



Broadcasting Decision CRTC 2025-273

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Gatineau, 16 October 2025

Akash Broadcasting Inc.

Calgary, Alberta, and Winnipeg, Manitoba

Public record: 2024-0438-3

Public hearing in the National Capital Region

27 March 2025

CFRW Winnipeg and CKMX Calgary and its transmitter CFVP-SW Calgary – Change in ownership and effective control

Summary

The Commission approves the application by Akash Broadcasting Inc. (Akash), on behalf of Bell Media Regional Radio Partnership (Bell Partnership)¹, for authority to change the ownership and effective control of the English-language commercial radio programming undertaking operating the radio station CFRW Winnipeg, Manitoba (the Winnipeg transaction). Through this transaction, Akash will acquire the assets necessary to operate CFRW Winnipeg and a new broadcasting licence to continue the operation of the station.

The Commission, by majority decision, denies the application by Akash on behalf of Bell Media Inc. (Bell Media) for authority to change the ownership and effective control of the English-language commercial radio programming undertaking operating the radio station CKMX Calgary, Alberta and its transmitter CFVP-SW Calgary (the Calgary transaction). Consequently, the Commission also denies Akash's request for a new broadcasting licence to continue the operation of CKMX Calgary and its transmitter.

The Commission finds that the Winnipeg transaction is the best proposal under the circumstances and will help ensure that the station serves the community of Winnipeg with local programming. Given the different context of the Calgary market, the Commission finds that the applicant did not demonstrate that the Calgary transaction is the best proposal under the circumstances.

A dissenting opinion by Commissioner Bram Abramson is attached to this decision.

¹ Bell Media Inc. and 8384819 Canada Inc., partners in a general partnership carrying on business as Bell Media Regional Radio Partnership.

Application

1. On 16 August 2024, the Commission received an application from Akash Broadcasting Inc. (Akash), on behalf of Bell Media Regional Radio Partnership² (Bell Partnership), for authority to change the ownership and effective control of the English-language commercial radio programming undertaking operating the radio station CFRW Winnipeg, Manitoba, and on behalf of Bell Media Inc. (Bell Media) for authority to change the ownership and effective control of the English-language commercial radio programming undertaking operating the radio station CKMX Calgary, Alberta and its transmitter CFVP-SW Calgary. Through the transactions, Akash would acquire from Bell Partnership and Bell Media, respectively, the assets related to the operation of these stations.
2. Akash also requested new broadcasting licences to continue the operation of the stations under the same terms and conditions as those currently in effect.
3. On 29 July 2024, Akash entered into a purchase agreement with Bell Media and Bell Partnership to acquire the assets of CFRW Winnipeg (the Winnipeg Purchase Agreement), as well as into a purchase agreement with Bell Media to acquire the assets of CKMX and its transmitter CFVP-SW.
4. Akash initially proposed a value of the transaction for the assets of \$1,175,000 (\$500,000 for Winnipeg and \$675,000 for Calgary), which includes the purchase price and the total value of leases payable over five years. Akash then modified the proposed value to include a portion of the lands to be acquired that are occupied by broadcasting facilities. There are no liabilities being assumed nor working capital transferred at closing. Akash also requested an exception for the payment of tangible benefits.

Interventions

5. The Commission received a joint intervention from Fairchild Radio (Calgary FM) Ltd. (Fairchild), Multicultural Broadcasting Corporation Inc. (Multicultural Broadcasting), and Evanov Communications Inc., on behalf of its subsidiary Dufferin Communications Inc. (Evanov) [together, the joint interveners], as well as an intervention from Guru Nanak Darbar Inc., regarding the Winnipeg transaction.
6. The Commission received interventions from the joint interveners, Fraser Media Diversity Inc. (Fraser), and Radio Sur Sangam (RSS), regarding the Calgary transaction.
7. The interventions and replies are addressed below.

Regulatory framework

8. The review of ownership transactions is an essential element of the Commission's regulatory and supervisory mandate under the *Broadcasting Act* (the Act). Obtaining a licence to operate a broadcasting undertaking (in this case, radio stations) is a regulatory

² Bell Media Inc. and 8384819 Canada Inc., partners in a general partnership carrying on business as Bell Media Regional Radio Partnership.

privilege granted by the Commission. A licensee does not have the authority to transfer a licence to a new operator as they see fit.

9. For this reason, licensees must obtain the Commission's approval before concluding any action, agreement, or transaction that changes, directly or indirectly, the effective control of the radio station. This requirement is set out in subsection 11(4) of the *Radio Regulations, 1986* (the Regulations).
10. When seeking the Commission's approval, the applicant must demonstrate that the benefits of the transaction are commensurate with the size and nature of the transaction and that the application represents the best possible proposal under the circumstances. The Commission will consider the application on its merits and will approve the transaction if the change in ownership and effective control is in the public interest. The public interest is reflected in the Canadian broadcasting and regulatory policy set out in subsections 3(1) and 5(2) of the Act.
11. Under subsection 18(1) of the Act, the Commission must conduct a public hearing for the issuance of a broadcasting licence. Broadcasting Information Bulletins 2011-222 and 2008-8-2 outline that the Commission generally reviews applications related to the acquisition of assets through public hearings, either appearing or non-appearing. Applications are non-appearing where the Commission is satisfied that the applicant and interested parties had an opportunity to present their views and that the written record is sufficient and further discussion is not necessary.

Issues

12. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
 - whether the applicant's ownership structure satisfies the requirements for Canadian ownership and control;
 - whether the proposed transaction is in the public interest;
 - the value of the transaction and tangible benefits;
 - the allocation of tangible benefits; and
 - whether the proposed transaction fulfills the regulatory requirements.

Canadian ownership and control

13. Pursuant to paragraph 3(1)(a) of the Act, the Canadian broadcasting system shall be effectively owned and controlled by Canadians. As required by the *Direction to the CRTC*

*(Ineligibility of Non-Canadians)*³ [the Direction], no broadcasting licence can be issued to a non-Canadian.

14. Akash is owned by Herkiranjeet Kaur Mann (80%) and Tejinderpaul Singh Saini (20%), both Canadians, as defined in the Direction. It is effectively controlled by Herkiranjeet Kaur Mann, and its Chief Executive Officer and board of directors are all Canadians. As such, the proposed transactions satisfy the eligibility criteria set out in the Direction.

Public interest of the proposed transactions

15. When the Commission evaluates whether a transaction is in the public interest, it examines the extent to which the transaction improves the Canadian broadcasting system and contributes to meeting the policy objectives of the Act. Section 3 of that Act describes a broadcasting system that contributes to the creation and presentation of Canadian programming, and through its programming reflects the multicultural and multiracial nature of Canadian society. Furthermore, the programming that the system provides should be drawn from local and regional sources and should ensure that a diversity of news voices is offered to the public.

