hours</p> <p>News**** programming per broadcast week: approximately 5 hours (does not include commitments made for between 5:00 a.m. and 6:00 a.m., Monday to Friday, which is during an unregulated hour)</p> <p>Canadian content development contribution (over the basic annual contribution): \$5,090,000 over seven consecutive broadcast years</p> <p>Emerging artists programming per broadcast week: 15%</p>
<p>Alberta Mosaic Radio Broadcasting Inc. Application 2011-1345-6</p>	<p>Type: Ethnic commercial FM radio programming undertaking</p> <p>Technical parameters: 95.3 MHz (channel 237B), average effective radiated power (ERP) of 1,871 watts (maximum ERP of 7,000 watts with an effective height of antenna above average terrain of 331 metres)</p> <p>Format: Ethnic programming directed to a minimum of 18 cultural groups in a minimum of 16 different languages</p> <p>Target audience: South Asian community (primary); Spanish, Mexican, Central American, South American, Caribbean, African and Arabic communities (secondary)</p> <p>Canadian content (music): 12% of musical selections aired during ethnic programming periods over the broadcast week***</p> <p>Local programming per broadcast week: 120 hours</p> <p>Spoken word programming per broadcast week: 36 hours</p> <p>News**** programming per broadcast week: 8 hours, 50 minutes (40% local, 10% regional)</p> <p>Canadian content development contribution (over the basic annual contribution): \$350,000 over seven consecutive broadcast years</p>
<p>Bell Media Inc. and 7550413 Canada Inc., partners in a general partnership carrying on business as Bell Media Calgary Radio Partnership Application 2011-1341-4</p>	<p>Type: English-language commercial FM radio programming undertaking</p> <p>Technical parameters: 95.3 MHz (channel 237C1), average effective radiated power (ERP) of 21,000 watts (maximum ERP of 54,000 watts with an effective height of antenna above average terrain of 180.3 metres)</p> <p>Format: Rhythmic CHR music, featuring a mix of musical genres, primarily Hip Hop, R&B and Reggae</p> <p>Target audience: 18-29 years of age</p> <p>Canadian content (music): 35% category 2* over the broadcast week*** and between 6 a.m. and 6 p.m. Monday to Friday</p> <p>Local programming per broadcast week: 126 hours</p> <p>Spoken word programming per broadcast week: Not specified</p> <p>News**** programming per broadcast week: Not specified</p>

	<p>Canadian content development contribution (over the basic annual contribution): \$3,500,000 over seven consecutive broadcast years</p> <p>Emerging artists programming per broadcast week: 30%</p>
<p>Clear Sky Radio Inc. Application 2011-1343-0</p>	<p>Type: English-language commercial FM radio programming undertaking</p> <p>Technical parameters: 95.3 MHz (channel 237C1), average effective radiated power (ERP) of 21,000 watts (maximum ERP of 54,000 watts)</p> <p>Format: Country music</p> <p>Target audience: 25-54 years of age; core: 35-44 years of age</p> <p>Canadian content (music): 40% category 2* over the broadcast week*** and between 6:00 a.m. and 6:00 p.m. Monday to Friday</p> <p>Local programming per broadcast week: 126 hours</p> <p>Spoken word programming per broadcast week: 10 hours, 14 minutes</p> <p>News**** programming per broadcast week: 6 hours, 3 minutes (90% local or regional)</p> <p>Canadian content development contribution (over the basic annual contribution): \$2,520,000 over seven consecutive broadcast years</p> <p>Emerging artists programming per broadcast week: 8%</p>
<p>Diversified Society of Alberta Application 2011-0687-3</p>	<p>Type: Ethnic community FM radio programming undertaking</p> <p>Technical parameters: 95.3 MHz (channel 237LP), effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 22.6 metres)</p> <p>Format: Ethnic programming directed to a minimum of five cultural groups in a minimum of six different languages</p> <p>Target audience: Hindi and Punjabi cultural groups (primary); Urdu, Bengali and Tamil cultural groups (secondary)</p> <p>Canadian content (music): regulatory minimum prescribed by section 2.2(4) of the <i>Radio Regulations, 1986</i></p> <p>Local programming per broadcast week***: 126 hours</p> <p>Spoken word programming per broadcast week: 25-30% of total programming</p> <p>News**** programming per broadcast week: 13 hours, 39 minutes (5% local, 5% regional)</p> <p>Canadian content development contribution (over the basic annual contribution): not applicable</p>
<p>Harvard Broadcasting Inc. Application 2011-1338-1</p>	<p>Type: English-language commercial FM radio programming undertaking</p> <p>Technical parameters: 95.3 MHz (channel 237C1), average effective radiated power (ERP) of 11,000 watts (maximum ERP of 36,000 watts with an effective height of antenna above average terrain of 319.7 metres)</p> <p>Format: Adult Contemporary music</p> <p>Target audience: 25-44 years of age</p> <p>Canadian content (music): 40% category 2* over the broadcast week*** and between 6:00 a.m. and 6:00 p.m. Monday to Friday</p> <p>Local programming per broadcast week: 126 hours</p> <p>Spoken word programming per broadcast week: 6 hours and 27 minutes</p> <p>News**** programming per broadcast week: 5 hours, 10 minutes (80% local)</p> <p>Canadian content development contribution (over the basic annual contribution): \$4,300,000 over seven consecutive broadcast years</p> <p>Emerging artists programming per broadcast week: 16%</p>

