



## Broadcasting Decision CRTC 2024-29

PDF version

References: 2023-129 and 2023-129-1

Ottawa, 9 February 2024

**U Multicultural Inc.**  
Winnipeg, Manitoba

*Public record: 2021-0305-0*

*Public hearing in the National Capital Region  
6 July 2023*

### English-language community FM radio station in Winnipeg

#### Summary

The Commission **approves** an application by U Multicultural Inc. for a broadcasting licence to operate an English-language community FM radio station in Winnipeg, Manitoba, subject to certain conditions of approval.

The Commission proposes to make the orders set out in Appendix 2 to this decision imposing various conditions of service, including contribution requirements, on the licensee. Consistent with subsection 9.1(4) of the *Broadcasting Act*, interested persons may make representations only on the proposed orders by no later than **19 February 2024**. The licensee may submit a reply to any representations received by no later than **26 February 2024**.

#### Application

1. U Multicultural Inc. (UMI), a not-for-profit corporation, filed an application for a broadcasting licence to operate an English-language community FM radio station in Winnipeg, Manitoba.<sup>1</sup>
2. The applicant currently operates an online radio service known as U Radio.

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<sup>1</sup> In Broadcasting Notice of Consultation 2021-411, the Commission called for comments on the capacity of the Winnipeg market to sustain a new radio station and on the appropriateness of issuing a call for applications for new stations in that market. While it concluded in Broadcasting Decision 2022-226 that the Winnipeg radio market could not support an additional commercial radio station, it expressed the view that community stations, being partially reliant on volunteers, grants and fundraising to ensure their viability, generally do not raise concerns pertaining to commercial impact. Consequently, and given that no other parties expressed an interest in operating a community station in this market, the Commission concluded that it would publish UMI's application as part of the non-appearing phase of an upcoming public hearing.

3. The proposed station would operate at 88.7 MHz (channel 204A) with an effective radiated power (ERP) of 800 watts (non-directional antenna with an effective height of the antenna above average terrain [EHAAT] of 141.8 metres).<sup>2</sup>
4. UMI proposed to broadcast 126 hours of local programming each broadcast week. Further, it requested an exception to the requirement set out in paragraph 7(4)(b) of the *Radio Regulations, 1986* (the Regulations) to devote more than 15% of a broadcast week to third-language programs. Specifically, the applicant proposed to devote 40 hours (31%) of the programming broadcast on the station to programming in third languages (Russian, Ukrainian, Portuguese, Mandarin, Arabic, Urdu and Bangla). It further proposed to devote 20 minutes of the station's programming to French-language programming, and 60 minutes to programming in Indigenous languages (specifically, Inuktitut, Ojibwe and Cree).
5. UMI stated that the new station would focus on ethnic programming, serving newcomers, immigrants and refugees to the community of Winnipeg. According to UMI, the proposed station's programming would focus on these underserved and underrepresented groups, providing them with information and support for their integration into Canada.
6. The applicant proposed to devote 22% of the musical selections broadcast to a mix of selections drawn from the following content category 2 (Popular Music) content subcategories:<sup>3</sup> 21: Pop, rock and dance (12%); 22: Country and country-oriented (5%); and 23: Acoustic (5%). The remainder would be drawn from the following content category 3 (Special Interest Music) content subcategories: 31: Concert (10%); 32: Folk and folk-oriented (30%); 33: World beat and international (30%); 34: Jazz and blues (3%); and 36: Experimental Music (5%).
7. Further, the applicant proposed to devote one hour and 40 minutes per broadcast week to the broadcast of newscasts (80% local news, 20% regional news). Of this amount, one hour and 20 minutes would consist of "pure news," which excludes weather, traffic, entertainment and sports bulletins. UMI would offer newscasts every three hours each day starting at 9:00 a.m. and until midnight, Monday to Friday, which would consist of four minutes of community news and one minute of general news, traffic and weather forecasts.
8. The Commission received several interventions in support of this application, from organizations, communities and individuals who expressed the view that UMI's proposed radio station would serve underrepresented communities, would help increase the diversity of voices in radio, and would educate the public about different cultural groups in Canada. The Commission also received an intervention in

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<sup>2</sup> These technical parameters reflect those approved by the Department of Industry (also known as Innovation, Science and Economic Development Canada).