Positions of parties

16. In its application, Akash explained that CFRW Winnipeg and CKMX Calgary have been off the air since June 2023. It indicated that its proposal to acquire the assets and relaunch the stations would restore services to these communities. Akash argued that the acquisition of both stations was essential to the overall transaction, emphasizing that Bell Media and Akash mutually agreed to a commercial transaction pursuant to which both stations would be acquired.
17. Akash stated that, by acquiring and operating additional radio stations in local western Canadian markets, it would be able to serve the needs of those markets that have been left with fewer listening options since CFRW Winnipeg and CKMX Calgary went off the air, and would create new jobs in both markets.
18. It also anticipated some synergies with their current operations, which could help it direct more resources to programming that would reflect Winnipeg and Calgary listeners.

CKMX Calgary and its transmitter CFVP-SW Calgary

19. In its intervention, Fraser supported the acquisition, on the condition that the station does not transition into an ethnic radio station.
20. Both the joint interveners and RSS argued that the CKMX transaction could negatively impact ethnic broadcasters in the Calgary market.

³ SOR/97-192, 8 April 1997.

21. The joint interveners argued that the acquisition could bypass the Commission's established licensing process for a new radio station in Calgary⁴ (the Calgary Call). They noted that CKMX was off the air for nearly a year before the Commission issued the Calgary Call. As an alternative, they suggested that this application be deferred and considered as part of the Calgary Call.
22. In its reply, Akash noted that the Calgary Call and the current application are distinct processes. Akash stated that it acted in good faith, filing its application shortly after entering into an agreement to acquire CKMX and its transmitter. Akash argued that denying or deferring the application on this basis would be highly prejudicial and procedurally unfair. It added that the current application arose from Bell Media's decision to divest multiple stations and that CKMX still has both a valid broadcasting licence and transmitter facilities in place.

CFRW Winnipeg

23. In its intervention, Guru Nanak Darbar Inc. submitted that Akash would add significant value to the Winnipeg community by offering a platform that connects people through shared experiences. It added that restoring CFRW would increase the content available to Winnipeg listeners and contribute to a vibrant local media landscape.
24. In their intervention, the joint interveners argued that the Winnipeg transaction would have a potential negative impact on ethnic stations in the Winnipeg market, including a recently licensed community radio station with a significant percentage of ethnic programming.⁵
25. In its reply, Akash stated that it does not yet have specific programming plans as there is no regulatory obligation to do so. Akash indicated that the transaction is an opportunity to assess market needs and create a programming format that meets listener demands, filling the gap of the closed station, and aligning with the objectives of the Act.

Commission's decision

26. The Commission does not solicit competing applications for changes to the ownership or effective control of broadcasting undertakings. As such, the burden is on the applicant to show that its application is the best possible proposal in the circumstances and that approval is in the public interest, consistent with the Canadian broadcasting and regulatory policies set out in subsections 3(1) and 5(2) of the Act.
27. Akash has operated commercial ethnic specialty radio stations CJCN-FM Surrey, British Columbia and CKER-FM Edmonton, Alberta since 2020 and 2021, respectively. This would help create synergies and contribute to the viability of the Winnipeg and Calgary

⁴ See Broadcasting Notice of Consultation 2024-60.

⁵ See Broadcasting Decision 2024-29.

stations. Further, the proposed transactions would restore services that have been off the air since June 2023.

28. While Akash argued that both acquisitions should be considered essential parts of the overall transaction, the Commission considers the distinct contexts of the different markets requires the merits of each sale to be considered separately.

CKMX Calgary and its transmitter CFVP-SW Calgary

29. On 23 August 2023, shortly after CKMX went off the air, the Commission launched an assessment on the capacity of the Calgary market to support a new radio station.⁶ The Commission found that the market had the capacity to sustain at least one additional radio station.⁷ Accordingly, the Commission launched the Calgary Call on 15 March 2024, encouraging applications for Indigenous or ethnic stations.⁸
30. The Commission recognizes that the Calgary Call and this application are two separate processes. There is nothing procedurally improper with filing an application to transfer control of an existing station during a call for applications. At the same time, the Commission considers it fair and appropriate to take into account the ongoing Calgary Call in the context of the proposed Calgary transaction.
31. Akash filed this application roughly two months after the Calgary Call was published. The Commission notes that Akash also applied to the Calgary Call.
32. In the present application, Akash seeks to transfer control of a commercial station. The Commission notes that the Calgary market is already well served by a large number and variety of commercial stations. It considers that the relaunch of CKMX would have a limited impact on enhancing the diversity of the market. The Commission further notes that the ongoing Calgary Call will be an opportunity for operators of diverse backgrounds, including Akash, to present their plans to serve the Calgary community, which reduces the potential benefit of reviving a station that has been off the air, like CKMX.
33. The Commission concludes that Akash has not demonstrated that this transaction is the best proposal in the circumstances.
34. In light of the above, the Commission denies the portion of the application to change the ownership and effective control of the English-language commercial radio programming undertaking CKMX and its transmitter CFVP-SW.

CFRW Winnipeg

35. With respect to the Winnipeg transaction, the Commission is of the view that restoring CFRW would have a positive impact on the diversity of voices in the Winnipeg market

⁶ See Broadcasting Notice of Consultation 2023-12.

⁷ See Broadcasting Decision 2024-59.

⁸ The Commission indicated that it would also consider other types of applications, should any be submitted.

and would serve important policy objectives. Currently, the Winnipeg market is only served by medium and larger-sized licensees of commercial stations. The proposed transaction would add a smaller-sized independent broadcaster with a proven track record to the market.

36. In light of the above, the Commission finds this transaction is the best proposal in the circumstances and is in the public interest.
37. As a result of its determination on this issue, the Commission will limit its analysis of the remaining issues to the Winnipeg transaction.

Value of the transaction and tangible benefits

38. The Commission's approach is that the public interest is served by requiring that the person or the qualified corporation acquiring the assets and effective control make financial contributions to Canadian content development (CCD) that are proportionate to the size and nature of the transaction. These contributions are known as "tangible benefits." The Commission's policy on tangible benefits is set out in the Tangible Benefits Policy.⁹ Tangible benefits serve the public interest because they increase the quantity and quality of Canadian programming and support the creation, distribution and promotion of such programming. Since the Commission does not solicit competing applications for changes to the ownership or effective control of broadcasting undertakings, the Commission requires that applicants propose tangible benefits when they seek the Commission's approval to change the effective control of radio and television programming services.
39. The amount of tangible benefits payable depends on the value of the transaction. In the case of radio stations, tangible benefits represent at a minimum 6% of the value of the transaction. The Commission looks at the value of the transaction as a whole, including the value of gross debt, working capital to be transferred at the close of the transaction, ancillary agreements, and any leases assumed by the purchaser for real property (buildings, studios and offices) and transmission facilities. The value of leases is calculated over a period of five years. These elements, if applicable, are added to the purchase price.
40. The Winnipeg Purchase Agreement to acquire the assets required to operate CFRW includes land purchaser 2581905 Alberta Ltd. (the Land Purchaser). The Land Purchaser is a corporation equally owned by four shareholders, one of them being the spouse of the majority shareholder of Akash.
41. As part of the agreement, Akash would acquire the broadcasting assets required to operate CFRW for \$325,000. The Land Purchaser would acquire the real property on which the station's transmission equipment is located. Akash submitted the amount of the

⁹ See Broadcasting Regulatory Policy 2014-459.

land purchase in confidence. The Land Purchaser would then enter into a lease with Akash for access to the transmitters valued at \$175,000 for 60 months.

