



Broadcasting Decision CRTC 2025-75

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Reference: 2024-148

Gatineau, 11 March 2025

Joel Lagacé, on behalf of a not-for-profit corporation to be incorporated
Cochrane, Ontario

Public record: 2023-0445-0

Public hearing in the National Capital Region
5 September 2024

English-language developmental community FM radio station in Cochrane

Summary

The Commission approves an application by Joel Lagacé, on behalf of a not-for-profit corporation to be incorporated, for a broadcasting licence to operate a low-power, English-language developmental community FM radio station in Cochrane, Ontario.

The Commission finds that approving this application is in accordance with the objectives of the *Broadcasting Act* and Broadcasting Regulatory Policy 2010-499. The Commission also finds that approving this application is in the public interest as it will provide listeners in Cochrane with increased choice, including in French-language programming.

Application

1. On 10 July 2023, the Commission received an application from Joel Lagacé, on behalf of a not-for-profit corporation to be incorporated, for a broadcasting licence to operate a low-power, English-language developmental community FM radio station in Cochrane, Ontario.
2. The proposed station would operate at 104.7 MHz (channel 284 LP) with an average and maximum effective radiated power (ERP) of 5 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 38.5 metres).
3. The applicant proposed to revive the community station CFDY-FM, on-air from 2009 to 2019 and previously operated by the Cochrane Polar Bear Radio Club. The applicant proposed to leverage the existing infrastructure and tower and use the same frequency.
4. The applicant proposed that the new station would broadcast 126 hours of local programming, per broadcast week. The proposed station would broadcast selections

- drawn from a mix of content category 2 (Popular Music), including pop, rock and dance, and country.
5. The applicant also proposed that spoken word programming would consist of local, regional, and international news, weather, sports, and programming from local community groups, such as a Christmas Telethon, Lions Club weekly radio bingo fundraising, and the annual Porquis Blues Festival. The proposed station would broadcast approximately 15 hours and 30 minutes of news per broadcast week and a maximum of 15% of the station's programming in French.
 6. Furthermore, because a developmental community licence is valid for only five years, the applicant proposed to reevaluate the state of the station towards the end of the licence term.
 7. The Commission received four interventions opposing this application, from Le Mouvement des intervenants et intervenantes en communication radio de l'Ontario (MICRO), the Alliance des radios communautaires du Canada (ARC), Les Médias de l'épinette noire Inc., and La Radio communautaire Kapnord Inc. The interventions are addressed in the decision below.

Legal framework

8. The Commission has the authority, pursuant to subsections 9(1) and 9.1(1) of the *Broadcasting Act* (the Act), to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act.
9. In Public Notice 2000-13, the Commission introduced the concept of developmental stations. That notice enabled new campus and community stations to begin operations quickly with fewer licensing criteria and requirements. Consistent with Broadcasting Regulatory Policy 2010-499 (Campus and Community Radio Policy), developmental stations are granted licences for five years. If a developmental station licensee wishes to pursue its operations beyond that period, it must apply for a licence at least nine months prior to the end of its term.¹
10. Public Notice 2000-13 also established that applicants of developmental radio licences are not required to show evidence of the availability of financing, nor will the presence of paid staff be used as a criterion in the assessment of applications.
11. Developmental community stations must adhere to all the conditions set out in Public Notice 2000-157. Licenced developmental community stations are also subject to requirements, such as those concerning Canadian ownership, technical certification by the Department of Industry (also known as Innovation, Science and Economic Development Canada, hereafter referred to as the Department), and adherence to standard industry self-regulatory codes. These stations are further expected to

¹ As indicated in Form 118.

conform to the portions set out in the Campus and Community Radio Policy, which governs the role of community stations. Developmental stations are subject to regulatory requirements with respect to Canadian content and programming language. These requirements reflect some, but not all, of the standard conditions of service for campus and community radio stations.

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 approval of this application would impact Cochrane's Francophone official language minority community (OLMC);
 - whether the approval of the application would have an undue economic impact on incumbent stations;
 - whether another matter raised during the public proceeding represents a concern;
 - whether the use of the proposed frequency represents an appropriate use of spectrum; and
 - whether the proposed station fulfills regulatory requirements.