<sup>3</sup> The content categories and subcategories for radio, along with their descriptions, are set out in the appendix to Broadcasting Regulatory Policy 2022-333.

opposition from Dufferin Communications Inc. (Dufferin), which owns and operates the commercial ethnic specialty radio station CKJS-FM Winnipeg, the only commercial ethnic specialty radio station in the Winnipeg radio market. UMI replied collectively to all of the interventions received, including the intervention from Dufferin.

## Issues

9. The Commission has the authority, pursuant to subsections 9(1), 9.1(1) and 11.1(2) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*, and to make orders respecting expenditures.
10. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
  - community participation in the governance structure of UMI;
  - whether the use of the frequency 88.7 MHz for the proposed station represents an appropriate use of spectrum;
  - whether approval of this application would have an undue economic impact on incumbent stations; and
  - the programming to be broadcast by the proposed station.

## Ownership structure

11. UMI is a not-for-profit corporation incorporated under *The Corporations Act* in the province of Manitoba. The undertaking is controlled by its board of directors and all of its members are Canadian and reside in Canada. Consequently, UMI is eligible to hold a broadcasting licence pursuant to the *Direction to the CRTC (Ineligibility of Non-Canadians)*<sup>4</sup> (the Direction).
12. However, the Commission notes that UMI's by-laws do not currently contain any language to ensure that the composition of the board of directors is consistent with the requirements of the Direction. In its response to a request for information, UMI indicated that it was willing to amend its by-laws to include a reference that the composition of the board of directors must always comply with the Direction. The Commission considers that it would be appropriate to require UMI to make this change to its by-laws.

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<sup>4</sup> SOR/97-192, 8 April 1997.

13. In terms of community participation in the governance structure, as defined in subsection 2(1) of the *Broadcasting Act*, “community element” “includes the element of the Canadian broadcasting system as part of which members of a community participate in the production of programs that are in a language used in the community including a not-for-profit broadcasting undertaking that is managed by a board of directors elected by the community.”
14. As set out in Broadcasting Regulatory Policy 2010-499 (the Campus and Community Radio Policy), a community radio station is owned, operated, managed and controlled by a not-for-profit organization that provides for membership, management, operation and programming primarily by members of the community served.
15. In its intervention, Dufferin submitted that the governance structure of UMI does not align with the requirements of a “community element” as defined in the *Broadcasting Act* and in the Campus and Community Radio Policy, given that individual community members are excluded from decision-making concerning the control of UMI. The intervener requested that the Commission not grant a licence for a community radio station to UMI until these shortcomings have been corrected.
16. In its reply, UMI stated that it is open to all necessary improvements in its governance structure and amendments to its governing documents that would allow it to comply with the Commission’s regulations.
17. The Commission considers that there are two barriers to community participation in the governance structure of UMI, one relating to membership, and one relating to its board of directors.
18. Section 3.02 of UMI’s by-laws specifies that there are two types of membership: regular membership and non-voting membership. Regular membership is only available to not-for-profit organizations or public organizations in the province of Manitoba that have as their prime mandate to provide services to immigrants and refugees. Non-voting membership is available to individuals who are interested in supporting the organization. Non-voting members are not entitled to receive notice, attend, and vote at all meetings of members.
19. Although membership is open to the community, section 3.02(b) of the by-laws also states that individuals (who are the main users of the radio station), are not eligible to become regular members. Rather, and as noted by UMI in its response to a request for information, individuals can only join as non-voting members. This type of membership allows individuals to “participate in management processes, operations and planning, production and post-production processes, obtaining the media training, having access to the studios and equipment, volunteering and many more.” Non-voting members can also sit on committees, but they do not make decisions, only recommendations.

