



Broadcasting Decision CRTC 2022-286

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Reference: 2022-183

Ottawa, 18 October 2022

United Christian Broadcasters Media Canada
British Columbia, Saskatchewan and Ontario

Public record for this application: 2022-0119-3
Public hearing in the National Capital Region
8 September 2022

Specialty (religious music) FM radio stations in Kelowna and its transmitter in Kamloops; in Saskatoon and in Scarborough

Summary

The Commission **approves** an application by United Christian Broadcasters Media Canada to operate three English-language specialty (religious music) FM radio stations in Kelowna, British Columbia, and its rebroadcasting transmitter in Kamloops, British Columbia; in Saskatoon, Saskatchewan, and in Scarborough, Ontario, three unlaunched stations previously approved by the Commission to International Harvesters for Christ Evangelical Association Inc. (International Harvesters). The Commission also approves the issuance of new broadcasting licences once the applicant has met the terms set out in appendices 1, 2 and 3 of the present decision.

The issuance of licences is conditional upon receipt of written confirmation from International Harvesters that they do not intend to exercise their authority to launch stations in Kelowna, Saskatoon and Scarborough as authorized in Broadcasting Decisions 2018-461, 2018-462 and 2021-142.

Background

1. In Broadcasting Decisions 2018-461 and 2018-462, the Commission approved applications filed by International Harvesters for Christ Evangelical Association Inc. (International Harvesters) for a broadcasting licence to operate two English-language specialty (religious music) FM radio stations in Kelowna, British Columbia, with a rebroadcasting transmitter in Kamloops, British Columbia, and a radio station in Saskatoon, Saskatchewan.
2. In Broadcasting Decision 2021-142, the Commission also approved an application filed by International Harvesters for a broadcasting licence to operate an English-language specialty (religious music) FM radio station in Scarborough, Ontario.

3. Dr. J. Lutes, the president and Chief Executive Officer of International Harvesters, passed away on 16 July 2021, and the three radio stations approved in Broadcasting Decisions 2018-461, 2018-462 and 2021-142 remain unlaunched.

Application

4. United Christian Broadcasters Media Canada (UCBC) filed an application for authorization to acquire from International Harvesters the assets of three unlaunched English-language specialty (religious music) FM radio stations in Kelowna and its rebroadcasting transmitter in Kamloops; in Saskatoon and in Scarborough. UCBC also requested new broadcasting licences to start the operation of the radio stations under the same terms and conditions as those approved by the Commission in Broadcasting Decisions 2018-461, 2018-462 and 2021-142. The Commission received four interventions in support of this application.
5. UCBC is a not-for-profit charitable corporation controlled by its board of directors. UCBC is the licensee of various English-language specialty (religious music) commercial FM radio stations and rebroadcasting transmitters in Ontario, Saskatchewan and Alberta.
6. International Harvesters is also a not-for-profit corporation controlled by its board of directors. It operates three English-language specialty (religious music) radio stations in Eastern Canada.
7. International Harvesters stated that the late Dr. J. Lutes was the day-to-day leader of International Harvesters and its board of directors decided that without his expertise, they did not have the capacity to launch the stations without causing undue financial hardship on their existing operations. However, they did not want to see the opportunity of launching those religious radio stations not accomplished as originally planned and have therefore approached UCBC to ensure their operation.

Regulatory framework

8. Pursuant to subsection 5(1) and paragraph 5(2)(b) of the *Broadcasting Act* (the Act), the Commission's mandate is to regulate and supervise all aspects of the Canadian broadcasting system in the public interest in a flexible manner that takes into account regional needs and concerns. The public interest is reflected in the many objectives of the Act and of Canadian broadcasting policy set out in subsection 3(1).
9. The review of ownership transactions is an essential element of the Commission's regulatory and supervisory mandate under the Act. To this effect, subsection 18(1) of the Act requires the Commission to hold a public hearing in connection with the issuance of a broadcasting licence.

Treatment of the present application

10. Pursuant to paragraph 11(4)(a) of the *Radio Regulations, 1986* (the Regulations), except as otherwise provided pursuant to a condition of its licence, a licensee shall obtain the prior approval of the Commission in respect of any act, agreement or transaction that

directly or indirectly would result in a change by whatever means of the effective control of its undertaking.