Canadian ownership and control

13. Pursuant to paragraph 3(1)(a) of the Act, the Canadian broadcasting system must be effectively owned and controlled by Canadians. As required by the *Direction to the CRTC (Ineligibility of Non-Canadians)*² (the Direction), no broadcasting licence can be issued to a non-Canadian.
14. The applicant noted that if the application is approved, the future licensee would be a not-for-profit corporation. Joel Lagacé, who would serve as the corporation's interim president, is a Canadian, and all the founding members who would sit on the board of directors are Canadians residing in Cochrane, Ontario. The board would be responsible for overseeing the management of the organization. Additionally, based on the applicant's draft by-laws and response to the Commission's requests for information, the proposed not-for-profit corporation would comply with the Campus and Community Radio Policy, as it would be owned and controlled by Cochrane community members. In addition, the applicant stated that the organization's membership, management, operation, and programming would be undertaken primarily by Cochrane community members.

² SOR/97-192, 8 April 1997.

15. In light of the above, the Commission is satisfied that the not-for-profit corporation to be incorporated would meet the requirements of a qualified corporation under the Direction and as set out in the Campus and Community Radio Policy.

Cochrane's official language minority community

16. Cochrane has a substantial Francophone OLMC. The applicant proposed to devote up to 15% of the broadcast week to French-language programming, which could contribute to the vitality of the Francophone minority community in Cochrane.
17. The Commission considers that the proposed station would meet the objectives of subparagraph 3(1)(d)(iii) of the Act, which states that the Canadian broadcasting system should, through its programming and the employment opportunities arising out of its operations, serve the needs and interests of all Canadians and reflect their circumstances and aspirations, including equal rights and the linguistic duality of Canadian society. Moreover, the Commission considers that the proposed station would fulfill subparagraph 3(1)(d)(iii.2) of the Act, which highlights the importance of supporting the production and broadcasting of original French-language programs.
18. In light of the above, the Commission finds that approval of this application could have a positive impact on Cochrane's Francophone community.

Economic impact on incumbent stations

19. Cochrane is a town in northeastern Ontario, approximately 100 km north of Timmins, and is the regional centre. Cochrane's population is approximately half Anglophone and half Francophone.
20. Cochrane currently has two commercial stations. The adult contemporary station CHPB-FM is operated by Vista Radio Ltd., and the religious specialty format station CFCJ-FM³ is operated by Harvest Ministries Sudbury. Neither of these stations submitted an intervention.
21. In its intervention, MICRO expressed the concern that the proposed station could present economic concerns for other stations in Northern Ontario. It stated that stations such as CKGN-FM Kapuskasing, CKAP-FM Kapuskasing, and CHYQ-FM Nipissing are already sharing a limited amount of advertising revenue, and that the present application could have a negative impact on the amount of advertising available for these local stations to solicit. The ARC, Les Médias de l'épinette noire Inc., and La Radio communautaire Kapnord Inc. (operator of CKGN-FM) raised similar concerns in their interventions.

³ In December 2024, Harvest Ministries Sudbury changed the call sign of its Cochrane station from CFCJ-FM to CJTK-FM-14.

22. In reply, the applicant stated that the station would serve only the community of Cochrane and would therefore not be in competition with the other stations noted in the interventions.
23. The Commission notes that the proposed station would operate outside the markets noted in the interventions, and that it would therefore solicit advertising in a separate market.
24. In light of the above, the Commission finds that approval of the present application would not have an undue economic impact on incumbent stations in Cochrane and surrounding areas.

Other matter raised during the public proceeding

25. In its intervention, the ARC took issue with Joel Lagacé's past conduct, alleging breaches of federal rules and laws governing broadcasting. It referenced a 2005 forum post by Joel Lagacé in which he explained how to broadcast in Canada without a broadcasting licence.
26. In his reply, Joel Lagacé stated that the forum post was written roughly 20 years ago and that he has since matured and gained experience, having been granted a broadcasting licence in 2010.
27. The Commission notes that the allegations date back 20 years and that in the intervening period, the Commission has approved an application that Joel Lagacé submitted for a station similar to the one currently proposed. As such, the Commission is of the view that these allegations do not raise concerns with respect to Joel Lagacé's present application.

Appropriate use of spectrum

28. The Department has granted conditional technical acceptability of the proposed station. The Commission notes there are other available frequencies in the area that can provide coverage similar to or greater than that proposed by the applicant.
29. Furthermore, because the proposed low-power FM station is a secondary assignment⁴ operating on an unprotected channel, the Commission could, if necessary, approve an application for a full-power radio station in Cochrane on the same frequency (104.7 MHz). That approval would result in the applicant needing to vacate this frequency.
30. In light of the above, the Commission finds that the use of the frequency 104.7 MHz by the applicant would have minimal impact on the availability of frequencies in Cochrane and surrounding areas and represents an appropriate use of spectrum.

