



Broadcasting Decision CRTC 2007-281

Ottawa, 7 August 2007

Points Eagle Radio Inc.
Sarnia, Ontario

*Application 2006-1571-8, received 1 December 2006
Public Hearing in the National Capital Region
28 May 2007*

Type B Native FM radio station in Sarnia

*The Commission **approves** the application by Points Eagle Radio Inc. (Points Eagle) for a broadcasting licence to operate a Type B Native FM radio programming undertaking in Sarnia, Ontario.*

Introduction

1. The Commission received an application by Points Eagle Radio Inc. (Points Eagle) for a broadcasting licence to operate an English- and Aboriginal-language Type B Native radio programming undertaking in Sarnia. The proposed station would operate at 103.3 MHz (channel 277A) with an average effective radiated power (ERP) of 3,400 watts (maximum ERP of 6,000 watts). Points Eagle currently operates the radio programming undertaking CKTI-FM Kettle Point, and wishes to increase its reach into Sarnia so as to serve the Aboriginal population and help build positive relations between native and non-native communities in the listening area.
2. The applicant indicated that the new station would offer 126 hours of programming per broadcast week, all of it originating from the CKTI-FM studios in Kettle Point. Of this amount, 119 hours and 30 minutes would be broadcast simultaneously to Sarnia and Kettle Point; this would include six hours of news programming, through which the station would carry a significant portion of local, regional and national Aboriginal news content. The remaining six hours and 30 minutes of programming would be special programming designed to separately accommodate the needs of each of the Sarnia and Kettle Point communities. Specifically, the applicant indicated that through the use of split feed signals, it would provide programming that would specifically target each community and that would consist of bingo games, local community events and a job opportunities program. Finally, of the total 126 hours of programming per broadcast week, the applicant indicated that a minimum of four hours would be broadcast in the Ojibway language.

3. The applicant indicated that it would provide exposure to Native artists, composers and writers through the broadcast of daily music programs, and committed to broadcast 8% Aboriginal music content at the beginning of its licence term, increasing to 10% by the fourth year of operation. The applicant also indicated that the station would broadcast programming consisting of traditional Native music interspersed with narration in Ojibway, and that it intends to host concert presentations in Sarnia in order to promote Native groups from across Canada.

Commission's analysis and determinations

4. The Commission received several interventions in support of this application as well as one intervention in opposition from Mr. Christopher Plain, Chief of the Aamjiwnaang First Nation. After considering the positions of the applicant and the interveners, the Commission considers that the issues relevant to its evaluation of this application relate to local content and to the relevance of this station to the targeted community.
5. In his intervention, Mr. Plain expressed concern that although Points Eagle would derive most of its revenue from Sarnia and the Sarnia area, the applicant proposed little in the way of local programming and that, ultimately, the programming would be of little local relevance to the community. The intervener noted, for example, that there would be no studios in the Sarnia area and that the programming provided via split feed would consist of “two bingo games per week.”
6. In its reply, Points Eagle stated that the new station would provide an opportunity to broadcast cultural programming common to both the Chippewa and Aamjiwnaang First Nations, and would provide another source of cultural interaction between Aboriginal and non-Aboriginal communities. It also noted that there would be locally produced programming presenting stories from the Kettle Point Chippewa community and music from local artists. Finally, in regard to the broadcast of bingo games, the applicant argued that bingo is broadcast by other Native radio stations across Canada and that it is a source of family entertainment that has important benefits for the local community.
7. The Commission considers that the six hours and 30 minutes of Sarnia-specific programming to be broadcast on the station would ensure the relevance and interest of the station's programming to the local communities. Nevertheless, the Commission encourages Points Eagle to increase its offering of local programming as resources permit.

Conclusion

8. In light of the above, the Commission **approves** the application by Pains Eagle Radio Inc. for a broadcasting licence to operate an English- and Aboriginal-language Type B Native FM radio programming undertaking in Sarnia, Ontario. Consistent with Public Notice 1990-89, and subject to the requirements of this decision, the Commission will issue a licence for a Type B Native FM radio programming undertaking. The licence will be subject to the **conditions** specified therein, as well as to the terms and **conditions** set out in the appendix to this decision.

Secretary General

Related documents

- *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990

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

Appendix to Broadcasting Decision CRTC 2007-281

Terms and conditions of licence

Terms

Issuance of the broadcasting licence to operate a Type B Native FM radio programming undertaking in Sarnia, Ontario

The licence will expire 31 August 2013.

The station will operate at 103.3 MHz (channel 277A) with an average effective radiated power (ERP) of 3,400 watts (maximum ERP of 6,000 watts).

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 7 August 2009. In order to ensure such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Conditions of licence

1. In each broadcast week, the licensee shall broadcast a minimum of six (6) hours and 30 minutes of Sarnia-specific programming.
2. In each broadcast week, the licensee shall devote at least 8% of its musical selections to Aboriginal musical selections.
3. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular music) to Canadian musical selections.

4. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' *Sex-Role Portrayal Code for Television and Radio Programming*, as amended from time to time and approved by the Commission.
5. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.