20. In regard to UMI's board of directors, section 5.01(a) of UMI's by-laws specifies that "[t]he Board shall consist of a minimum of seven (7) Directors and a maximum of eleven (11) elected from and by Regular Members at an annual general meeting." Section 5.01(b) specifies that the board of directors must consist of "at least two thirds (66%) Directors that are representatives of Incorporated Non-Profit organizations or ethnocultural associations." Further, pursuant to section 5.02 of the by-laws, "[a]ny individual may be nominated by any Regular Member for election as a Director." In other words, individuals can only sit on the board of directors if nominated and elected by regular members. Even if individuals obtain seats on the board of directors, they will always be in the minority as regular members will hold a minimum of 66% of the seats. As such, the decision-making power and control of the organization will always be held by regular members, who are for the most part non-profit organizations.
21. The current by-laws therefore only guarantee an advisory role to individuals, given that their role is limited to making recommendations to regular members and the board of directors. The Commission considers that restricting decision-making power of a not-for-profit corporation to specific groups is inconsistent with the Commission's statement at paragraph 170 of the Campus and Community Radio Policy that membership must be open to the "community at large." Therefore, the Commission finds that UMI does not fully meet the criteria for community participation in the ownership.
22. In light of UMI's willingness to amend its governing documents to address the issues set out above, the Commission **requires** UMI, as **conditions of approval**, to amend its by-laws to:
- include that its board of directors must be at least 80% Canadian as per the Direction;
  - create a process to ensure that individuals qualify as regular members to fully participate in the ownership;
  - remove section 3.02(b), which prohibits individuals from becoming regular members; and
  - remove section 5.01(b), which stipulates that at least 66% of the board of directors be made up of not-for-profit organizations.
23. Finally, the Commission **directs** the applicant to submit its revised documents reflecting these changes **within 90 days of the date of this decision**.
24. In the Commission's view, these changes will enable the applicant to meet all of the membership requirements set out in the Campus and Community Radio Policy, as well as the requirements set out in the Direction. Further, the amendments to the by-laws will encourage individuals' participation in the ownership (board of directors and membership) of UMI.

### **Appropriate use of spectrum**

25. The Department of Industry (also known as Innovation, Science and Economic Development Canada) has granted conditional technical acceptability of the proposed station. As such, the applicant's proposal adheres to the rules governing FM spectrum coordination.
26. The applicant proposed the use of 88.7 MHz (channel 204A) for the new FM station. Although the use of the proposed frequency would remove its availability from the surrounding areas, there are other frequencies that could provide service to those areas and could provide similar or greater coverage compared to that proposed by the applicant. Further, no other major surrounding areas would be impacted by the use of that frequency. Consequently, frequency 88.7 MHz is not the last frequency available to serve Winnipeg.
27. In light of the above, the Commission finds that the use of the frequency 88.7 MHz by the applicant for its proposed FM station represents an appropriate use of spectrum.

### **Economic impact on incumbent stations**

28. Currently, there are 15 commercial radio stations (including the commercial ethnic specialty radio station CKJS-FM, owned and operated by Dufferin) and five non-commercial radio stations operating in the Winnipeg radio market. From 2021 to 2022, the Winnipeg commercial radio market experienced a 10% increase in total revenues, and a 16.5% increase in local advertising revenues. Despite these signs of recovery, the Winnipeg market is still not profitable and has not been for the last three years, with an average profit before interest and taxes (PBIT) of -12.6%.
29. In its intervention, Dufferin submitted that approval of another radio station, ethnic or otherwise, in Winnipeg would have a significant negative impact on its own stations. It argued that the broadcasting sector continues to face revenue and profitability challenges due to inflationary pressures and the impact of the COVID-19 pandemic, and that radio station revenues are still below pre-pandemic levels and are unlikely to fully recover.
30. As set out in UMI's application, the financial structure of the applicant is based on a variety of sources, primarily local and federal government funding, fundraising activities and limited local advertising. The applicant's projected advertising revenues represent a negligible portion of the total advertising revenues in the Winnipeg commercial radio market.
31. Further, in Broadcasting Decision 2022-226, the Commission expressed the view that community radio stations, being partially reliant on volunteers, grants and fundraising to ensure their viability, generally do not raise concerns pertaining to their commercial impact.

32. In light of the above, and given the nature of the proposed service, the Commission finds that approval of UMI's application would not have an undue economic impact on incumbent stations in the market.

**Programming to be broadcast by the proposed station**

33. In the Campus and Community Radio Policy, in regard to the role, mandate and definition of community stations, the Commission noted that such stations offer programming based on the needs and interests of a community through the following:

- maximum use of Canadian-produced programming;
- the broadcast of local and regional news and information;
- the broadcast and promotion of local cultural and artistic expression;
- the promotion of Canadian emerging talent with an emphasis on local musical and spoken word talent; and
- the broadcast of local and regional content related to social, economic and community issues.