⁴ Pursuant to the Department's BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings.

Regulatory requirements

Programming

31. The Campus and Community Radio Policy states that developmental community radio stations are expected to provide programming differing in style and substance from that of the commercial and public sectors. These stations should offer programming that is rich in local information and that reflects the local community. They should also meet the needs and interests of the community they serve in ways different from those of commercial radio stations and the Canadian Broadcasting Corporation.
32. Furthermore, that policy states that community radio stations should add diversity to the broadcasting system by increasing programming choice in both music and spoken word programming. Programming should consist of music, especially Canadian music, not generally heard on commercial stations (including special interest music and styles of popular music seldom broadcast). It should also feature in-depth spoken word programming and programming targeted to specific groups within the community.
33. The applicant stated that the proposed station would broadcast popular music during regular broadcast hours and special interest music (world beat and international) between midnight and 6 a.m. In accordance with the [Canadian content requirements for music on Canadian radio](#), the station must devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.
34. The applicant proposed to collaborate with local businesses, facilitate announcements on the station, make the station's studios available to local artists for recording, promote local artists' work, and broadcast programming that is produced by volunteers and that reflects the community's cultural and social landscape.
35. Further, the applicant stated that, if approved, the station would broadcast 15 hours and 30 minutes of news per broadcast week, with 10 hours dedicated to local and regional news. In addition, a weather report would be broadcast on the hour and half-hour in English and in French. The Commission notes that the proposed level of news programming is significant. The Commission further notes that it does not generally impose obligations relating to news programming on developmental stations. As such, while the applicant is encouraged to work towards this level of news programming, the station would not be required to achieve it.
36. The applicant proposed to devote 15% of each broadcast week to French-language programming in order to provide Cochrane's Francophone OLMC with original productions, cultural programming, and educational content. The applicant aims to partner with different local Francophone organizations to develop and promote the content.

37. The Commission considers that the proposed French-language programming would support various objectives set out in section 3 of the Act. However, a commercial station requires a specific condition of service to broadcast in the official language other than the one noted in its licence. While the *Radio Regulations, 1986* (the Regulations) authorize some stations to do a certain amount of ethnic and third-language programming, “third-language” excludes English, French, and Indigenous languages. As such, applicants require separate authority from the Commission to provide programming in the other official language.
38. In this case, pursuant to subsection 9.1(1) of the Act, the Commission considers that authorizing the applicant to broadcast up to 15% of the station’s programming in French would enable the applicant to broadcast the amount of French-language programming proposed in the application.
39. In light of the above, the Commission is satisfied that the proposed programming fulfills the objectives of the Act and relevant objectives of the Campus and Community Radio Policy set out in Public Notice 2000-13, updated in Broadcasting Regulatory Policy 2010-499.

National Public Alerting System

40. The Commission generally imposes obligations on radio stations requiring the implementation of the National Public Alerting System (NPAS) at a station’s launch. The applicant has requested a 180-day extension to implement the NPAS, citing reasons related to limited access to technical expertise, equipment, initial funding, and training opportunities in the rural community.
41. The Commission notes that there are two FM stations serving Cochrane and that the primary contours of both incumbent stations encompass the entire service area of the proposed station. In addition, the proposed station is a low power five-watt community developmental station with a small coverage area. Therefore, there should be a relatively small impact to Cochrane’s functioning NPAS coverage if the extension is granted.
42. In light of the above, the Commission finds that it would be appropriate to grant the applicant a 180-day extension for implementing the NPAS on the proposed station.

Conclusion

43. In light of all of the above, the Commission approves the application by Joel Lagacé, on behalf of a not-for-profit corporation to be incorporated, for a broadcasting licence to operate a low-power, English-language developmental community FM radio programming undertaking in Cochrane, Ontario. Consistent with Broadcasting Regulatory Policy 2010-499, the licence will expire on 31 August 2029.

Conditions of service

Standard conditions of service

44. Developmental stations are required to adhere to some, but not all, of the standard conditions of service for campus and community radio stations set out in appendix A to Broadcasting Regulatory Policy 2012-304. In particular, such undertakings are generally subject to conditions of service requiring them to adhere to various codes and to not affiliate with or disaffiliate from the Canadian Broadcasting Corporation.
45. 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.
46. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Joel Lagacé, on behalf of a not-for-profit corporation to be incorporated, by **condition of service**, to adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code* and *Broadcast Code for Advertising to Children*, 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. The Commission also **orders** Joel Lagacé, on behalf of a not-for-profit corporation to be incorporated, by **condition of service**, to not affiliate with or disaffiliate from the Canadian Broadcasting Corporation without the Commission's written permission.