11. The Commission notes that while UCBC's application sought approval to acquire the assets of three unlaunched English-language specialty (religious music) radio stations from International Harvesters, there are no tangible assets to be transferred between UCBC and International Harvesters which would result in a change of effective control of an undertaking.
12. Currently, International Harvesters has only an authorization to operate the three stations since a licence is only issued once a station has informed the Commission in writing that it is prepared to commence operations.
13. Given that no licences have been issued and that there are no tangible assets to be acquired from a licensee, the Commission considers that there is no change in effective control of an undertaking to approve pursuant to paragraph 11(4)(a) of the Regulations. However, the Commission notes that as part of its application, UCBC also requested that the Commission issue new licences on the same terms and conditions as those previously granted to International Harvesters. As a result, the Commission considers that UCBC's application can be treated as an application for new licences.
14. Accordingly, the Commission will treat UCBC's application as an application for new licences to operate radio stations in Kelowna, Saskatoon and Scarborough and will examine the application for new licences using the same criteria it would normally use in those circumstances.

Issues

15. After examining the record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address relate to the following:
 - the proposed technical parameters;
 - the proposed programming;
 - Canadian content development contributions;
 - the public interest and impact on the broadcasting system; and
 - the length of the licence term.

Technical parameters

16. UCBC is proposing the same parameters for the three radio stations as International Harvesters did in its original applications.
17. The new station in Kelowna would operate at 88.1 MHz (channel 201C) with an effective radiated power (ERP) of 4,200 watts (non-directional antenna with an effective height of

antenna above average terrain [EHAAT] of 500 metres). The rebroadcasting transmitter in Kamloops would operate at 99.1 MHz (channel 256B1) with an ERP of 3,000 watts (non-directional antenna with an EHAAT of 148.6 metres).

18. The new station in Saskatoon would operate at 103.1 MHz (channel 276A) with an ERP of 2,000 watts (non-directional antenna with an EHAAT of 39.9 metres).
19. The new station in Scarborough would operate at 105.3 MHz (channel 287A1) with an average ERP of 89 watts (maximum ERP of 150 watts with a directional antenna with an EHAAT of 90.7 metres).
20. As part of these applications for new licences, the Commission has undertaken frequency assessments in each of these markets. The Commission considers that the use of the proposed frequency in Kelowna would have a significant impact on the availability of frequencies in Kelowna and surrounding areas. However, the use of the proposed frequency for the rebroadcasting transmitter in Kamloops would have minimal impact on the availability of frequencies in Kamloops and surrounding areas. In regard to Saskatoon, the Commission considers that the proposed frequency would have a minimal impact on the availability of frequencies in Saskatoon and the surrounding areas. For Scarborough, the Commission considers that the use of the proposed frequency would have a significant impact on the availability of frequencies in Scarborough and a minimal impact on the availability of frequencies in surrounding markets.
21. The Commission acknowledges that scarcity issues have arisen in certain markets, as identified above. However, the Commission notes that these frequencies were already reserved for use by International Harvesters and, as such, authorizing its use by UCBC would not change the overall availability of frequencies in these markets.

Programming

22. In its application, UCBC committed to offering, for all three undertakings, 126 hours of programming per broadcast week, of which 110 hours would be devoted to local programming and 16 hours would be devoted to wrap-around programming.
23. Additionally, as part of the 110 hours of local programming, UCBC committed to devoting, on each of the undertakings, 1 hour and 40 minutes per broadcast week to newscasts, with 50 minutes devoted to local and regional news, 35 minutes to national news and 15 minutes to international news. This would result in an increase in local programming and newscasts previously proposed by International Harvesters for each of the communities.
24. Accordingly, the Commission is of the view that the approval of new licences for Kelowna, Saskatoon and Scarborough would improve the local programming offering in these markets in terms of local programming and newscasts.