Position of the applicant

42. Akash initially proposed a value of the transaction of \$500,000 for CFRW. This amount includes the purchase price (\$325,000) and the total value of the leases payable over five years (\$175,000). No working capital would be transferred at closing, and Akash confirmed that it would not assume any debt or liabilities. The proposed value did not include the land purchase price.
43. In response to a request for information, Akash responded that the total value of the purchased land should not be included because broadcasting would only be carried out on a small portion of that land, and because the land has the potential for development if the transmitters were moved to another location.
44. Akash then proposed a revised allocation according to the proportion of the land on which broadcasting would be carried out, based on the municipal assessment value of the land, rather than the purchase price. As such, Akash proposed an amended value of \$603,275 for the Winnipeg transaction, as summarized below:

Broadcasting assets	\$325,000
Lease to be entered into	\$175,000
Value of Land attributed to the broadcasting undertaking	\$103,275
Total of Regulated Assets	\$603,275

Commission's decision

45. As indicated in the Tangible Benefits Policy, the Commission's purpose in determining the value of the transaction is not to ensure that the purchase price is reasonable, but rather to arrive at an appropriate amount on which to calculate tangible benefits, taking into account the public interest and the absence of a competitive licensing process.
46. The Tangible Benefits Policy states that the value of the transaction includes ancillary agreements. In this case, the land purchase can be considered an ancillary agreement. The Commission notes that one of the shareholders of the Land Purchaser is the spouse of the individual who controls Akash. Furthermore, the purchase of the assets and land are interconnected as the purchase agreement involves three parties, and the land purchase includes the transmission equipment necessary to operate the undertaking. Otherwise, Akash would need to find another transmitter and file an application with the Commission to authorize its use.
47. As such, the Commission is of the view that the value of the purchased land, rather than the value of the new lease with the Land Purchaser, should be used as a basis for

calculating the value of the transaction. However, in this specific case, the Commission recognizes that a significant portion of the acquired land would not be used for broadcasting.

48. In the circumstances, the Commission is of the view that it is appropriate to base the value of the transaction on the percentage of the land used for broadcasting and to use the fair market value of the land, reflected by the commercially negotiated purchase price.
49. Accordingly, the Commission is of the view that the value associated with the purchased land should reflect the proportion of the land on which broadcasting would be carried out, multiplied by the total purchase price of the land.
50. In light of the above, the Commission finds that the value of the transaction is \$1,047,250, itemized as follows:

Purchase Price	\$325,000
Real property	\$722,250
Debt	\$0
Value for the assumed leases over five years ¹⁰	\$0
Working capital	\$0
Value of the transaction	\$1,047,250

Allocation of tangible benefits

51. As per the Revised Commercial Radio Policy¹¹, tangible benefits amounts are to be paid over seven consecutive broadcasting years and be allocated as follows:
- 3% to the Canadian Starmaker Fund and Fonds RadioStar;
 - 60% to Canadian Starmaker Fund and 40% to Fonds RadioStar
 - 1.5% to FACTOR and Musicaction;
 - 60% to FACTOR and 40% to Musicaction
 - 1% to any eligible CCD initiative at the discretion of the purchaser; and

¹⁰ The lease valued at \$175,000 is excluded, as including both the value of the purchased land and the value of the leases for that land would be double-counting.

¹¹ See Broadcasting Regulatory Policy 2022-332.

- 0.5% to the Community Radio Fund of Canada.

52. As per the Tangible Benefits Policy, the applicant can request an exception to the payment of tangible benefits. If an exception is requested, the exception must be made at the time of filing the application and should meet all of the following criteria:

- the undertaking to be acquired is not in its first licence term;
- the undertaking has suffered significant financial losses over an extended period of time (that is, for at least five consecutive years following the first licence term); and
- the purchaser demonstrates that there is a public interest either for the broadcasting system as a whole or the community served in maintaining a failing undertaking.

53. The Tangible Benefits Policy also states that the Commission may use its discretion at all times and that an exception will not necessarily be granted even if the criteria are met.

Positions of parties

54. Akash requested an exception for the payment of tangible benefits, stating that it meets all of the criteria for an exception. Specifically, it indicated that:

- CFRW is not in its first licence term, as it was established in 1963;
- the financial statements filed with the application show that CFRW suffered significant financial losses over an extended period of time. Details pertaining to this criterion were filed in confidence with the Commission; and
- there is public interest in relaunching CFRW, as Akash would restore a service in the Winnipeg market and offer local programming anchored in the community. The transaction would contribute to the diversity of ownership and diversity of voices.

55. In their intervention, the joint interveners noted that despite Akash's characterization to the contrary, CFRW is not a new station. Furthermore, even if it could be considered as such, the joint interveners noted it is customary for applicants for new stations to propose over-and-above CCD contributions over a period of seven years.

Commission's decision

56. Requests for an exception to paying tangible benefits may be warranted where the Commission finds that the public interest is fully met without tangible benefits. The applicant bears the onus of demonstrating that its application meets all three criteria set out at paragraph 61 of the Tangible Benefits Policy. Even if the criteria are met, the policy does not restrict the Commission's discretion to impose tangible benefits if other circumstances justify it.

57. The Commission notes that CFRW is not in its first licence term, so the first criterion is met.
58. In addition, the financial statements filed in confidence with the Commission demonstrate that the undertaking has suffered significant financial losses over an extended period of time. As such, the Commission concludes that the second criterion for an exception has also been met.
59. While the proposed Winnipeg transaction would have a positive impact on the market of Winnipeg, the Commission must balance the needs of other players in the broadcasting system and ensure that the benefits to the entire system are proportionate to the size and nature of the transaction. The Commission notes that if it were to approve the requested exception to tangible benefits, it would deprive the Canadian broadcasting system of important contributions.
60. While the revival of CFRW is a positive development, in order to approve the transaction, the Commission considers that there must be additional benefits to the broadcasting system. Accordingly, the Commission is of the view that Akash must pay tangible benefits in the amount of \$62,835, which represents the minimum 6% of the value of the transaction. This amount should be paid in equal payments over seven consecutive broadcast years, consistent with the Tangible Benefits Policy and the Revised Commercial Radio Policy.
61. In light of the above, the Commission finds that, based on the revised value of the transaction, Akash should be required to allocate \$62,835 in tangible benefits, which is consistent with the Tangible Benefits Policy and Revised Commercial Radio Policy.
62. The modernized Act now includes express provisions relating to the imposition of expenditure requirements. As a result, tangible benefits must be imposed by order made pursuant to subsection 11.1(2) of the Act. Accordingly, the Commission considers it appropriate to **order** Akash Broadcasting Inc. to allocate \$62,835 in tangible benefits, to be paid in equal instalments over seven consecutive broadcast years, consistent with the Tangible Benefits Policy and Revised Commercial Radio Policy.
63. Further, the Commission considers it appropriate to **order** Akash Broadcasting Inc. to report, as part of its Annual Return required under subsection 9(2) of the Regulations, on its progress in making these payments.

