



Broadcasting Decision CRTC 2014-589 and Broadcasting Order CRTC 2014-590

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Route references: 2014-426, 2014-426-1 and 2014-426-2

Ottawa, 13 November 2014

Radio Punjab Ltd.
Surrey, British Columbia

Reference 2014-0695-0

Radio Punjab – Issuance of mandatory order

The Commission issues a mandatory order that, among other things, prohibits Radio Punjab Ltd. from producing radio programming in Canada and transmitting it to Canadian audiences using the facilities of radio stations located in the United States.

Introduction

1. The Commission conducted a public process to consider licensing new radio stations in Surrey, British Columbia, which included an oral hearing that began on 27 January 2014. During this process, concerns were raised regarding whether certain entities were potentially broadcasting in whole or in part in Canada without a licence and transmitting their programming from Washington State into Lower Mainland British Columbia in contravention of the *Broadcasting Act* (the Act). The Commission subsequently sought to gather information regarding the entities in question.
2. In light of the information gathered, the Commission noted in Broadcasting Notice of Consultation 2014-426 that it appeared that Radio Punjab Ltd. (Radio Punjab) may be carrying on a broadcasting undertaking in whole or in part in Canada without a licence or pursuant to an exemption, contrary to the Act. The Commission called Radio Punjab to a hearing, scheduled for 15 October 2014, in order to inquire into, hear and determine this issue and to allow Radio Punjab an opportunity to show cause why a mandatory order should not be issued requiring Radio Punjab to cease and desist.
3. In particular, the Commission noted that Radio Punjab is owned and controlled by Gurpal S. Garcha, a Canadian citizen, carries on business in Canada, operates out of Surrey and produces programming for broadcast on the radio as well as over the Internet but does not have a licence to carry on a radio programming undertaking. It also appears that Radio Punjab has an arrangement with New Age Media Ltd., the licensee of KRPA 1110 AM, located in Oak Harbour, Washington, to transmit its programming by radio waves for reception by the public by means of a radio and this transmission is received in Canada.

4. On 8 October 2014, prior to the date scheduled for the hearing, Radio Punjab entered into a Consent Agreement with the Commission and Item #2, Radio Punjab Ltd. was subsequently made a non-appearing item on that hearing pursuant to Broadcasting Notice of Consultation 2014-426-2.

Commission's analysis and decision

5. Pursuant to section 12 of the *Broadcasting Act* and consistent with the terms of the Consent Agreement, the Commission hereby imposes a mandatory order on Radio Punjab Ltd. and Gurpal S. Garcha requiring them to not carry on a broadcasting undertaking in Canada except in compliance with the *Broadcasting Act*, to divest of any interests in New Age Media Ltd., the licensee of KRPA 1110 AM and to not have a future interest or involvement in a business connected with a radio station operating out of the United States to the extent such an arrangement would be in contravention of the *Broadcasting Act*. This mandatory order is set out in the appendix to this decision.

Secretary General

Related documents

- *Notice of Hearing*, Broadcasting Notice of Consultation CRTC 2014-426, 13 August 2014, as amended by Broadcasting Notice of Consultation CRTC 2014-426-1, 2 October 2014, and Broadcasting Notice of Consultation CRTC 2014-426-2, 10 October 2014

Appendix to Broadcasting Decision CRTC 2014-589
Broadcasting Mandatory Order CRTC 2014-590

1. Radio Punjab Ltd. and Gurpal S. Garcha are hereby ordered, pursuant to section 12(2) of the *Broadcasting Act* and consistent with the Consent Agreement, dated 8 October 2014, to not carry on a broadcasting undertaking at Surrey, British Columbia, or anywhere else in Canada, except in compliance with the *Broadcasting Act*.
2. Radio Punjab Ltd. is hereby ordered to provide to the Commission by 7 January 2015 proof of the divestiture of the interests held by Radio Punjab Ltd. or Gurpal S. Garcha, as the case may be, in New Age Media Ltd.
3. Radio Punjab Ltd. and Gurpal S. Garcha are hereby ordered to not have an ownership interest or involvement of any nature in any element of a business connected with a radio station operating out of the United States which has a transmitter whose signal reaches into Canada, to the extent that such arrangements would be in contravention of the *Broadcasting Act*.