French-language programming

47. As previously noted, the applicant proposed to devote 15% of the broadcast week to French-language programming. The Commission considers it appropriate to impose a condition of service authorizing this programming.
48. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Joel Lagacé, on behalf of a not-for-profit corporation to be incorporated, by **condition of service**, to broadcast a maximum of 15% of its programming in French, per broadcast week.

Broadcast of emergency alerts

49. The Commission considers that the full participation of the broadcasting industry is important for the NPAS to be effective in helping warn the public about emergency situations.
50. Consequently, 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 the licensee's transmitters, and ensure that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency

- alert messages be installed and programmed to properly account for the applicable contour (as set out in paragraph 16(2)(b) of the Regulations) of the station as well as that of any rebroadcasting transmitter that may appear on the licence for that station.
51. Further to these obligations, the Commission considers it appropriate that the licensee be required to implement the NPAS in the manner set out in the Regulations **within 180 days after the station's launch** and to file a letter attesting to the implementation of the NPAS.
 52. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Joel Lagacé, on behalf of a not-for-profit corporation to be incorporated, by **condition of service**, to implement the NPAS **within 180 days after the station's launch** and to make the appropriate associated information filings.
 53. 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 undertaking.
 54. The terms of the conditions of service are set out in the appendix to this decision.
 55. The Commission notes that the matters set out in the orders contained within this decision were 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 subsection 9.1(4) and 11.1(7) of the Act.

Reminder

Force and effect of broadcasting licences

56. 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.

Secretary General

Related documents

- *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

- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000
- *Community Radio Policy*, Public Notice CRTC 2000-13, 28 January 2000

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2025-75

Term, conditions of service, expectations and encouragement for the English-language developmental community FM radio programming undertaking in Cochrane, Ontario

Term

The licence will expire 31 August 2029. If the applicant wishes to continue the operation of the station beyond this period, it must file an application for a regular community radio licence with the Commission **nine** months before the expiry of its licence or cease operations once the licence expires.

The station will operate at 104.7 MHz (channel 284 LP) with an average and maximum effective radiated power (ERP) of 5 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 38.5 metres).

Furthermore, the licence for this undertaking will be issued once the applicant has satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects, and has informed the Commission in writing that it is prepared to commence operations.

The Commission reminds the applicant that, pursuant to subsection 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (also known as Innovation, Science and Economic Development Canada, hereafter referred to as the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Given that the technical parameters approved in this decision are for a low-power unprotected FM service, the Commission reminds the applicant that it will have to select another frequency if the Department so requires.

The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **11 March 2027**. To ensure that such a request is processed in a timely manner, it must be submitted at least 60 days before this date.

Conditions of service

1. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
2. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

3. The licensee shall not affiliate with or disaffiliate from the Canadian Broadcasting Corporation without the prior written approval of the Commission.
4. The licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
5. 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*.
6. The licensee may devote a maximum of 15% of the programming broadcast on the station each broadcast week to French-language programming.
7. The licensee shall implement the National Public Alerting System (NPAS) within **180 days after the station's launch** in the manner set out in section 16 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, as amended from time to time.
8. As part of this requirement, the licensee must file a letter with the Commission to attest to the implementation date of its NPAS within **14 days of installation** of the alerting equipment. This letter must contain evidence that the system is properly configured to receive and distribute alerts from the National Alert Aggregation and Dissemination (NAAD) System (e.g., an attestation by a Chief Executive Officer, president or person exercising a similar supervisory role in the licensee's operations, as to the installation of functioning alerting equipment).

Expectations

Annual filing of ownership information

As set out in appendix 1 of *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections, or at any other time. Appendix 3 to that regulatory policy provides information on how licensees may submit such documentation via the Commission's website.

Cultural diversity

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

Encouragement

Employment equity

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

Furthermore, the Commission notes that the modernized *Broadcasting Act* resulting from the *Online Streaming Act* places greater emphasis on the inclusion of equity-deserving communities and individuals in the broadcasting system. As a result, the Commission may examine the employment equity policy and diversity-related policies in the context of the consultations on inclusion and diversity announced in its [Regulatory plan to modernize Canada's broadcasting framework](#). In the meantime, the Commission encourages the licensee to consider the modernized *Broadcasting Act* in furthering its employment equity practises.