Regulatory requirements

Programming

64. Local programming is important to the broadcasting system, and the Commission expects radio stations to reflect the communities they serve through the programming they broadcast. As an incentive to broadcast local programming, commercial FM radio stations that do not serve a single-station market can only solicit or accept local advertising if they devote at least one-third of their programming (equivalent to 42 hours weekly) to local programming, which can include both spoken word, such as news,

weather, sports, and information, and musical content. A standard condition of service to that effect is set out in the appendix to Broadcasting Regulatory Policy 2022-334.

Positions of parties

65. Akash indicated that CFRW would broadcast 126 hours of programming per broadcast week, including 42 hours of local programming. With regards to non-local programming, Akash added that a certain element of the programming it produces for its ethnic stations could be shared but, given the language limitations applicable to commercial stations,¹² it is likely that most of the spoken word programming would be specifically produced for CFRW.
66. Akash also indicated that the station did not previously offer regular newscasts as it operated in the comedy format. Akash stated that it is committed to providing content that is directly relevant to listeners in the community the station is licensed to serve, but did not commit to offering news.
67. Guru Nanak Darbar Inc. stated that reviving CFRW would provide diverse and engaging programming for all members of the Winnipeg community.
68. In their intervention, the joint interveners expressed concerns that Akash would not have any obligation to provide local news or local reflection if it maintained the same conditions as the previous owner.

Commission's decision

69. The Commission notes that Akash indicated that it anticipates the stations will not maintain the comedy format. Should it modify the format as it suggested, the Commission is of the view that the applicant should include local news in the station's programming.
70. The Commercial Radio Policy 2006¹³ and the Revised Commercial Radio Policy state that "in their local programming, licensees must incorporate spoken word material of direct and particular relevance to the community served." However, the Commission does not typically impose specific conditions on licensees related to either spoken word programming or news.
71. Instead, the Commission generally expects that, as part of its local programming, a station incorporate a reasonable amount of spoken word material of direct and particular relevance to the communities served. This programming includes daily local news, weather reports, sports coverage, and the promotion of local events and activities.

¹² Pursuant to subsection 7(3) of the Regulations, the stations shall devote no more than 15% of a broadcast week to third-language programs.

¹³ Broadcasting Public Notice 2006-158.

72. Accordingly, the Commission expects Akash to broadcast local news on CFRW. The addition of an expectation to that effect is reflected in the appendix to this decision.

Third-language programming

Positions of parties

73. Akash noted that stations are subject to limitations with respect to the broadcast of third-language programming by non-ethnic stations under the Regulations.

74. In their intervention, the joint interveners recognized that, under the Regulations, Akash could offer up to 15% of third-language programming per broadcast week, representing 19 hours per broadcast week. They added that if CFRW offers Filipino or South Asian ethnic programming, that would have a direct impact on Winnipeg's ethnic station CKJS-FM (owned by Dufferin Communications Inc.) and would target its audience.

75. In addition, the joint interveners questioned Akash's commitment to operating CFRW as an English-language station with at least 85% of its weekly programming in English. They submitted that, should the Commission approve the application, it should ensure compliance with the 15% limit on third-language programming by imposing strict limitations on third-language programming and requiring quarterly submissions of program logs.

Commission's decision

76. As per subsection 7(3) of the Regulations, a non-ethnic commercial station can broadcast a maximum of 15% of third-language programming per broadcast week. A licensee may also request a condition of service authorizing them to devote up to 40% to third-language programming.¹⁴ In this case, the Commission notes that Akash has not requested such permission and its comments on the record demonstrate that it understands its obligations.

77. The Commission notes that commercial radio licensees may broadcast as much ethnic programming as they like in English, French, or an Indigenous language spoken in Canada. It is only when ethnic programming is broadcast in a third language that the 15% limit applies.

78. Regarding the joint interveners' proposal to impose quarterly submissions of program logs, the Commission considers that it would not be appropriate at this time. Such a condition is generally only imposed when a station has demonstrated non-compliance with regulatory requirements. The Commission also notes that it verifies radio stations'

¹⁴ The Regulations distinguish "ethnic" from "third-language" programming. An ethnic program is a program in any language that is specifically directed toward any culturally or racially distinct group, other than one whose heritage is Indigenous, from France or from the British Isles. A third-language program is an ethnic program with the following additional characteristic: it is in a language other than English, French, or an Indigenous language.

compliance through other forms of ongoing monitoring, and intends to do the same for CFRW.

79. The Commission is of the view that the current regulatory framework is sufficient to address concerns over third-language programming.

Licence term

80. The current licence for CFRW expires on 31 August 2026.

81. Under paragraph 9(1)(b) of the Act, the Commission has the authority to issue a licence and determine its term. Given that the Commission identified no instances of regulatory non-compliance by the station, the Commission considers it would be appropriate to grant the applicant the typical licence term for commercial stations without compliance issues. This would allow Akash to operate the station for a longer period of time before having to file a licence renewal application.

82. In light of the above, the Commission determines that the new licence term for CFRW will expire on 31 August 2031.

Conclusion

83. In light of all of the above, the Commission approves the portion of the application from Akash, on behalf of Bell Partnership for authority to change the ownership and effective control of the English-language commercial radio programming undertaking operating the radio station CFRW Winnipeg, Manitoba.

84. Upon surrender of the licence for CFRW currently held by Bell Partnership, the Commission will issue a new broadcasting licence to Akash, which will expire on 31 August 2031. This licensee will be subject to the terms and **conditions of service** set out in the appendix to this decision.

85. The Commission, however, denies the portion of the application from Akash, on behalf of Bell Media, for authority to change the ownership and effective control of the English-language commercial radio programming undertaking operating the radio station CKMX Calgary, Alberta and its transmitter CFVP-SW Calgary.

86. The Commission **directs** Akash Broadcasting Inc. to submit the final agreement related to the transaction for CFRW Winnipeg, including all annexes, schedules, and associated documentation, to the Commission within 30 days of the closing date of the transaction.

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

Conditions of service for CFRW Winnipeg

88. Given that the applicant proposed to operate CFRW under the same terms and conditions as those in effect under the current licence, the Commission makes the following orders consistent with the existing conditions of service as amended by this decision.