34. Further, the Commission stated that community radio:

- permits and facilitates communication among members of the community by fostering diversity in the broadcasting of opinions, spoken word content and musical programming;
- participates in the stimulation of socio-economic endeavours and in the cultural enrichment of communities; and
- reflects the diversity of the communities served. Local programming is produced, in part, by volunteers.

35. In addition, subparagraphs 3(1)(s)(i) through (vi) of the *Broadcasting Act* provide that the programming provided by the community element should

- be innovative and complementary to the programming provided for mass audiences (i),
- cater to tastes and interests not adequately provided for by the programming provided for mass audiences and include programs devoted to culture, politics, history, health and public safety, local news and current events, local economy and the arts (ii),
- reflect Canada's communities, regions, Indigenous and multicultural nature, including through third-language programming (iii),

- support new and emerging Canadian creative talent, as a cost-effective venue for learning new skills, taking risks and exchanging ideas (iv),
- through community participation, strengthen the democratic process and support local journalism (v), and
- be available throughout Canada so that all Canadians can engage in dialogue on matters of public concern (vi).

36. In the sections that follow, the Commission addresses issues relating to the diversity of the proposed programming, the representation of local musical and spoken word talent, volunteer participation in the station's programming, and the broadcast of ethnic and third-language programming.

#### **Diversity of the proposed programming**

37. In the Campus and Community Radio Policy, the Commission stated that programming of community radio should distinguish itself from that of the commercial and public sectors in both style and substance, offering programming that is rich in local information and reflection. It further stated that the programming provided by community radio should meet the needs and interests of the communities served by these stations in ways that are not met by commercial radio stations and the Canadian Broadcasting Corporation. Such programming should consist of music, especially Canadian music, not generally heard on commercial stations (including special interest music, as well as styles of popular music seldom broadcast), in-depth spoken word programming and programming targeted to specific groups within the community. As set out in that regulatory policy, the Commission expects campus and community stations to maintain and strengthen their efforts in these areas in their programming, volunteer involvement and employment practices.

38. Subparagraph 3(1)(d)(iii) of the *Broadcasting Act* declares that the Canadian broadcasting system should, among other things, reflect the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of Indigenous Peoples within that society. Further, the Canadian broadcasting system should reflect the Indigenous cultures of Canada and provide programming that is in Indigenous languages (paragraph 3(1)(o)), and the programming provided by the Canadian broadcasting system should reflect and support Canada's linguistic duality by placing significant importance on the creation, production and broadcasting of original French-language programs, including those from French linguistic minority communities (subparagraph 3(1)(i)(i.1)). In regard to community programming in particular, subparagraph 3(1)(s)(iii) of the *Broadcasting Act* provides that the programming provided by the community element should reflect Canada's communities, regions, Indigenous and multicultural nature, including through third-language programming.



39. UMI has proposed an English-language community FM radio station that would focus on ethnic programming to serve Winnipeg, and would broadcast 126 hours of local programming per broadcast week. The applicant committed to adhere to the conditions of service set out in Broadcasting Regulatory Policy 2012-304, which require community radio station licensees to, among other things, broadcast a minimum of 15% spoken word programming each broadcast week (where all such programming must be locally produced) and to devote not less than 20% of the musical selections broadcast on the station to musical selections from content subcategories other than content subcategory 21 (Pop, rock and dance).
40. In its application, UMI stated its intention to focus its programming on local immigrants, newcomers and refugees from diverse ethnic communities. It added that the proposed radio station would continue to produce high quality spoken word programming not currently available on other stations in the market. In this regard, the Commission notes that the programming of the applicant's online service U Radio currently includes a talk show highlighting native-born and new Canadians' cultures and experiences, a program with different underrepresented communities (their history, traditions and roots), a program discussing immigration experiences, and a program sharing information about the services available for immigrant and newcomers in Winnipeg.
41. Furthermore, the station's proposed broadcast schedule would include series of programs produced in partnership with First Peoples Radio Inc., which promote Indigenous knowledge and languages and focus on building connections between the Indigenous community and newcomers and immigrants. In this regard, UMI proposed to devote up to 60 minutes of the programming broadcast each broadcast week to programming in Indigenous languages.
42. In addition, UMI stated that it works with francophone communities of Manitoba and creates content in the French language. It proposed to devote 20 minutes of the station's programming to the broadcast of French-language programming to serve this official language minority immigrant population.
43. In the Commission's view, UMI's plan to include programming in Indigenous languages and in French would be valued by the community of Winnipeg. The Commission encourages UMI to reach out to these communities to foster their participation and to ensure that the programming reflects their interests, concerns and activities.
44. The Commission considers that the elevated number of interventions received in support of the present application, from individuals and local organizations, attests to the level of community support for the proposed station and that the community wants and needs the proposed radio station.
45. Further, the Commission finds that the proposed station would serve the Winnipeg community through a broad variety of programs focused on the community. It would add diversity to the Winnipeg market, providing a different voice to its ethnic