<p>Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership Application 2011-1325-8</p>	<p>Type: English-language commercial FM radio programming undertaking Technical parameters: 95.3 MHz (channel 237C1), average effective radiated power (ERP) of 36,000 watts (maximum ERP of 100,000 watts with an effective height of antenna above average terrain of 180.3 metres) Format: Adult Album Alternative (AAA) music, with a primary focus on new and emerging artists, and a secondary focus on alternative music from the last decade Target audience: women from 25-49 years of age (primary target, women from 25-34 years of age; secondary target, women from 34-44 years of age) Canadian content (music): 40% category 2* over the broadcast week*** and between 6:00 a.m. and 6:00 p.m. Monday to Friday Local programming per broadcast week: 126 hours Spoken word programming per broadcast week: 21 hours, 18 minutes News**** programming per broadcast week: 3 hours, 7 minutes (percentage of local regional news programming not specified) Canadian content development contribution (over the basic annual contribution): \$8,750,000 over seven consecutive broadcast years Emerging artists programming per broadcast week: 15%</p>
<p>Multicultural Broadcasting Corporation Inc. Application 2011-1334-9</p>	<p>Type: Ethnic commercial FM radio programming undertaking Technical parameters: 106.7 MHz (channel 294B), average effective radiated power (ERP) of 1,100 watts (maximum ERP of 8,000 watts with an effective height of antenna above average terrain of 236 metres) Format: Ethnic programming directed to a minimum of 23 cultural groups in a minimum of 19 different languages Target audience: South Asian community (primary); Filipino, Arabic and Vietnamese communities (secondary) Canadian content (music): 10% of all category 3** musical selections aired during ethnic programming periods over the broadcast week*** Local programming per broadcast week: 120 hours Spoken word programming per broadcast week: 50 hours, 24 minutes News**** programming per broadcast week: 7 hours, 45 minutes (70% local) Canadian content development contribution (over the basic annual contribution): \$553,000 over seven consecutive broadcast years</p>
<p>Punjabi – World Network Ltd. Application 2011-0936-4</p>	<p>Type: Ethnic commercial AM radio programming undertaking Technical parameters: 1670 kHz (Class B) with a transmitter power of 5,000 watts daytime and 1,000 watts night-time Format: Ethnic programming directed to a minimum of 13 cultural groups in a minimum of 8 different languages Target audience: South Asian community (primary); Filipino, Arabic-speaking, and other communities (secondary) Canadian content (music): 40% category 2* over the broadcast week*** and between 6:00 a.m. and 6:00 p.m. Monday to Friday; 10% of musical selections during ethnic programming periods Local programming per broadcast week: 105 hours Spoken word programming per broadcast week: at least 41 hours News**** programming per broadcast week: approximately 10.5 hours of news, traffic and weather Canadian content development contribution (over the basic annual contribution): \$121,000 over seven consecutive broadcast years</p>