89. There are standard conditions of service that apply to all undertakings of a given class. In this case, the Commission considers that the licensee must adhere to the standard conditions of service for commercial radio stations set out in the appendix to Broadcasting Regulatory Policy 2022-334.
90. Further, pursuant to subsection 49(2) of the *Online Streaming Act*, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. As a result, the Commission considers it appropriate to require that the licensee adhere to these requirements as conditions of service.
91. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Akash Broadcasting Inc. to adhere to the standard conditions of service for commercial radio stations set out in the appendix to Broadcasting Regulatory Policy 2022-334, as well as to all applicable requirements set out in the Regulations, that were made under paragraphs 10(1)(a) or 10(1)(i) of the old Act.
92. Further, consistent with the existing condition of service for CFRW, and pursuant to subsection 9.1(1) of the Act, the Commission **orders** Akash Broadcasting Inc. to devote, in any broadcast week where at least 90% of musical selections are from content category 2 (Popular Music) that it broadcasts are selections released before 1 January 1981, and 30% or more of its musical selections from content category 2 throughout the broadcast week, between 6:00 a.m. and 6:00 p.m., from Monday to Friday, to Canadian selections broadcast in their entirety. The Commission also **orders** Akash Broadcasting Inc. to specify, on the music lists it provides to the Commission, the year of release for all musical selections it broadcasts.
93. Pursuant to subsection 9.1(1) of the Act, the Commission **orders** Akash Broadcasting Inc. to comply with the requirements related to the implementation of the National Public Alerting System, as set out in section 16(2) of the Regulations, and in Broadcasting Regulatory Policy 2014-444 and Broadcasting Orders 2014-445, 2014-446, 2014-447 and 2014-448.
94. Further, consistent with the determination above, pursuant to subsection 11.1(2) of the Act, the Commission also **orders** Akash Broadcasting Inc. to pay tangible benefits in the amount of \$62,835, to be paid in equal instalments over seven consecutive broadcast years and allocated in a manner consistent with the Tangible Benefits Policy and the Revised Commercial Radio Policy. In addition, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Akash Broadcasting Inc. to file all proof of payment and eligibility regarding these contributions each year in a form deemed acceptable by the Commission consistent with subsection 9(2) of the Regulations.
95. The specifics of these orders will be reflected in the conditions of service for the undertaking.
96. The Commission notes that the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example,

technical parameters or prohibition on transfer. The licensee shall, therefore, also adhere to any such requirements set out in the broadcasting licence for the undertakings.

97. The terms as well as the conditions of service are set out in the appendix to this decision.

98. Finally, the Commission notes that this application, including the matters set out in the above orders, was subject to a public proceeding that provided both the applicant and other interested parties notice of and an opportunity to make representations with respect to the proposed orders. The Commission is satisfied that, in this case, the public proceeding was sufficient to achieve the purposes of the publication and consultation requirement set out in subsections 9.1(4) and 11.1(7) of the Act.

Reminders

Force and effect of broadcasting licences

99. Pursuant to section 22 of the Act, the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapses.

National Public Alerting System

100. The Commission has implemented obligations in respect of the broadcast of emergency alerts. For reference, see section 16 of the Regulations as well as Broadcasting Regulatory Policy 2014-444. The licensee must implement the public alerting system for each of its transmitters, and ensure that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages are installed and programmed to properly account for the applicable contour [as set out in paragraph 16(2)(b) of the Regulations] of the stations as well as that of any rebroadcasting transmitter that may appear on the licence for those stations.

Employment equity

101. In accordance with Public Notice 1992-59, the licensee should consider employment equity in its hiring practices and in all other aspects of its management of human resources.

102. The amendments to the *Broadcasting Act* resulting from the *Online Streaming Act* place greater emphasis on the inclusion of Indigenous persons, Canadians from Black or other racialized communities, and Canadians of diverse ethnocultural backgrounds, socio-economic status, abilities and disabilities, sexual orientations, gender identities and expressions, and ages, in the Canadian broadcasting system. The Commission has announced consultations on diversity and inclusion in its [Regulatory plan to modernize Canada's broadcasting framework](#). In the meantime, the Commission expects the licensee to reflect this emphasis in its operational decisions.

Secretary General

Related documents

- *Modernization of radio processes*, Broadcasting Regulatory Policy CRTC 2025-265, 10 October 2025
- *CJJC-FM Yorkton – Change in ownership and effective control*, Broadcasting Decision CRTC 2025-214, 22 August 2025
- *The Path Forward – Supporting Canadian and Indigenous audio content*, Broadcasting Notice of Consultation CRTC 2025-52, 20 February 2025
- *Call for applications – Radio station to serve Calgary, Alberta*, Broadcasting Notice of Consultation CRTC 2024-60, 15 March 2024
- *Findings regarding market capacity and the appropriateness of issuing a call for radio applications to serve Calgary, Alberta*, Broadcasting Decision CRTC 2024-59, 15 March 2024
- *English-language community FM radio station in Winnipeg*, Broadcasting Decision CRTC 2024-29, 9 February 2024
- *Call for comments on market capacity and the appropriateness of issuing a call for radio applications to serve Calgary, Alberta*, Broadcasting Notice of Consultation CRTC 2023-12, 17 January 2023
- *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *NMTV Inc. - Change in ownership and effective control*, Broadcasting Decision CRTC 2015-474, 22 October 2015
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders - Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *A guide to the CRTC application process for changes in effective control and certain*

transfers of shares of broadcasting undertakings as well as for the acquisition of assets of broadcasting undertakings – Change in the manner of issuing related information bulletins, Broadcasting Information Bulletin CRTC 2008-8-2, 6 December 2013

- *Terrestrial broadcasting distribution undertakings serving various locations in Ontario, New Brunswick and Newfoundland and Labrador; national video-on-demand programming undertaking known as Rogers On Demand; and terrestrial and direct-to-home national pay-per-view services known as Rogers Sportsnet – Acquisition of assets (Corporate reorganization)*, Broadcasting Decision CRTC 2013-583, 31 October 2013
- *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013
- *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2012-574, 18 October 2012
- *New service objectives for the processing of broadcasting and telecommunications applications as of 1 April 2011*, Broadcasting and Telecom Information Bulletin CRTC 2011-222, 1 April 2011
- *Transfer of effective control of various commercial radio programming undertakings from Corus Entertainment Inc. to Cogeco inc.*, Broadcasting Decision CRTC 2010-942, 17 December 2010
- *CIGV-FM Penticton and its transmitters CIGV-FM-1 Keremeos and CIGV-FM-2 Princeton - Acquisition of assets*, Broadcasting Decision CRTC 2008-324, 21 November 2008
- *CKIZ-FM Vernon and CIGV-FM Penticton and their transmitters - Acquisition of assets*, Broadcasting Decision CRTC 2008-44, 25 February 2008
- *CJCH Halifax - Conversion to FM band*, Broadcasting Decision CRTC 2007-410, 30 November 2007
- *Transfer of effective control of CHUM Limited to CTVglobemedia Inc.*, Broadcasting Decision CRTC 2007-165, 8 June 2007
- *CFDR Halifax - Conversion to FM band*, Broadcasting Decision CRTC 2007-106, 4 April 2007
- *CKTT-FM Timmins, Ontario - Acquisition of assets*, Broadcasting Decision CRTC 2006-455, 31 August 2006
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Acquisition of radio assets in Quebec*, Broadcasting Decision CRTC 2003-205,