communities that is not currently available through the stations that currently operate in that market.

46. Finally, the Commission finds that UMI's programming proposal reflects the Indigenous cultures, linguistic duality, and multicultural and multiracial nature of Canadian society, which is consistent with the broadcasting policy set out in the *Broadcasting Act*. Further, the proposal would provide a range of programming diversity, spoken word programming, musical selections and community reflection that comply with the Campus and Community Radio Policy.

#### **Representation of local musical and spoken word talent**

47. In regard to the development of local musical talent, UMI stated that it would devote six hours of the new station's programming each broadcast week for the exclusive purpose of featuring music from new and emerging artists, and would give priority exposure to local Winnipeg area artists and singer songwriters. Further, the station would invite listener comments and reviews via text messaging and social media. The applicant added that where public interest is high on a particular artist or song, the music will be added on a selective basis to playlists in other day parts.
48. UMI further stated that it intends to include a modest but functional studio facility for purposes of recording local talent, ranging from individual spoken word artists to bands and groups of 5-6 persons. It added that, if possible, it would secure adequate space to accommodate a small studio audience of up to 25-30 persons to provide a well-rounded small-venue concert atmosphere. Further, if funding is available, it would provide financial support to worthy talent to help with production of demo recordings.
49. In regard to the development of local spoken word talent, UMI stated that it would support the production of unique local spoken word programming to the same level of commitment as its plans for music-based local talent.
50. UMI stated that local artists get regular airplay (25-50 spins per week) on U Radio, the applicant's existing online platform, and that it currently welcomes local artists in the studios for live performances, interviews, and to promote upcoming releases and shows.
51. In the Commission's view, UMI's proposal for supporting and promoting local artists and creators' content is well developed and well planned, and, if executed as proposed, would be beneficial to the artists of Winnipeg and its vicinity. Further, the Commission considers that the coverage provided to local music and spoken word artists by UMI on its online platform U Radio serves as a good indication that the applicant's proposals regarding support for such artists will be easily feasible for its proposed FM station. In the Commission's view, UMI's proposal would support new and emerging Canadian creative talent, and be a cost-effective venue for learning new skills, taking risks and exchanging ideas, consistent with subparagraph 3(1)(s)(iv) of the *Broadcasting Act*.

52. In light of the above, the Commission finds that the applicant's proposal in regard to local music and spoken word talent is consistent with the Campus and Community Radio Policy and the objectives of the *Broadcasting Act*.

#### **Volunteer participation in the proposed station's programming**

53. UMI stated that it plans to facilitate access and participation by volunteers from the community. More specifically, it plans to recruit volunteers through various means, including promotions on its airwaves, its website, and social media. Volunteers would receive comprehensive training and would be integrated into the programming schedule. Those who complete the training would be able to take on roles including on-air hosting, music program scheduling, production, and management positions.

54. UMI indicated that one of its goals is to include experienced immigrants and newcomers in media roles. Further, it plans to have salaried broadcasters, a sound designer, and contract-based technicians to assist with volunteers training. Training will cover the *Broadcasting Act*, the various Commission regulations, industry codes, technical training, and workshops.

55. In light of the above, the Commission finds that UMI's proposed volunteer structure is complete and is generally consistent with the Campus and Community Radio Policy and the objectives of the *Broadcasting Act*.

56. As specified in its application, UMI's proposal for recruiting, training, and retaining volunteers for the proposed radio station would rely heavily on experienced professionals from the radio industry. The Commission notes, however, that community radio stations typically involve media students and community representatives to provide experience and diverse voices. Accordingly, the Commission considers that the applicant should also include opportunities for volunteers without prior broadcasting experience.

