



Broadcasting Decision CRTC 2015-424

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Reference: 2015-69

Ottawa, 15 September 2015

Antoine Karam, on behalf of a corporation to be incorporated
Halifax, Nova Scotia

Application 2014-1225-4, received 27 November 2014
Public hearing in the National Capital Region
30 April 2015

Specialty ethnic FM radio station in Halifax

*The Commission **approves** an application to operate a commercial specialty ethnic FM radio station in Halifax.*

Application

1. Antoine Karam, on behalf of a corporation to be incorporated (Karam (OBCI)) filed an application for a broadcasting licence to operate a commercial specialty ethnic FM radio station in Halifax, Nova Scotia. The Commission did not receive any interventions in connection with this application.
2. Karam (OBCI) will be a corporation solely owned and controlled by Mr. Antoine Karam.
3. The station would operate at 99.1 MHz (channel 256A) with an average effective radiated power (ERP) of 300 watts (maximum ERP of 355 watts with an effective height of antenna above average terrain of 224 metres).
4. The proposed station would broadcast 126 hours of programming each broadcast week, of which 102 hours would be local programming, including music and spoken word content. The remaining 24 hours of programming would be network programming produced by the applicant's commercial specialty ethnic AM radio station CHOU Montréal. All of the programming to be broadcast each broadcast week would be devoted to ethnic and third-language programming, with almost 13 hours devoted to news.
5. The applicant indicated that it would accept a condition of licence requiring it to direct ethnic programming to at least 21 distinct cultural groups in at least ten languages each broadcast week.

Commission's analysis

6. In Broadcasting Decision 2014-477, the Commission denied a similar application by Karam (OBCI) for a broadcasting licence to operate a commercial specialty ethnic FM radio station in Halifax. In that application, Karam (OBCI) proposed to adhere to a condition of licence requiring it to direct its programming to a minimum of 11 distinct cultural groups in a minimum of three languages each broadcast week. It also proposed to broadcast 52.5 hours of local programming per broadcast week. At that time, the Commission considered that the ethnic community of Halifax would be better served by an ethnic radio station that provides greater local reflection and broadcasts in more languages than what the applicant had proposed.
7. As set out in the Commission's ethnic broadcasting policy (see Public Notice 1999-117), ethnic radio stations are required to serve a range of ethnic groups in a variety of languages. The exact number of ethnic groups served and languages broadcast to be set by condition of licence is dependent on the demographics of the community, the services already available, and the degree of support shown by local community organizations. In light of this, the applicant's commitment in the present application to serve 21 distinct cultural groups in at least ten languages in each broadcast week addresses the Commission's concerns set out in Broadcasting Decision 2014-477.
8. In its application, Karam (OBCI) proposed to devote 102 hours each broadcast week to local programming, almost double the amount it proposed in the previous application. Although the station would provide significant local reflection and programming diversity to Halifax, almost one-fifth of the programming to be broadcast would be network programming from Montréal. Moreover, a significant portion of the local programming offering for the proposed Halifax station would be produced by CHOU's studio in Montréal. In the Commission's view, given that this new service will be the first and only of its kind in the Halifax radio market, it should be a significant source of local programming for that market. Accordingly, as set out in the appendix to this decision, the Commission encourages the licensee to provide as much local programming as possible on the new station, and to gradually increase its local programming offering to Halifax residents.
9. The proposed station would introduce a valuable first ethnic commercial radio service to the Halifax community. It would also provide more advertising opportunities for small businesses in the region. Based on the number of cultural groups to be served and the proposed languages of broadcast, the Commission considers that the proposal meets the objectives of the ethnic broadcasting policy.

Conclusion

10. In light of the above, the Commission **approves** the application by Antoine Karam, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a commercial specialty ethnic FM radio programming undertaking in Halifax, Nova

Scotia. The terms and **conditions of licence** are set out in the appendix to this decision.

Canadian content development

11. The applicant must adhere to the requirements relating to contributions to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986* (the Regulations), as amended from time to time. According to the applicant's financial projections, the proposed station would generate annual revenues below the \$1.25 million threshold set out in the Regulations throughout its licence term, and therefore may not be required to make any basic CCD contributions so long as annual revenues remain below \$1.25 million.

Secretary General

Related documents

- *Ethnic FM radio station in Halifax*, Broadcasting Decision CRTC 2014-477, 15 September 2014
- *Ethnic broadcasting policy*, Public Notice CRTC 1999-117, 16 July 1999

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

Appendix to Broadcasting Decision CRTC 2015-424

Terms, conditions of licence, expectation and encouragements for the commercial specialty ethnic FM radio programming undertaking in Halifax, Nova Scotia

Terms

The licence will expire 31 August 2022.

The station will operate at 99.1 MHz (channel 256A) with an average effective radiated power (ERP) of 300 watts (maximum ERP of 355 watts with an effective height of antenna above average terrain of 224 metres).

Pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry 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 licensee has:

- satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects; and
- 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 **15 September 2015**. In order to ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before this date.

Conditions of licence

1. The licensee shall adhere to the conditions set out in the broadcasting licence for the undertaking and to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, with the exception of condition of licence 7.
2. The station shall be operated within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. The licensee shall broadcast, in each broadcast week, programming directed to a minimum of 21 distinct cultural groups in a minimum of 10 languages.

Expectation

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

Encouragements

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

The Commission encourages the licensee to provide as much local programming as possible on the new station, and to gradually increase its local programming offering to Halifax residents.