2 July 2003

- *Reorganization of licensed areas*, Broadcasting Decision CRTC 2002-234, 13 August 2002
- *Transfer of control of 3903206 Canada Inc., of Telemédia Radio Atlantic Inc. and of 50% of Radiomédia Inc. to Astral Radio Inc.*, Broadcasting Decision CRTC 2002-90, 19 April 2002
- *Ownership of analog discretionary services by cable undertakings - amendment to the Commission's policy*, Public Notice CRTC 2001-66-1, 24 August 2001
- *Transfer of effective control of TVA to Québecor Média inc.*, Decision CRTC 2001-384, 5 July 2001
- *Application No. 200023581 - Conditional approval - Acquisition of control and shares - Shaw Communications Inc. requests authority to acquire control of Moffat Communications Limited*, Decision CRTC 2001-186, 23 March 2001
- *Sale of WIC Premium Corporation approved, conditional upon the subsequent divestiture of that company's 50% voting interest in The Family Channel Inc.*, Decision CRTC 2000-222, 6 July 2000
- *Acquisition by CanWest Global Communications Corp., through its wholly-owned subsidiary CW Shareholdings Inc., of the ownership interests held previously by WIC Western International Communications Ltd. in various conventional television stations and in certain other broadcasting undertakings*, Decision CRTC 2000-221, 6 July 2000
- *CTV Inc. on behalf of The Sports Network Inc. (TSN), Le Réseau des Sports (RDS) Inc. (RDS), and 2953285 Canada Inc. operating as The Discovery Channel*, Decision CRTC 2000-86, 24 March 2000
- *Ethnic broadcasting policy*, Public Notice CRTC 1999-117, 16 July 1999
- *Amalgamation of Cancom and Star Choice*, Decision CRTC 99-169, 9 July 1999
- *Câble-Axion Québec inc.*, Decision CRTC 99-120, 28 May 1999
- *Transfer of shares – denied*, Decision CRTC 98-487, 23 October 1998
- *Transfer of shares – denied*, Decision CRTC 98-226, 21 July 1998
- *Acquisition of assets of CHER Sydney and subsequent conversion of the station from AM to FM – denied*, Decision CRTC 95-516, 9 August 1995
- *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995

- *Acquisition of assets of CJCL Toronto – denied*, Decision CRTC 94-929, 19 December 1994
- *Transfer of control of CKYC*, Decision CRTC 94-928, 19 December 1994
- *Approval of applications by Rogers Communications Inc.(RCI) for authority to acquire effective control of Maclean Hunter Limited (MHL) - subject to the condition that further applications be filed, within twelve months, for authority to transfer effective control of CFCN-TV Calgary and CFCN-TV-5 Lethbridge to a third party, and that RCI likewise divest of MHL's indirect shareholdings within CTV Television Network Ltd.*, Decision CRTC 94-923, 19 December 1994
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992
- *NEWCO Niagara Television Limited*, Decision CRTC 91-804, 18 October 1991
- *Kenwal Communications (Partnership)*, Decision CRTC 90-1072, 19 October 1990
- *MH Acquisition Inc. on behalf of a company to be incorporated (NEWCO CJCA)*, Decision CRTC 89-770, 28 September 1989
- *Niagara Television Limited*, Decision CRTC 89-768, 28 September 1989
- *Selkirk Communications Limited*, Decision CRTC 89-766, 28 September 1989
- *APPLICATIONS FOR AUTHORITY TO TRANSFER EFFECTIVE CONTROL OF TÉLÉ-MÉTROPOLE INC. TO POWER CORPORATION OF CANADA*, Decision CRTC 86-367, 18 April 1986
- *Transfer of Control of Standard Broadcasting Corporation Limited to Slight Broadcasting Inc.*- 851690800 - 851691600 - 851692400 - 851693200 - 851694000 - 851697300 - 851701300 - 851698100 - 851699900 - 851700500 - 851695700 – 851696500, Decision CRTC 85-1146, 14 November 1985
- *Halifax Cablevision Limited, Halifax, Nova Scotia – 832493100*, Decision CRTC 84-104, 13 February 1984

Appendix to Broadcasting Decision CRTC 2025-273

Terms, conditions of service, and expectations for the English-language commercial radio programming undertaking CFRW Winnipeg, Manitoba

Terms

The licence will expire 31 August 2031.

Conditions of service

1. The licensee shall adhere to the conditions set out in the appendix to *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022, as well as to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.
3. The licensee shall expend, in equal payments over seven consecutive broadcast years and by no later than **31 August** of each year, a total amount of \$62,835, allocated as set out at paragraphs 4 and 48 of *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014 and at paragraph 160 of *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022.

The licensee shall file all proof of payment and eligibility regarding these contributions each year in a form deemed acceptable by the Commission consistent with subsection 9(2) of the *Radio Regulations, 1986*.

4. As an exception to the percentage of Canadian musical selections set out in subsections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall, in any broadcast week where at least 90% of musical selections from content category 2 (Popular Music) that it broadcasts are selections released before 1 January 1981:
 - (a) devote, in that broadcast week, at least of 30% of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
 - (b) devote, between 6:00 a.m. and 6:00 p.m., in the period from Monday to Friday of the same broadcast week, at least of 30% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meaning as that set out in the Regulations.

5. The licensee shall implement the National Public Alerting System in the manner set out in subsection 16(2) of the *Radio Regulations, 1986*, and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014.

Expectations

Diversity

The amendments to the *Broadcasting Act* resulting from the *Online Streaming Act* place greater emphasis on the inclusion of Indigenous persons, Canadians from Black or other racialized communities, and Canadians of diverse ethnocultural backgrounds, socio-economic status, abilities and disabilities, sexual orientations, gender identities and expressions, and ages, in the Canadian broadcasting system. The Commission expects the licensee to take concrete measures to ensure it contributes to this inclusion and reflection in both its programming and employment practices.

Canadian emerging artists

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station's musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of "Canadian emerging artist" is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station's playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of "Indigenous-Canadian musical selection" set out in paragraph 441 of Broadcasting Regulatory

Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

Local news

Radio stations are an important daily source of local news and information for communities. Carrying on a broadcasting undertaking comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.