57. In light of the applicant's expectation to attract experienced and former radio professionals to occupy key positions within the station, the Commission reminds UMI to ensure that an appropriate place is reserved in its recruitment and retention plan for volunteers that may not have extensive previous experience in radio broadcasting.

#### **Broadcast of ethnic and third-language programming**

58. As set out in section 2 of the Regulations, "ethnic program" means "a program in any language that is specifically directed toward any culturally or racially distinct group, other than one whose heritage is [Indigenous] Canadian, or from France or from the British Isles."

59. As set out Public Notice 1999-117 (the Ethnic Broadcasting Policy), ethnic programming may be in English, French, a third-language or a combination of languages. Non-ethnic stations have no limits on the amount of ethnic programming

they can broadcast in English or in French, unless such limits have been imposed by condition of service.

60. In regard to radio, the Commission stated in the Ethnic Broadcasting Policy that the spoken word component of the program determines the ethnic group being served. It further stated that it would exclude music, advertising, station contests, and community and emergency messages when determining whether a particular program qualifies as ethnic programming. The Commission added, however, that it would continue to count such excluded material in the calculation of the duration of an ethnic program in which it is found.
61. The Regulations specify that the licensee of a community station in a market that is not served by an ethnic station may devote up to 40% of a broadcast week to third-language programs, while the licensee of such a community station in a market in which there is at least one ethnic station may devote up to 15% of a broadcast week to third-language programs, except as otherwise provided by a condition of service. The requirement to obtain prior Commission approval to devote more than 15% of a broadcast week to third-language programs is to ensure that non-ethnic stations have maximum flexibility to reflect the communities they serve while providing ethnic stations some protection in view of their obligation to serve a broad range of ethnic groups.
62. As noted above, the Winnipeg radio market is currently served by the ethnic radio station CKJS-FM. Further, UMI indicated that the proposed station would devote 40 hours per broadcast week (approximately 31% of the station's total programming) to third-language programs, in Russian, Ukrainian, , Portuguese, Mandarin, Arabic, Urdu and Bangla, in addition to the station's English-language programming. In response to a request for information, the applicant confirmed that it would adhere to a condition of service permitting it to devote a maximum of 40% of the station's programming to third-language programming each broadcast week. It proposed this level given that the above-noted 15% limit might be exceeded due to the large volume of third-language programs it expects to be produced.
63. UMI also confirmed that 40 hours of the programming broadcast each broadcast week would be devoted to ethnic programming, and that it would adhere to a condition of service requiring that the programming offered each broadcast week target a minimum of four distinct cultural groups in a minimum of nine different languages.
64. UMI submitted that Winnipeg is underserved in the immigrant settlement and informational radio broadcasting sector, and that the community of refugees, newcomers and immigrants is underserved in all media platforms. It further submitted that its proposed third-language programming, which would be directed to newcomers to Canada, would provide a service that is not provided by CKJS-FM, currently Winnipeg's only commercial ethnic specialty radio station.

65. According to UMI, the proposed station is necessary for the population of Winnipeg given the public's interest in U Radio, its online service, community demand for that service, as well as the number of visits, the number of listening hours and the number of listeners for the service.
66. Given the strong presence of different ethnic and cultural groups in Winnipeg, along with UMI's unique proposal to reflect newcomers and refugees, the number of supporting interventions filed in support of that proposal, and the number of users of U Radio, the Commission finds that it would be appropriate to grant an exception to subsection 7(4)(b) of the Regulations to allow UMI to devote more than 15% of the proposed station's programming broadcast each broadcast week to third-language ethnic programming.
67. While UMI stated that it would adhere to a requirement to devote up to 40% of the station's programming broadcast each broadcast week to such programming, the Commission has also considered the concerns expressed by Dufferin in its intervention. As such, in the Commission's view, permitting UMI to devote up to 31% of the proposed station's programming to be broadcast each broadcast week to third-language ethnic programming would provide it with sufficient flexibility to reflect the communities it would serve, and would enable UMI to meet the objectives of both the *Broadcasting Act* and the Campus and Community Radio Policy, while providing CKJS-FM some protection in view of its obligation to serve a broad range of ethnic groups.

