



## Broadcasting Decision CRTC 2022-279

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References: 2022-62 and 2022-62-1

Ottawa, 12 October 2022

### **WONation Radio Inc.**

Wauzhushk Onigum Nation, District of Kenora, Ontario

*Public record: 2021-0830-8*

*Public hearing in the National Capital Region*

*12 May 2022*

## **Low-power, Indigenous FM radio station in Wauzhushk Onigum Nation, district of Kenora**

### **Summary**

The Commission **approves** an application by WONation Radio Inc. for a broadcasting licence to operate a low-power, English- and Ojibway-language Indigenous (Type B Native) FM radio station in Wauzhushk Onigum Nation, District of Kenora, Ontario.

### **Application**

1. WONation Radio Inc. (WONation) filed an application for a broadcasting licence to operate a low-power, English- and Ojibway-language Indigenous (Type B Native<sup>1</sup>) FM radio station in Wauzhushk Onigum Nation, District of Kenora, Ontario. The Commission did not receive any interventions in regard to this application.
2. WONation is a not-for-profit corporation controlled by its board of directors.
3. The station would operate at 101.3 MHz (channel 267LP) with an average effective radiated power (ERP) of 27 watts (directional antenna with a maximum ERP of 50 watts with an effective height of antenna above average terrain [EHAAT] of 17.8 metres).
4. WONation indicated that the purpose of its formation by the people of Wauzhushk Onigum First Nation was for the operation of a radio station that would give voice to their community and that would revitalize and promote their rich culture and traditions. To that end, the applicant proposed to broadcast on the new station 126 hours of local programming per broadcast week, of which approximately 119 hours would be English-language programming and 7 hours Indigenous-language programming in the Ojibway language. Further, of the 126 hours of local

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<sup>1</sup> Type B Native stations, as defined in Public Notice 1990-89, are referred to as Indigenous stations in this decision.

programming, 108.5 hours would consist of musical content and 17.5 hours would consist of spoken word programming, including news-related content. Approximately 15 hours (or 14%) of the station's musical content would be dedicated to musical works performed or composed by Indigenous creators. Musical selections would be drawn mainly from the pop, rock, country and contemporary Indigenous music genres.

5. Proposed initiatives for the promotion of Indigenous talent would include airplay of Indigenous music, the broadcast of special programs (concerts, festivals, etc.), and interviews conducted with Indigenous music artists. WONation indicated that the station would highlight two Indigenous artists every hour on air, with radio personnel providing information about the artists and songs. The applicant further indicated that it would participate in local pow-wows and sponsor or host music festivals featuring local Indigenous artists, as a way to provide these artists with further exposure.
6. In addition, WONation proposed to serve the needs of the Indigenous population in its service area and meet its overall objective through the creation of local interest programming that would combine hourly coverage of local news events and language lessons, through a presentation style based on an Indigenous perspective. In this regard, the applicant stated that it has undertaken community outreach initiatives to involve community members in its programming orientation.
7. Recognizing that the training of personnel would be key for the viability of the station, WONation stated that once the station is established, it plans on providing training and experience to interested community members. The applicant added that through such opportunities, it would seek to encourage and support youth in the community to aspire to a career in journalism.
8. Finally, the applicant stated that it would consider amending its constituting documents to ensure a broader representation of the citizens of Wauzhushk Onigum Nation on its board of directors, and would file any supporting documents in this regard within 30 days of a favourable Commission decision on the application.

### **Commission's analysis**

9. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (Act), to issue broadcasting licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act.
10. As set out in Public Notice 1990-89, the Commission expects the programming of Indigenous radio stations to be specifically oriented to the interests and needs of the Indigenous audiences that the stations are licensed to serve. These stations have a distinct role in fostering the development of Indigenous cultures and, where possible, the preservation of ancestral languages.

