



Broadcasting Decision CRTC 2007-167

Ottawa, 8 June 2007

Crossroads Television System
Calgary and Edmonton, Alberta

The Miracle Channel Association
Calgary and Edmonton, Alberta

*Applications 2005-0912-7 and 2005-0914-3, received 29 July 2005,
and 2006-0518-1 and 2006-0496-9, received 27 April 2006
Public Hearing at Calgary, Alberta
12 February 2007*

Religious television stations in Calgary and Edmonton

*The Commission **approves** applications by Crossroads Television System for broadcasting licences to operate English-language religious television programming undertakings to serve Calgary and Edmonton. The Commission also **denies** applications by The Miracle Channel Association for broadcasting licences to operate English-language transitional digital religious television programming undertakings to rebroadcast the programming of CJIL-TV Lethbridge in Calgary and Edmonton.*

Introduction

Background

1. In Broadcasting Public Notice 2006-3, the Commission announced that it had received applications for broadcasting licences to carry on television programming undertakings to serve Calgary and Edmonton and called for applications from other parties wishing to obtain such licences for Calgary and/or Edmonton. The Commission also set out the matters that applicants should address, including, but not limited to, the contribution of the proposed services to the objectives of the *Broadcasting Act* (the Act) and, in particular, to the production of local and regional programming; the expected audience of the proposed services; the expenditures and the means by which the applicants would promote the development of Canadian talent, including local and regional talent; the applicants' business plans; and market considerations.
2. In Broadcasting Notice of Public Hearing 2006-13, the Commission announced that a public hearing would be held in Calgary commencing on 12 February 2007 to consider a number of applications proposing television programming services to Calgary and Edmonton, some of which were mutually exclusive from a technical standpoint. All of the applicants submitted applications to serve both the Calgary and Edmonton markets.

The Commission stated that it would treat these applications as competitive for their respective markets. As part of the process that followed, the Commission received and considered interventions with respect to each of the applications. The public record for this proceeding, as well as details regarding the applications, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Applications

3. Among the applications received were applications from Crossroads Television System (Crossroads) for broadcasting licences to operate over-the-air English-language religious television programming undertakings to serve Calgary and Edmonton. The Commission also received applications from The Miracle Channel Association (MCA) for broadcasting licences to operate English-language transitional digital religious television programming undertakings to rebroadcast the programming of CJIL-TV Lethbridge in Calgary and Edmonton. Crossroads, which operates as a non-share capital corporation, currently provides "family values" and religious programming to the Ontario communities of Hamilton, Burlington, St. Catharines, Toronto, London and Ottawa through its over-the-air service CITS-TV Hamilton and its transmitters in London and Ottawa. MCA operates as a not-for-profit organization, with a significant portion of its revenues derived from fundraising. CJIL-TV Lethbridge and its transmitters at Bow Island and Burmis offer a variety of religious programming, including station-produced programs and programming from independent producers.

Market impact and technical considerations

4. Based on its analysis both of growth projections for advertising revenues for the Alberta market as a whole and of the record of the Calgary hearing, which includes data submitted by the applicants, the Commission has determined that the Calgary and Edmonton television broadcasting markets can each support, without undue negative impact, the licensing of additional television services. Accordingly, in Broadcasting Decision 2007-166, also issued today, the Commission has awarded new licences to Rogers Broadcasting Limited (Rogers) to operate multilingual ethnic television programming undertakings to serve Calgary and Edmonton. In Broadcasting Decision 2007-168, the Commission has also approved an application by CanWest MediaWorks Inc. (CanWest) to add a transmitter to rebroadcast its existing conventional service CHCA-TV Red Deer in Edmonton and has approved in part CanWest's application to do the same in Calgary, subject to the Commission's approval of a new application by CanWest proposing alternative technical parameters.
5. The Commission considers that the licensing in each city of one new ethnic television programming undertaking and one religious television programming undertaking, as well as the addition of transmitters to rebroadcast CHCA-TV Red Deer, will enhance programming diversity in the Calgary and Edmonton television broadcasting markets, while ensuring the integrity and strength of the broadcasting system. Moreover, notwithstanding the positive growth projections for Alberta advertising revenues noted above, the Commission remains mindful of the need to manage the limited availability of broadcast channels during the transition from analog to digital over-the-air television