Although the Revised Commercial Radio Policy does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that regulatory policy, the Commission expects the licensee, in its station's local programming, to incorporate spoken word material of direct and particular relevance to the communities served, and to include in its programming local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

Dissenting opinion of Commissioner Bram Abramson

1. The majority has denied Akash Broadcasting Inc. (Akash)'s application to assume ownership and effective control, and continue the operations, of CKMX Calgary, Alberta and its transmitter CFVP-SW Calgary. Having decided, in its review, to take into account the separate process begun in 2023 to licence a new radio station in Calgary (the Calgary Call),¹ the majority denies the transfer on two related grounds:
 - that relaunching CKMX would “have a limited impact on enhancing the diversity of the [Calgary] market”, and
 - that even if it did have a positive impact on enhancing the market's diversity, such potential benefit would in any case be “reduced” by the fact that “the ongoing Calgary Call will be an opportunity for operators of diverse backgrounds, including Akash, to present their plans to serve the Calgary community”.²
2. The generality of these grounds does not lend itself to easy analysis. Nor is their basis, in my view, evident.
3. Were the majority persuaded by arguments that Akash might convert CKMX into an ethnic station³ in a way that could disrupt Calgary's ethnic station market, it could have conditioned the transfer on a requirement limiting CKMX's ethnic programming.⁴
4. Likewise, were the majority to take to its logical conclusion its blending of approaches that the Canadian Radio-television and Telecommunications Commission (Commission) has traditionally applied separately—pit competitive applications for new licences against each other, while permitting private ordering in secondary markets—it could instead have sought for CKMX's frequency to be re-deposited into the Calgary Call for re-licensing.
5. But the majority did neither. Instead, and with the greatest of respect, it seems to me that we are instead left in an awkward limbo that shrinks the number of radio stations in Calgary, keeps out of the market a group that was willing to invest in the declining AM radio band, and does so for reasons that are, in my respectful view, both unusual and underspecified. General invocations of hard-to-evaluate market diversity criteria that do not relate to our long-standing market concentration rules make it difficult to future

¹ See Broadcasting Notice of Consultation 2023-12, Broadcasting Decision 2024-59, and Broadcasting Notice of Consultation 2024-60.

² Majority decision, paragraph **Error! Reference source not found.**, above.

³ An “ethnic station”, licensed as such (*Radio Regulations (1986)*, section 2 [the Regulations]), is a specialty radio station that specializes in “ethnic programming”: Public Notices 1995-60 and 1999-117. Ethnic stations are generally granted approvals to devote significantly more than 15 percent of their broadcast days to third-language programming.

⁴ “Ethnic program” “means a program in any language that is specifically directed toward any culturally or racially distinct group, other than one whose heritage is Aboriginal Canadian, from France or from the British Isles”: the Regulations, section 2.

applicants to know how to frame their proposals. I dissent, and would have allowed the transfer.

The transfer stream

6. To weigh the proposed acquisition of an existing station against a separate call for new stations, or to raise the bar for transfers by treating as the determining factor how much they enhance diversity of the market in the absence of any market concentration issue, are—with respect—unusual approaches.
7. It is rare for the Commission to deny a commercial radio station transfer. In part, this is a credit to owners, advisors, and staff who structure transactions to comply with laws, regulations, and Commission policies. But in part it reflects what I would describe as the Commission’s long-standing approach to radio regulation: a framework for orderly markets. It prioritizes market capacity, avoids over-licensing, gives incumbents “time to adjust to a new entrant”,⁵ and emphasizes long-term feasibility and preservation of economic value over maverick entry or creative destruction.
8. The degree to which the Commission ought to champion an orderly radio market at a time of converged devices and abundant content is, to be sure, a topic for debate. So is the effectiveness of the Commission’s approach when regulated radio stations and mature, but scarcely-regulated, audio alternatives co-exist as cross-media competitors.⁶ Either way, the Commission’s treatment of applications for a change in ownership and effective control is a long-standing part of this orderly-market framework.
9. When the Commission finds that a market—that is, radio stations in a given language or format within a given local area—has capacity, it proceeds to a comparative selection between competing applications whose spectrum use has been pre-cleared by the spectrum regulator. In doing so, the Commission takes into account an analysis of the market’s economic capacity, estimated commercial impact of proposed stations, and relevant technical factors.
10. But the Commission takes a different approach to transfer applications. Radio licensees seeking to exit the market may find private buyers for their stations. However, “in the absence of a competitive process”, the proposed sale must demonstrate that it delivers “intangible benefits” like enhancing diversity of voices, generally aligned with avoiding market concentration and enhancing local community reflection; and must commit to “tangible benefits”, generally of at least six percent of the transaction value, to mimic the commitments extracted from applicants in a comparative process.⁷
11. Provided the buyer commits to tangible benefits consistent with the Commission’s guidance; stays within intangible benefit policy guidelines like concentration caps; and

⁵ Broadcasting Regulatory Policy 2014-554, paragraph 13.

⁶ See, in this regard, Broadcasting Notice of Consultation 2025-52.

⁷ See, generally, Broadcasting Information Bulletin 2008-8-2 and Broadcasting Regulatory Policy 2014-459.

meets requirements like Canadian ownership and control, the transaction is typically approved. The process is much as Commissioner Barbara Cram once described in dissent:

The present policy of the Commission on acquisitions is essentially one of non-interference. The Commission does not and should not hold auctions on broadcasting assets that are for sale. Instead the Commission is presented with a “fait accompli”, a completed acquisition, for approval or denial. This creates a subtle inertia or momentum for approval because an outright denial would create uncertainty in the market, an “orphaned” asset, and substantial lost costs to both parties involved in the transaction.⁸

12. So it is exceedingly rare for the Commission to deny a commercial radio transfer without contravention of specific policies, whether ownership concentration and related divestitures,⁹ tangible benefits,¹⁰ or more rarely, routine rules on legal ownership and control,¹¹ technical configuration,¹² or improper procedure.¹³ Of 37 decisions denying the transfer of a broadcasting undertaking or conditioning it on divestitures,¹⁴ I found only three refusals based on other reasons. Two were based on reformatting the station to be transferred.¹⁵ One of these related to a low-power tourist information service that the

⁸ Appended to Public Notice 2001-66-1.

⁹ This is by far the most common reason for denial (including partial approvals that condition transfers on divestitures either volunteered or ordered), whether based on the Common Ownership Policy then in force (see, e.g., Decisions 91-804, 94-928, 95-516, and 2000-221 and Broadcasting Decisions 2002-90, 2003-205, 2007-106, 2007-165, 2007-410 (*AM-to-FM flip conditioned on a prior divestiture*), 2008-44, and 2010-942); broader concentration of ownership concerns (see, e.g., Decisions 85-1146, 89-766, 2000-86, 2001-186, and 2001-384, and Broadcasting Decisions 2012-574 and 2013-310); or since-abolished rule against vertical cross-ownership of broadcasting distribution and discretionary programming undertakings (see, e.g., Decisions 94-923, 98-226, 98-487, 99-169, and 2000-222).