11. The Commission acknowledges WONation's firm commitment to these goals and considers that through this commitment, the applicant will contribute to their achievement in various ways. As noted above, WONation indicated that its new station would create programming in the Ojibway language, promote Indigenous talent and provide Indigenous artists with exposure. In addition, it would create local interest programming and undertake community outreach to involve community members in the station's programming orientation. The Commission notes the importance of these initiatives in serving the interests of the Indigenous community, including the continued development of their culture and the preservation of the Ojibway language.
12. Further, in Public Notice 2001-70, the Commission determined that it would be appropriate to impose on non-exempted Indigenous radio stations a condition of licence requiring that a minimum of 35% of the content category 2 (Popular Music) musical selections broadcast during each broadcast week be devoted to Canadian selections. In this regard, WONation indicated in its application that it would adhere to such a condition of licence and submitted that the 35% Canadian content requirement fits well within the format proposed for the station.
13. Accordingly, the Commission finds that the applicant's programming proposal is consistent with the current Indigenous Broadcasting Policy set out in Public Notice 1990-89 and with the requirement set out in Public Notice 2001-70 for non-exempted Indigenous radio stations to ensure that not less than 35% of content category 2 (Popular Music) musical selections broadcast during each broadcast week are devoted to Canadian selections.
14. In regard to the proposed use of frequency 101.3 MHz for the new station, since the present proposal is for a low-power FM radio station, the use of that frequency would not remove its availability from the surrounding areas and would have a negligible impact on the availability of frequencies in Wauzhushk Onigum Nation, Kenora District, and surrounding areas. Furthermore, the Department of Industry has granted conditional technical acceptability of WONation's proposed station. As such, the applicant's proposal adheres to the rules governing FM spectrum coordination.
15. Finally, the proposed station's primary contour would overlap with that of the only incumbent station in the market, CJRL-FM Kenora, which is operated by Acadia Broadcasting Corporation.<sup>2</sup> However, Wauzhushk Onigum Nation is not included as part of CJRL-FM's market and represents only 10% of the population of Kenora. Further, the proposed station's funding sources would include government grants and fundraising revenue, as well as advertising revenue. Given the nature of the proposed service and the fact that there were no interventions opposing WONation's proposal, the Commission finds that approval of this application would not have an undue economic impact on the incumbent station in the market.

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<sup>2</sup> The proposed station's primary contour would also overlap with that of CKQV-FM-2 Kenora, a rebroadcasting transmitter of CKQV-FM Vermilion Bay, Ontario, which is operated by Golden West Broadcasting Ltd.

## Conclusion

16. In light of all of the above, the Commission **approves** the application by WONation Radio Inc. for a broadcasting licence to operate a low-power, English- and Ojibway-language Indigenous FM radio programming undertaking in Wauzhushk Onigum Nation, District of Kenora, Ontario. The terms and **conditions of licence** are set out in the appendix to this decision.

## Reminders

17. The licensee must comply at all times with the *Radio Regulations, 1986* (Regulations).
18. As set out in section 16 of the Regulations, licensees have obligations relating to the broadcast of emergency alert messages received from the National Alert Aggregation and Dissemination System. The Commission reminds WONation that compliance with section 16 of the Regulations will require 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 authorized contours of the radio station. A confirmation of the installation and test of the alert broadcast decoder is to be provided to the Commission within 90 days of installation.

Secretary General

## Related documents

- *Changes to conditions of licence for certain native radio undertakings*, Public Notice CRTC 2001-70, 15 June 2001
- *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990

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

## Appendix to Broadcasting Decision CRTC 2022-279

### Terms, conditions of licence and encouragement for the low-power, English- and Ojibway-language Indigenous (Type B Native) FM radio programming undertaking in Wauzhushk Onigum Nation, district of Kenora, Ontario

#### Terms

The licence will expire 31 August 2029.

The station will operate at 101.3 MHz (channel 267LP) with an average effective radiated power (ERP) of 27 watts (directional antenna with a maximum ERP of 50 watts with an effective height of antenna above average terrain [EHAAT] of 17.8 metres).

Pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (the Department) 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 **12 October 2024**. 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.

The Department's *BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings* specifies that a low-power FM radio station is considered a secondary assignment operating on an unprotected channel. Should an FM station or transmitter with protected status be granted a frequency that is incompatible with that used by the low-power station considered in this decision, the applicant may need to cease the operation of that low-power station or file an application to change its frequency and/or technical parameters.

The applicant must file an executed copy of the amended constitution bylaws of WONation Radio Inc. addressing extending community membership on the Board of Directors by no later than 30 days following the publication of this decision.

#### Conditions of licence

1. The licensee shall devote, in each broadcast week, not less than 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.
2. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission and to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

For the purposes of these conditions of licence, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*. A musical selection by an Indigenous creator who resides in Canada is considered a Canadian selection.

### **Encouragement**

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another Indigenous station or network.