<p>Rawlco Radio Ltd. Application 2011-1340-7</p>	<p>Type: English-language commercial FM radio programming undertaking Technical parameters: 100.3 MHz (channel 262C1), average effective radiated power (ERP) of 27,000 watts (maximum ERP of 100,000 watts with an effective height of antenna above average terrain of 266 metres) Format: Hit music, with a significant interactive component Target audience: 25-44 years of age Canadian content (music): 40% category 2* over the broadcast week*** and between 6:00 a.m. and 6:00 p.m. Monday to Friday Local programming per broadcast week: 126 hours Spoken word programming per broadcast week: 16 hours (highly interactive format) News**** programming per broadcast week: 6 hours, 36 minutes of news, sports, weather and the promotion of local events Canadian content development contribution (over the basic annual contribution): \$4,375,000 over seven consecutive broadcast years plus \$625,000 in the year prior to commencement of operations Emerging artists programming per broadcast week: 15%</p>
<p>Unison Media Inc. Application 2011-1327-4</p>	<p>Type: Ethnic commercial specialty FM radio programming undertaking Technical parameters: 95.3 MHz (channel 237C1), average effective radiated power (ERP) of 21,000 watts (maximum ERP of 54,000 watts with an effective height of antenna above average terrain of 180.3 metres) Format: Ethnic programming directed to a minimum of 21 cultural groups in a minimum of 19 different languages Target audience: South Asian community (primary); Arabic (Lebanese, Syrian), Filipino, Persian (Iranian), Vietnamese, Polish, Ukrainian, Portuguese, Italian, Sindhi, Malayalees, Assam communities Canadian content (music): 10% of all musical selections aired during ethnic programming Local programming per broadcast week***: 120 hours Spoken word programming per broadcast week: 63 hours (of a total of 90 hours of programming) News**** programming per broadcast week: 17 hours, 30 minutes (100% local) Canadian content development contribution (over the basic annual contribution): \$350,000 over seven consecutive broadcast years</p>
<p>* Percentages shown for category 2 musical selections (Popular Music) are for both the broadcast week and the period from 6:00 a.m. to 6:00 p.m., Monday to Friday. The definition of "broadcast week" is the same as that set out in the <i>Radio Regulations, 1986</i>.</p> <p>** Percentages shown for category 3 musical selections (Special Interest Music) are for the broadcast week. The definition of "broadcast week" is the same as that set out in the <i>Radio Regulations, 1986</i>.</p> <p>*** The definition of "broadcast week" as it relates to Canadian content (music) as well as local, spoken word, news, and emerging artists programming is the same as that set out in the <i>Radio Regulations, 1986</i>.</p> <p>**** As set out in <i>Revised content categories and subcategories for radio</i>, Public Notice CRTC 2000-14, 28 January 2000, "news" excludes related surveillance material, that is, weather, traffic, sports and entertainment reports.</p>	

Appendix 2 to Broadcasting Decision CRTC 2012-308

Multicultural Broadcasting Corporation Inc.

Application 2011-1334-9, received 28 September 2011

Terms, conditions of licence, expectation and encouragement for the ethnic FM radio programming undertaking in Calgary, Alberta

Terms

The licence will expire 31 August 2018.

The station will operate on 106.7 MHz (channel 294B) with an average effective radiated power (ERP) of 1,100 watts (maximum ERP of 8,000 watts with an effective height of antenna above average terrain of 236 metres).

The Department of Industry (the Department) has advised the Commission that while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.

The Commission reminds the applicant that, pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the licence for this undertaking will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **24 July 2012**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

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.
2. The licensee shall devote a minimum of 100% of the programming broadcast during each broadcast week to ethnic programs, as defined the *Radio Regulations, 1986*.
3. The licensee shall devote a minimum of 90% of the programming broadcast during each broadcast week to third-language programs, as defined in the *Radio Regulations, 1986*.

4. The licensee shall offer on a weekly basis programming directed to a minimum of 23 cultural groups in a minimum of 19 languages.
5. The licensee shall ensure that at least 10% of the content category 3 (Specialty Music) musical selections broadcast during ethnic programming periods during each broadcast week are Canadian selections.
6. In addition to the required basic annual contribution to Canadian content development (CCD), set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall, upon commencement of operations, make an annual contribution of \$79,000 (\$553,000 over seven consecutive broadcast years) to the promotion and development of Canadian content.

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR. The remaining amounts of this additional CCD contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Expectation

Cultural diversity

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

Encouragement

Employment equity

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.

Appendix 3 to Broadcasting Decision CRTC 2012-308

Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership

Application 2011-1325-8, received 27 September 2011

Terms, conditions of licence, expectation and encouragement for the English-language commercial FM radio programming undertaking in Calgary, Alberta

Terms

The licence will expire 31 August 2018.

The station will operate on 95.3 MHz (channel 237C1) with an average effective radiated power (ERP) of 36,000 watts (maximum ERP of 100,000 watts with an effective height of antenna above average terrain of 180.3 metres).