Canadian content development contributions

25. The applicant must adhere to the requirements relating to contribution to Canadian content development (CCD) set out in section 15 of the Regulations, as amended from time to time.
26. The Commission notes that, in addition to the requirements set out in section 15 of the Regulations, International Harvesters committed to devote, by condition of licence, a total of \$13,000 per station to CCD over seven broadcast years upon commencement of operations to be allocated as follows:
 - year 1 - \$1,000;
 - year 2 - \$1,000;
 - year 3 - \$1,000;
 - year 4 - \$2,000;
 - year 5 - \$2,000;
 - year 6 - \$3,000;
 - year 7 - \$3,000.
27. The Commission notes that UCBC indicated that it would abide by this commitment for each of the radio stations, by condition of licence.
28. Any development initiatives that have not been allocated to specific parties by condition of licence must be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Broadcasting Public Notice 2006-158.

Public interest and impact on the broadcasting system

29. In Broadcasting Decisions 2018-461, 2018-462 and 2021-142, the Commission determined that the launch of the three FM radio stations as well as the rebroadcasting transmitter would provide benefits to the broadcasting system as they would add to the local reflection and programming diversity in the markets served.
30. As noted above, the Commission considers that the broadcasting system and the communities to be served would benefit from UCBC's proposed improved local programming, the payment of CCD contributions and from the increased diversity that would be brought by the launch of the religious radio stations in Kelowna, Saskatoon and Scarborough.

31. In light of the above, the Commission finds that issuing new licences for the operation of the service in the three markets is in the public interest.

Licence term

32. Given that the three stations are still unlaunched as of today, the Commission finds it appropriate to provide full licence terms for the new services, to expire on **31 August 2029**.

Conclusion

33. In light of all of the above, the Commission **approves** the application by UCBC for broadcasting licences to operate three English-language specialty (religious music) FM radio stations in Kelowna and its rebroadcasting transmitter in Kamloops; in Saskatoon and in Scarborough. The terms and **conditions of licence** are set out in the appendices to this decision.

34. The issuance of licences are conditional upon receipt of written confirmation from International Harvesters that they do not intend to exercise their authority to launch stations in Kelowna, Saskatoon and Scarborough as authorized in Broadcasting Decisions 2018-461, 2018-462 and 2021-142.

35. Furthermore, the Commission will only issue licences for these undertakings once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertakings must be in operation by no later than **18 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.

Reminders

Employment equity

36. The Commission reminds UCBC that it is subject to the *Canadian Human Rights Act* and should therefore take into account the obligations contained therein when implementing its hiring policies and practices, as well as in all other aspects of its management of human resources.

Public alerting

37. 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. In regard to the new FM stations' authorized contours resulting from the implementation of the technical parameters approved in this decision, the Commission reminds the licensee that continued compliance with section 16 of the Regulations may require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages on the FM stations, or on any rebroadcasting transmitters that may appear on the broadcasting licence for these stations,

be programmed to properly account for the theoretical 0.5 mV/m contour of the new FM band.

Secretary General

Related documents

- *New specialty (Christian music) FM radio station in Scarborough*, Broadcasting Decision CRTC 2021-142, 28 April 2021
- *New Christian music FM radio station in Saskatoon*, Broadcasting Decision CRTC 2018-462, 12 December 2018
- *New Christian music FM radio station in Kelowna*, Broadcasting Decision CRTC 2018-461, 12 December 2018
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to each licence.

Appendix 1 to Broadcasting Decision CRTC 2022-286

Terms, conditions of licence, expectation and encouragement for the English-language specialty (religious music) FM radio programming undertaking in Kelowna, British Columbia, and its transmitter in Kamloops, British Columbia

Terms

The licence will expire 31 August 2029.

The station will operate at 88.1 MHz (channel 201C) with an effective radiated power (ERP) of 4,200 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 500 metres).

The rebroadcasting transmitter will operate at 99.1 MHz (channel 256B1) with an ERP of 3,000 watts (non-directional antenna with an EHAAT of 148.6 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.

The issuance of the licence will be conditional upon receipt of written confirmation from International Harvesters for Christ Evangelical Association Inc. that they do not intend to exercise their authority to launch the radio station as authorized in *New Christian music FM radio station in Kelowna*, Broadcasting Decision CRTC 2018-461, 12 December 2018.

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 **18 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.

Conditions of licence

1. The licensee shall adhere 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, as well as to the conditions set out in the broadcasting licence for the undertaking.
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, in any broadcast week, devote a minimum of 95% of all musical selections broadcast to musical selections drawn from content subcategory 35 (Non-classic religious).

4. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.
5. In addition to the basic annual contribution to Canadian content development, set out in section 15 of the *Radio Regulations, 1986*, the licensee shall, upon commencement of operations, make a contribution of \$13,000 over seven broadcast years to the promotion and development of Canadian content, as follows:
 - year 1 - \$1,000;
 - year 2 - \$1,000;
 - year 3 - \$1,000;
 - year 4 - \$2,000;
 - year 5 - \$2,000;
 - year 6 - \$3,000;
 - year 7 - \$3,000.

Of this amount, at least 20% per broadcast year shall be devoted to FACTOR or Musicaction. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

For the purposes of these conditions of licence, the terms “broadcast week,” “content category” and “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Expectation

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

Encouragement

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.

Appendix 2 to Broadcasting Decision CRTC 2022-286

Terms, conditions of licence, expectation and encouragement for the English-language specialty (religious music) FM radio programming undertaking in Saskatoon, Saskatchewan

Terms

The licence will expire 31 August 2029.

The station will operate at 103.1 MHz (channel 276A) with an effective radiated power of 2,000 watts (non-directional antenna with an effective height of antenna above average terrain of 39.9 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.

The issuance of the licence will be conditional upon receipt of written confirmation from International Harvesters for Christ Evangelical Association Inc. that they do not intend to exercise their authority to launch the radio station as authorized in *New Christian music FM radio station in Saskatoon*, Broadcasting Decision CRTC 2018-462, 12 December 2018.

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 **18 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.

Conditions of licence

1. The licensee shall adhere 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, as well as to the conditions set out in the broadcasting licence for the undertaking.
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, in any broadcast week, devote a minimum of 95% of all musical selections broadcast to musical selections drawn from content subcategory 35 (Non-classic religious).
4. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee

shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

5. In addition to the basic annual contribution to Canadian content development, set out in section 15 of the *Radio Regulations, 1986*, the licensee shall, upon commencement of operations, make a contribution of \$13,000 over seven broadcast years to the promotion and development of Canadian content, as follows:

- year 1 - \$1,000;
- year 2 - \$1,000;
- year 3 - \$1,000;
- year 4 - \$2,000;
- year 5 - \$2,000;
- year 6 - \$3,000;
- year 7 - \$3,000.

Of this amount, at least 20% per broadcast year shall be devoted to FACTOR or Musicaction. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

For the purposes of these conditions of licence, the terms “broadcast week,” “content category” and “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Expectation

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

Encouragement

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.

Appendix 3 to Broadcasting Decision CRTC 2022-286

Terms, conditions of licence, expectation and encouragements for the English-language specialty (religious music) FM radio programming undertaking in Scarborough, Ontario

Terms

The licence will expire 31 August 2029.

The station will operate at 105.3 MHz (channel 287A1) with an effective radiated power (ERP) of 89 watts (maximum ERP of 150 watts with a directional antenna with an effective height of antenna above average terrain of 90.7 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.

The issuance of the licence will be conditional upon receipt of written confirmation from International Harvesters for Christ Evangelical Association Inc. that they do not intend to exercise their authority to launch the radio station as authorized in *New specialty (Christian music) FM radio station in Scarborough*, Broadcasting Decision CRTC 2021-142, 28 April 2021.

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 **18 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.

Conditions of licence

1. The licensee shall adhere 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, as well as to the conditions set out in the broadcasting licence for the undertaking.
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, in any broadcast week, devote a minimum of 95% of all musical selections broadcast to musical selections drawn from content subcategory 35 (Non-classic religious).
4. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee

shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

5. In addition to the basic annual contribution to Canadian content development, set out in section 15 of the *Radio Regulations, 1986*, the licensee shall, upon commencement of operations, make a contribution of \$13,000 over seven broadcast years to the promotion and development of Canadian content, as follows:

- year 1 - \$1,000;
- year 2 - \$1,000;
- year 3 - \$1,000;
- year 4 - \$2,000;
- year 5 - \$2,000;
- year 6 - \$3,000;
- year 7 - \$3,000.

Of this amount, at least 20% per broadcast year shall be devoted to FACTOR or Musicaction. The remainder shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

For the purposes of these conditions of licence, the terms “broadcast week,” “content category” and “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

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 ensure that a reasonable amount of daily local news and information is made available to the communities served by the station.