



Broadcasting Decision CRTC 2014-591 and Broadcasting Order CRTC 2014-592

PDF version

Route references: 2014-426, 2014-426-1 and 2014-426-3

Ottawa, 13 November 2014

Sher-E-Punjab Radio Broadcasting Inc.
Richmond, British Columbia

Reference 2014-0696-8

Sher-E-Punjab – Issuance of mandatory order

The Commission issues a mandatory order that, among other things, prohibits Sher-E-Punjab Radio Broadcasting Inc. from producing radio programming in Canada and transmitting it to Canadian audiences using the facilities of radio stations located in the United States.

Introduction

1. The Commission conducted a public process to consider licensing new radio stations in Surrey, British Columbia, which included an oral hearing that began on 27 January 2014. During this process, concerns were raised regarding whether certain entities were potentially broadcasting in whole or in part in Canada without a licence and transmitting their programming from Washington State into Lower Mainland British Columbia in contravention of the *Broadcasting Act* (the Act). The Commission subsequently sought to gather information regarding the entities in question.
2. In light of the information gathered, the Commission noted in Broadcasting Notice of Consultation 2014-426 that it appeared that Sher-E-Punjab Radio Broadcasting Inc. (Sher-E-Punjab) may be carrying on a broadcasting undertaking in whole or in part in Canada without a licence or pursuant to an exemption, contrary to the Act. The Commission called Sher-E-Punjab to a hearing, scheduled for 15 October 2014, in order to inquire into, hear and determine this issue and to allow Sher-E-Punjab an opportunity to show cause why a mandatory order should not be issued requiring Sher-E-Punjab to cease and desist.
3. In particular, the Commission noted that Sher-E-Punjab is owned and controlled by Surinder Kaur Badh, a Canadian citizen, carries on business in Canada, operates out of Richmond, British Columbia, and produces programming for broadcast on the radio as well as over the Internet but does not have a licence to carry on a radio programming undertaking. It also appears that Sher-E-Punjab has an arrangement with BBC Broadcasting Inc., the licensee of KRPI 1550 AM, located in Ferndale,

Washington, to transmit its programming by radio waves for reception by the public by means of a radio and this transmission is received in Canada.

4. On 9 October 2014, prior to the date scheduled for the hearing, Sher-E-Punjab entered into a Consent Agreement with the Commission and Item #3, Sher-E-Punjab Radio Broadcasting Inc. was subsequently made a non-appearing item on that hearing pursuant to Broadcasting Notice of Consultation 2014-426-3.

Commission's analysis and decision

5. Pursuant to section 12 of the *Broadcasting Act* and consistent with the terms of the Consent Agreement, the Commission hereby imposes a mandatory order on Sher-E-Punjab Radio Broadcasting Inc., Surinder Kaur Badh, Ajit Singh Badh, Jasbir Singh Badh, Gurdial Singh Badh and Sukhvinder Singh Badh to not carry on a broadcasting undertaking in Canada except in compliance with the *Broadcasting Act* as well as for Sher-E-Punjab to provide proof of the termination of certain arrangements with BBC Broadcasting Inc. and of the divestiture of certain interests. This mandatory order is set out in the appendix to this decision.

Secretary General

Related documents

- *Notice of Hearing*, Broadcasting Notice of Consultation CRTC 2014-426, 13 August 2014, as amended by Broadcasting Notice of Consultation CRTC 2014-426-1, 2 October 2014, and Broadcasting Notice of Consultation CRTC 2014-426-3, 14 October 2014

Appendix to Broadcasting Decision CRTC 2014-591
Broadcasting Mandatory Order CRTC 2014-592

1. Sher-E-Punjab Radio Broadcasting Inc., Surinder Kaur Badh, Ajit Singh Badh, Jasbir Singh Badh, Gurdial Singh Badh and Sukhvinder Singh Badh are hereby ordered, pursuant to section 12(2) of the *Broadcasting Act* and consistent with the Consent Agreement, dated 9 October 2014, not to carry on a broadcasting undertaking at Richmond, British Columbia, or anywhere else in Canada, except in compliance with the *Broadcasting Act*.
2. Sher-E-Punjab Radio Broadcasting Inc. is hereby ordered to provide to the Commission by 1 December 2014 proof of the termination of its arrangement with BBC Broadcasting Inc. for the lease of Sher-E-Punjab's studios.
3. Sher-E-Punjab Radio Broadcasting Inc. is hereby ordered to provide to the Commission, consistent with the terms of the Consent Agreement, dated 9 October 2014, proof of the divestiture of the required interests as outlined in that Consent Agreement.