The Department of Industry (the Department) has advised the Commission that while this application is conditionally technically acceptable, it will only issue a broadcasting certificate when it has determined that the proposed technical parameters will not create any unacceptable interference with aeronautical NAV/COM services.

The Commission reminds the applicant that, pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the licence for this undertaking will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **24 July 2012**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

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.
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations):
 - a) devote, in each broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and

- b) devote, between 6:00 a.m. and 6:00 p.m., in any period beginning on Monday of a week and ending on Friday of the same week, a minimum of 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meaning as that set out in the Regulations.

3. In addition to the required basic annual contribution to Canadian content development (CCD), set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall, upon commencement of operations, make an annual contribution of \$1,250,000 (\$8,750,000 over seven consecutive broadcast years) to the promotion and development of Canadian content.

Of this amount, the licensee shall allocate no less than 20% per broadcast year to FACTOR. The remaining amounts of this additional CCD contribution shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Expectation

Cultural diversity

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

Dissenting opinion by Commissioner Peter Menzies

In this decision, the Commission has decided, through its panel, to grant licences to Multicultural Broadcasting Corporation Inc. to operate an ethnic radio station and to Jim Pattison Broadcast Group Limited Partnership to operate a commercial radio station.

Both are professional, accomplished operators who I expect will serve Calgary well.

This dissent is based on how the panel chose to prioritize the use of spectrum in order to serve Calgary.

There were two primary themes at the Calgary hearing. One was the strongly emphasized social/community need for an ethnic station primarily serving the city's growing Punjabi- and Hindi-speaking audience. Estimated currently at around 60,000 by most applicants, that audience alone is anticipated – the panel heard – to double and triple over the course of the next generation and beyond into the range of 200,000. That is a number that, if the forecasts are accurate, is equivalent to a city the size of Regina.

The other theme was the enthusiastic desire of commercial operators to compete in the Calgary market.

For this Commissioner, then, the issue became one of balancing social need against commercial want – a decision that becomes particularly important in markets within which spectrum is becoming increasingly rare as is the case in Calgary.

It was my conclusion in this instance that meeting the growing demand for service to the Punjabi-/Hindi-speaking community would fulfill a clearly defined social need and contribute more to the diversity of Calgary's radio market than would the addition of yet another commercial radio station in a market already served by 17 commercial stations.

Given that conclusion, the next question to be asked was: How can this audience – this social need if you will – best be served?

Multicultural Broadcasting Corporation Inc.'s application was for the 106.7 FM frequency. That frequency, however, only serves about two-thirds of Calgary's current geographic area. Much of the new Canadian population targeted does currently live in neighbourhoods which can receive that frequency so they will only be able to access the programming providing they stay within the parts of Calgary traditionally populated by the first generation of new Canadians. Should they wish to move to neighbourhoods that are located in the third of the city in which the frequency is not available, they will lose access to its programming. Consequently, while listeners to Calgary's official-language broadcasters and listeners to Calgary's existing ethnic broadcaster (which serves a primarily Chinese-speaking audience) are free to move to whichever part of the city they wish and still enjoy service, Punjabi-speaking Calgarians will not enjoy the same privilege. They will be children of a lesser spectrum god. In a city that prides itself on being open to all, this is an unfortunate development that is inconsistent with a culture of equal access and opportunity.

This Commissioner's preference would have been to ensure that Punjabi-speaking Calgarians have access to service in that language regardless of where they choose to live in the city. The application by Unison Media was for 95.3 FM, a frequency that is available for reception throughout Calgary. Unison's application also offered the most hours of Punjabi-language broadcasting.

Clearly, if the panel had shared this Commissioner's view that Calgary's ethno-cultural/social needs – as defined in the hearing – should be given priority over the commercial industry's wants (a legitimate debate), the appropriate decision would have been to license the applicant with the proposal containing the most programming to be made available to the greatest number of people interested in that programming.

That, however, did not occur and Pattison was granted the 95.3 frequency that Unison had identified. That left Multicultural Broadcasting Corporation Inc., with its reduced frequency, as the successful applicant for the panel's lesser priority – Punjabi- and Hindi-speaking Calgarians.

Had the needs of the ethnic community been put ahead of the wants of the commercial sector and Unison's application approved, there still would have remained the opportunity to license commercial operators as there were two applicants that had identified another viable frequency. Deciding which of those was the best equipped to serve Calgarians became irrelevant given the decision of the majority.