



Broadcasting Decision CRTC 2009-167

Route reference:
Broadcasting Public Notice 2008-120

Ottawa, 30 March 2009

Canadian Broadcasting Corporation
Calgary, Alberta

Application 2008-1557-4, received 20 November 2008

CBR-FM Calgary – Use of the SCMO channel

*The Commission **approves** an application by the Canadian Broadcasting Corporation, licensee of CBR-FM Calgary, for authority to use a subsidiary communications multiplex operations channel to broadcast multicultural programs in Punjabi, Hindi, English, Fijian, Gujarati and Urdu.*

The application

1. The Commission received an application by the Canadian Broadcasting Corporation (CBC), licensee of CBR-FM Calgary, for authority to use a subsidiary communications multiplex operations (SCMO) channel¹ for the purpose of broadcasting multicultural programs in the Punjabi, Hindi, Fijian, Gujarati and Urdu languages, along with English programs for young South Asian Canadians.
2. The new service would broadcast programming produced by Punjabi World Network Ltd. and would primarily consist of programs related to youth awareness, current affairs, career guidance, literature, health, education and music. The majority of the programming would be in Punjabi with the remainder in Hindi (21%), English (14%), Urdu (5%), Gujarati (5%) and Fijian (5%). The applicant stated that the service would offer 94 hours of local programming in each broadcast week and would operate 24 hours a day, 7 days a week.
3. As part of this process, the Commission received interventions in support of the application as well as three interventions in opposition from Fairchild Radio Ltd. (Fairchild), licensee of CHKF-FM Calgary, its SCMO operator Sabrang Enterprises (Sabrang), and, jointly, from CKUA Radio Network (CKUA) and its SCMO operator Radio Sursangam Ltd. (RSL). The interventions and the applicant's reply to the interventions can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

¹ Programming broadcast using an SCMO channel is not accessible with standard radio equipment, and requires instead the use of a special receiver.

Interventions and reply

4. In their interventions, Fairchild, Sabrang, CKUA and RSL submitted that there is a sufficient number of SCMO services serving the South Asian community in Calgary and that, given the current economic situation, a new entrant in the market would negatively impact both SCMO and conventional radio incumbents. CKUA and RSL further argued that there will be programming overlap between the proposed service and existing services and that the applicant provided unrealistic economic assumptions.
5. In reply, the CBC stated that the new service would not impact existing services. The CBC added that the new service would increase the diversity of voices in the market and would offer programming for groups which are not currently being served. The CBC also argued that the market's population growth warrants a new service to meet the growing demand.

Commission's analysis and determinations

6. The Commission's policy regarding services using the SCMO channel of FM stations is set out in *Services using the vertical blanking interval (television) or subsidiary communications multiplex operation (FM) channel*, Public Notice CRTC 1989-23, 23 March 1989 (Public Notice 1989-23).
7. The policy states that the Commission would be concerned if an SCMO service were to have a negative impact on existing local conventional ethnic broadcasters. Fairchild's CHKF-FM is the only ethnic radio station licensed to serve Calgary. While the station's programming is primarily in Cantonese, it does provide some programming in South Asian languages. However, the station is not dependent on its South Asian programming for a significant portion of its revenues. Therefore, the Commission considers that the proposed service will not have an undue financial impact on CHKF-FM.
8. Finally, most of the concerns raised in the interventions touched upon the possible negative impact of the proposed service on other SCMO services. Given that SCMO services are not subject to the regulatory requirements of conventional radio undertakings, the Commission will generally not be concerned about competition between such services.

Conclusion

9. In light of the above, the Commission **approves** the application by the Canadian Broadcasting Corporation, licensee of CBR-FM Calgary, for authority to use a subsidiary communications multiplex operations channel for the purpose of broadcasting multicultural programs in the Punjabi, Hindi, Fijian, Gujarati and Urdu languages, along with English programs for young South Asian Canadians.

10. The Commission reminds the CBC that, as stated in section 3(1)(h) of the *Broadcasting Act* (the Act), it is responsible for the programs that it broadcasts. It is therefore expected to ensure that its SCMO service is operated in a responsible manner and to adhere to the guidelines regarding the provision of SCMO services set out in Appendix A to Public Notice 1989-23.
11. The Commission reminds the licensee that pursuant to section 22(1) of the Act, this authority will only be effective when the Department of Industry notifies the Commission that its technical requirements have been met and that the licensee's broadcasting certificate will be amended.

Secretary General

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>.