



Broadcasting Decision CRTC 2012-335

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Route reference: 2012-29

Ottawa, 15 June 2012

Tom Heene

The Pas and Flin Flon, Manitoba

Application 2011-1105-4, received 12 July 2011

Public hearing in the National Capital Region

21 March 2012

English-language specialty Christian radio station in The Pas

*The Commission **denies** an application for a broadcasting licence to operate a low-power, English-language specialty Christian FM radio station in The Pas with a rebroadcasting transmitter in Flin Flon.*

The application

1. The Commission received an application by Tom Heene for a broadcasting licence to operate a low-power, English-language specialty Christian FM radio programming undertaking in The Pas with a rebroadcasting transmitter in Flin Flon. The Commission did not receive any interventions concerning this application.
2. The station would operate at 96.9 MHz (channel 245LP) with an average effective radiated power (ERP) of 26 watts (maximum ERP of 32 watts and a directional antenna with an effective height of antenna above average terrain (EHAAT) of 15 metres). The transmitter would operate on frequency 96.9 MHz (channel 245LP) with an average ERP of 17 watts (maximum ERP of 21 watts and a directional antenna with an EHAAT of 50.3 metres).
3. The applicant proposed a religious music format with all musical selections in each broadcast week to be drawn from subcategory 35 (Non-classic religious).
4. Initially, in its application, the applicant stated that the station would broadcast 15 hours of local programming per broadcast week, of which one hour would be in the Cree language and one hour in the Ukrainian language. The applicant also stated that it would broadcast from 3 p.m. to midnight, Monday to Friday, for a total of 45 hours of programming per broadcast week.
5. With respect to spoken word programming, the applicant initially stated that programming would consist of professionally produced and supplied Christian evangelical programs from numerous and varied denominations. Additionally, programming broadcast by the station would consist of short, locally produced

“sermonettes” and regularly scheduled local and area announcements. Further, the applicant noted that a third-party distributor would be its major program supplier.

6. By letter, the Commission requested that the applicant confirm its commitments concerning the total amount of programming and the levels of local programming and acquired programming it intended to broadcast each broadcast week.
7. In response, the applicant revised the proposed amount of programming to be broadcast each broadcast week from 45 to 60 hours, of which a minimum of 20 hours would be acquired programming and a minimum of 20 hours would be local programming. However, in the same response, the applicant contradicted this commitment and stated that it would devote 41.5 hours to local programming. The applicant also stated that it would undertake 5 hours of voice-tracked programming and that it did not intend to air any live programming.
8. In light of the discrepancy with respect to its commitment to local programming hours, the Commission again requested that the applicant clarify its commitments. In response, the applicant confirmed that it would broadcast 60 hours of programming per broadcast week. However, the applicant further revised its local programming commitment to 38.13 hours and the level of acquired programming to 21.87 hours. Further, the applicant amended its programming plans with respect to voice-tracked and automated programming, stating that it would now broadcast just over 6 hours of such programming. The applicant confirmed that it did not intend to broadcast any live programming.
9. With respect to the requirement to provide news, weather and sports programming, the applicant initially requested an exception to this requirement. The applicant stated that providing the same news, weather and sports service as the other stations in the market would be redundant and an unnecessary duplication of service, as well as an unnecessary point of competition between it and the existing stations.
10. Since licensees of commercial FM stations in markets served by more than one private commercial radio station are required to devote at least one-third of the broadcast week to local programming in order to solicit local advertising, the Commission requested clarification with respect to the applicant’s request. In response, the applicant further amended its application and withdrew its request for an exception.

Commission’s analysis and decision

11. Since the applicant proposed to operate a commercial specialty Christian radio station, the Commission has considered the application in light of Broadcasting Public Notice 2006-158 and Public Notice 1993-78.
12. In evaluating an application for a new commercial radio station, the Commission generally examines, among other things, the quality of the business plan, including the proposed format, plans for local programming and other matters related to the operation of the proposed station.

13. In this case, the Commission notes that the applicant has repeatedly amended its original programming commitments with respect to the number of programming hours it intends to broadcast during the broadcast week, including its local and spoken word programming commitments. It therefore remains unclear what the proposed station would undertake as its programming commitments.
14. The Commission is of the view that an applicant's programming plans are an integral part of its overall business plan and the quality of its application. In the absence of concrete plans in this regard, it is not possible for the Commission to determine the adequacy of a proposed station's overall plans.
15. The Commission further considers that the onus falls on the applicant to provide a quality application and to demonstrate an understanding of the regulatory requirements associated with radio programming undertakings. The Commission also expects an applicant to provide sufficient details to support its application. In the present case, the Commission considers that the applicant has not provided a quality application, nor has it demonstrated an understanding of key policies and regulations as it relates to radio programming undertakings. Further, the Commission considers that the present application lacked the details necessary to allow it to properly evaluate the merits of the application.
16. In light of all of the above, the Commission **denies** the application by Tom Heaney for a broadcasting licence to operate a low-power, English-language specialty Christian FM radio programming undertaking in The Pas with a rebroadcasting transmitter in Flin Flon.

Secretary General

Related documents

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Religious Broadcasting Policy*, Public Notice 1993-78, 3 June 1993