## Conclusion

68. In light of all of the above, subject to the conditions of approval set out below, the Commission **approves** the application by UMI for a broadcasting licence to operate an English-language community FM radio programming undertaking in Winnipeg, Manitoba. The licence will expire **31 August 2030**.
69. As set out in paragraph 22 of this decision, as **conditions of approval**, the Commission **requires** the applicant to amend its bylaws to:
- include that its board of directors must be at least 80% Canadian as per the Direction;
  - create a process to ensure that individuals qualify as regular members to fully participate in the ownership;
  - remove section 3.02(b), which prohibits individuals from becoming regular members; and
  - remove section 5.01(b), which stipulates that at least 66% of the board of directors be made up of non-for-profit organizations.
70. The Commission **directs** the applicant to submit its revised documents reflecting these changes **within 90 days of the date of this decision**.

71. The terms of licence, expectations and encouragements applicable to this licensee are set out in Appendix 1 to this decision.
72. The Commission notes that the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.
73. The Commission also proposes to make certain orders pursuant to subsection 9.1(1) of the *Broadcasting Act*. The specifics of the conditions of service contained in these orders are described below and are set out in Appendix 2. Consistent with subsection 9.1(4), interested persons may make representations only on the proposed orders by no later than **19 February 2024**, and the licensee may submit a reply to any representations received by no later than **26 February 2024**. The Commission will issue final orders following the close of the comment period and its review of the submissions of the parties, if any.
74. Interested persons who wish to make representations on the proposed orders may do so on the Commission's [public proceedings webpage](#).

## **The proposed orders**

### **Standard conditions of service**

75. There are standard conditions of service that apply to all undertakings of a particular class. In this case, the Commission considers it appropriate that the licensee should adhere to the standard conditions of service for community radio stations. These standard conditions of service are set out in the appendix to Broadcasting Regulatory Policy 2012-304.
76. Further, pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. The Commission considers it appropriate to require that the licensee adhere to these requirements as conditions of service.
77. Accordingly, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **proposes to order** U Multicultural Inc., by **condition of service**, to adhere to the standard conditions of service set out in the appendix to Broadcasting Regulatory Policy 2012-304, as well as to all applicable requirements set out in the Regulations, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.

### **Broadcast of programming in French and/or in Indigenous languages**

78. In regard to the applicant's proposal regarding the broadcast of French-language programming and of programming in Indigenous languages by what would be a predominately English-language radio station, the Commission notes that the Regulations do not automatically authorize licensees to broadcast in the other official language or in Indigenous languages.
79. Given the applicant's proposals regarding the amounts of French-language and Indigenous-languages programming to be broadcast (20 and 60 minutes, respectively), the Commission asked UMI to confirm whether it would adhere to a condition of service permitting it to broadcast up to two hours of programming in French and/or in Indigenous languages each broadcast week. In its reply, the applicant confirmed that it would adhere to such a condition of service.
80. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **proposes to impose an order** on U Multicultural Inc., by **condition of service**, authorizing it to broadcast on the new FM station a maximum of two hours of programming in French and/or in Indigenous languages each broadcast week.

### **Broadcast of third-language ethnic programming**

81. As set out above, it is the Commission's view that permitting UMI to devote up to 31% of the proposed station's programming to be broadcast each broadcast week to third-language ethnic programming would provide it with sufficient flexibility to reflect the communities it would serve, and would enable UMI to meet the objectives of both the *Broadcasting Act* and the Campus and Community Radio Policy, while providing CKJS-FM, the commercial ethnic radio station currently serving the Winnipeg radio market, some protection in view of its obligation to serve a broad range of ethnic groups.
82. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **proposes to order** U Multicultural Inc., by **condition of service**, to devote not more than 31% of the programming broadcast on the station each broadcast week to third-language ethnic programming.

### **Broadcast of ethnic programming**

83. As noted above, UMI committed to adhere to a condition of service requiring that the programming offered each broadcast week target a minimum of four distinct cultural groups in a minimum of nine different languages.
84. Pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **proposes to order** U Multicultural Inc., by **condition of service**, to provide on the station each broadcast week programming directed to a minimum of four ethnic groups in a minimum of nine different languages.