¹⁰ Including insufficient committed investment in improving the acquired stations. See, e.g., Decisions 84-104, 86-367, 89-767, 89-768, 89-770, and 90-1072.

¹¹ Both under the *Direction to the CRTC (Ineligibility of non-Canadians)*, SOR/97-192 (Decision 99-120 and Broadcasting Decision 2015-474), and in relation to broader control gap issues (Broadcasting Decision 2013-583).

¹² In Broadcasting Decision 2002-234, the Commission denied Bluewater TV Cable Ltd.’s applications to transfer its assets into multiple operating broadcasting distribution undertakings (BDUs), in order that each qualify for the then-new small BDU exemption, on the basis that they were fully interconnected and used the same head end.

¹³ In Broadcasting Decision 2025-214, Truth Broadcasting Network inc. declined to commit to adhere to standard conditions of licence.

¹⁴ All of these, stretching from 1984 to 2025, are referenced here, although additional denials may be contained in older decisions, and in decisions from the earlier end of that period, not indexed or accessible on the Commission’s Web site. Parenthetically, I observe that in view of precedent decisions’ persuasive value in the Commission’s approach, making them available to the public is long overdue. Note, to that end, the following paragraph in the 3 February 2023 letter sent jointly by the Minister of Canadian Heritage and of Innovation, Science and Economic Development to the CRTC Chair. “[W]e also heard from civil society that improved digital access is important to improving transparency and accessibility of CRTC decision making. For example, the Copyright Board of Canada recently worked with the Canadian Legal Information Institute (CanLII) to upload its tariff decisions to the database in an effort to make those decisions more accessible. We encourage you to consider creative and innovative ways to improve access to and usability of information and data held by the CRTC.”

¹⁵ In Broadcasting Decision 2008-324, Jim Pattison Group Ltd. made a second attempt to transfer CIGV-FM Penticton, British Columbia, notwithstanding a prior refusal under the Common Ownership Policy in Broadcasting

applicant asked to convert to a commercial religious station.¹⁶ In the other, more relevantly, CJCL Toronto, Ontario expressly sought conversion from a non-ethnic to an ethnic format upon transfer.¹⁷

13. Unlike CJCL Toronto, Akash has not made such a request. The majority did note in its analysis of the CFRW Winnipeg, Manitoba station that “commercial radio licensees may [nonetheless] broadcast as much ethnic programming” as they like, so long as the spoken portion of the programming is not in a third language.¹⁸ Interveners did, likewise, raise concerns about the possibility that Akash reformat CKMX Calgary as an ethnic station.
14. But as the majority expressly noted of Akash in respect of CFRW Winnipeg, “its comments on the record demonstrate that it understands its obligations” with respect to limits on third-language programming per broadcast week.¹⁹ Were the majority concerned about Akash disrupting the ethnic market, it could have conditioned approval on capping ethnic programming.
15. It did not. Rather, the majority denied the transfer outright. In failing to approve the transfer of an English-language station, skipping safeguards that might have addressed any implied threat to an orderly market, the majority decision diminishes the number of outlets serving the Calgary market.

Crossing the streams

16. Traditionally, the Commission has handled competitive licensing processes as one stream and applications for a change in ownership and effective control as another, each with a distinct approach. Here, however, the majority has crossed the streams. Paragraph 30 of the majority decision finds that, while “[t]here is nothing procedurally improper with filing an application to transfer control of an existing station during a call for applications”, the Commission nonetheless “considers it fair and appropriate to take into account the ongoing Calgary Call in the context of the proposed Calgary transaction”, noting that Akash’s transfer was filed two months after the Calgary Call deadline, in which Akash participated.
17. It is difficult to know what to make of the approach to take into account an ongoing call for new licences in evaluating a transfer application. Either there are two streams or there are not. Either it was procedurally proper for Akash to have filed separately, or it was not. The Calgary Call, made on the basis of a market capacity assessment, did not revise its findings based on the additional frequency left vacant by CKMX’s exit. Nor ought it to have, at

Decision 2008-44, by shrinking the station’s contour. The Commission found that the substantial decrease to the contour would not constitute an effective use of the frequency.

¹⁶ In Broadcasting Decision 2006-455, a numbered corporation registered in South Porcupine, Ontario, improperly conditioned its proposed acquisition of a low-power tourist information station on converting it to a commercial religious station.

¹⁷ Decision 94-929.

¹⁸ Majority decision, paragraphs **Error! Reference source not found.-Error! Reference source not found.**, above.

¹⁹ Majority decision, paragraph **Error! Reference source not found.**, above.

least based on the two-streams approach the majority has now, in my view, destabilised. The Calgary Call was based on unused frequencies in the market. The CKMX transfer would have rehomed an already-used frequency.

18. Instead, Akash has not been permitted to take up the relinquished frequency through secondary-market private ordering. Nor, however, has the frequency been relinquished to the Calgary Call for comparative selection. Instead, the majority has elevated “diversity in the market” to a stand-alone test for transfers, even where no issue of market concentration arises. Diversity of voices has long been part of the Commission’s intangible benefits discussion, but applying it as a threshold for denial without structuring factors or guiding criteria represents a significant and unexplained shift. Such a reorientation is hard to apply predictably, hard to operationalize, and hard to reconcile with the certainty provided by the Common Ownership Policy.
19. There is nothing wrong with concurrent processes. But folding the logic of one into the other retroactively unsettles both. Overall, in view of the sparse reasons and unusual result, one could be excused for wondering whether the majority simply found itself uncomfortable with the combination of variables at play. A relatively long period had passed since Bell Media Regional Radio Partnership had taken CKMX Calgary off the air—even if no guidelines then existed to say what was too long,²⁰ and even if the successful transfer of CFRW Winnipeg suggests that was not an issue. A call for new stations was ongoing in the same market—even if the Commission has always treated transfers that reuse capacity and new calls that expand it separately. Akash has a track record as an operator of ethnic stations—even if it did not request conversion of CKMX Calgary to an ethnic station and, in any case, could have been issued a condition of service limiting its ethnic programming.
20. But a combination of three even-ifs or not-quite-offsides should not lead to a whistle. In my respectful view, crossing the two streams by which the Commission has, for better or worse, stewarded an orderly market erodes predictability. The result is fewer voices, chilled investment, and a confusing precedent for future transfers. The concerns raised could have been addressed through a simple condition of service or, failing that, re-depositing the frequency into the Calgary Call. Neither was seriously considered. Whether and to what extent the Commission ought to maintain an orderly-market framework in a digital, cross-platform media environment is no doubt an important topic for debate. But so long as maintaining an orderly market continues to guide our framework, so too should consistency in how that principle is applied.

²⁰ Broadcasting Regulatory Policy 2025-265, paragraph 171.