## Broadcast of emergency alerts

85. The purpose of the emergency alerting framework set out in Broadcasting Regulatory Policy 2014-444 is to ensure that alerts are available to as many Canadians as possible. In that policy, the Commission stated that the full participation of the broadcasting industry is important for the National Public Alerting System (NPAS) to be effective in safeguarding and warning Canadians.
86. The Commission has implemented obligations in respect of the broadcast of emergency alerts. For reference, see section 16 of the Regulations as well as Broadcasting Regulatory Policy 2014-444. Compliance involves implementing the public alerting system for each of the licensee's transmitters, and ensuring that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages be installed and programmed to properly account for the applicable contour (as set out in paragraph 16(2)(b) of the Regulations) of the station as well as that of any rebroadcasting transmitter that may appear on the licence for that station.
87. Further to these obligations, the Commission considers it appropriate that the licensee be required to implement the NPAS in the manner set out in the Regulations by the date of the station's launch and to file a letter attesting to the implementation of the NPAS.
88. Accordingly, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **proposes to order** U Multicultural Inc., by **condition of service**, to implement the NPAS **by the station's launch** and to make the appropriate associated information filings.

Secretary General

## Related documents

- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022
- *Findings regarding market capacity and the appropriateness of issuing a call for radio applications to serve Winnipeg*, Broadcasting Decision CRTC 2022-226, 23 August 2022
- *Call for comments on market capacity and the appropriateness of issuing a call for radio applications to serve Winnipeg, Manitoba*, Broadcasting Notice of Consultation CRTC 2021-411, 15 December 2021
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014



- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *Ethnic broadcasting policy*, Public Notice CRTC 1999-117, 16 July 1999

*This decision is to be appended to the licence.*



## **Appendix 1 to Broadcasting Decision CRTC 2024-29**

### **Terms, expectations and encouragements for the English-language community FM radio programming undertaking in Winnipeg, Manitoba**

#### **Terms**

The licence will expire 31 August 2030.

The station will operate at 88.7 MHz (channel 204A) with an effective radiated power (ERP) of 800 watts (non-directional antenna with an effective height of the antenna above average terrain [EHAAT] of 141.8 metres).

Pursuant to subsection 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (also known as Innovation, Science and Economic Development Canada) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the Commission will only issue a licence for this undertaking once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be in operation by no later than **9 February 2026**. To request an extension, the applicant must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

#### **Expectations**

##### **Cultural diversity**

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

##### **Board of directors**

As set out in *Campus and Community Radio Policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website.

#### **Encouragements**

The Commission encourages the licensee to reach out to the Indigenous and French communities of Winnipeg to foster their participation and to ensure that the programming reflects their interests, concerns and activities.

The Commission considers that campus radio and community radio stations should be particularly sensitive to employment equity in order to reflect fully the communities they

serve. It encourages the licensee to consider employment equity in its hiring practices and in all other aspects of its human resources management.

## Appendix 2 to Broadcasting Decision CRTC 2024-29

### Proposed conditions of service for the English-language community FM radio programming undertaking in Winnipeg, Manitoba

The Commission proposes to make orders imposing the following conditions of service on U Multicultural Inc. in respect of the new English-language community FM radio programming undertaking in Winnipeg, Manitoba, pursuant to subsection 9.1(1) of the *Broadcasting Act*.

#### Conditions of service

1. The licensee shall adhere to the applicable conditions of service set out in the appendix to *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.
3. The licensee may devote a maximum of two hours of the programming broadcast on the station each broadcast week to programming in the French-language and/or in Indigenous languages.
4. The licensee shall, in each broadcast week, provide programming directed to a minimum of four distinct cultural groups in a minimum of nine different languages.
5. The licensee shall devote not more than 31% of the programming broadcast on the station each broadcast week to third-language ethnic programming.
6. The licensee shall implement the National Public Alerting System (NPAS) **by the station's launch** in the manner set out in section 16 of the *Radio Regulations, 1986*, and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014.

The licensee shall file a letter with the Commission to attest to the implementation date of its NPAS **within 14 days after the installation**. This letter must contain evidence that the system is properly configured to receive and distribute alerts from the National Alert Aggregation and Dissemination (NAAD) System (e.g., an attestation by a Chief Executive Officer (CEO), president or person exercising a similar supervisory role in the licensee's operations, as to the installation of functioning alerting equipment).