broadcasting and also for the period after the transition, in respect of the Department of Industry's post-transition plans. Accordingly, in the following section the Commission assesses the applications by Crossroads and MCA to operate religious television programming undertakings at Calgary and Edmonton in light of the issues identified in Broadcasting Public Notice 2006-3 and more particularly, given the nature of the proposed services and their expected audience, in light of the Commission's *Religious broadcasting policy*, as set out in Public Notice 1993-78 (the Religious Policy).

Assessment of the applications

Regulatory and policy framework for religious broadcasting

6. In the Religious Policy, the Commission stated that one of its objectives is to meet the legitimate needs and interests of those who wish to receive various kinds of religious programming without diminishing the integrity and strength of the Canadian broadcasting system. Religious programming undertakings are meant to provide an alternative to the existing programming offered by commercial over-the-air stations. For this reason, certain regulatory provisions of the Religious Policy seek to prevent the direct competition of religious programming undertakings with commercial over-the-air television stations, by ensuring that they remain consistent with their religious service mandate.
7. Moreover, the Act specifies that the programming offered by the Canadian broadcasting system should provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern. Consequently, the Commission also indicated in the Religious Policy that those who broadcast religious programming have an obligation to offer differing views on matters of general public concern and, at the same time, must expose the audience to different points of view on religion itself. The Commission generally takes the view that balance will be achieved where, within a reasonable period of time, a reasonably constant viewer or listener is exposed to a spectrum of views on issues of public concern. In the Religious Policy, the Commission set out guidelines for achieving balance in religious programming.
8. The Commission's Religious Policy also established guidelines on ethics and on the solicitation of funds for religious programming intended to guard viewers against abuse, intolerance and exploitation. The Commission expects all licensees who broadcast religious programming to adhere to these guidelines, which apply to both Canadian and non-Canadian programming, as well as live and open-line programming. As stated in the Religious Policy, the Commission may require adherence to the above-noted guidelines by condition of licence.

The applications

9. In the present case, Crossroads proposed two services that would consist of religious programming for both Christian and non-Christian faith groups, including presentations from Muslim and Buddhist viewpoints. Specifically, the proposed services would include in each broadcast week a minimum of 18 hours of balance programming, of which 11 hours would be original balance programming and 8 hours would be broadcast between 6 p.m. and 11 p.m. The proposed services would also include 11 hours of local and/or regional church and ministry programming reflecting the religious communities of Calgary and Edmonton, taken together. No less than 4 hours of the programming broadcast by the proposed services each broadcast week would be programming by non-Christian faith groups. In addition, 1 hour each week would be devoted to showcasing Calgary independent film and television producers.
10. Crossroads also committed to developing an Alberta-based, religiously diverse, and regionally representational compliance committee to ensure that the balance requirements of the Religious Policy would be consistently met. The committee would be comprised of three Christians and two non-Christians and would be appointed by Crossroads' board of directors. The committee would meet on a monthly basis and would monitor performance, ensure enforcement of all program guidelines, deal with complaints, and carry out "spot checks" of programming. The committee would also review any new programs before their broadcast.
11. Overall, a minimum of 75% of all programming broadcast during the broadcast day and a minimum of 50% of the programming broadcast during the evening period 7 p.m. to 11 p.m. by the proposed Crossroads services would be devoted to programs drawn from category 4 (Religion), as set out in item 6 of Schedule I to the *Television Broadcasting Regulations, 1987*. The remainder of the programming would consist of programming that
 - would reflect broadly accepted religious, spiritual, ethical or moral values; or
 - would be contextualized by commentary on, or discussion of, the religious, moral or ethical issues presented in the program in the form of supplementary programming appropriately drawn from category 4, clearly linked and integral to the subject matter of the content being contextualized, and at least equal in duration to the content being contextualized.
12. Crossroads also committed to direct, upon commencement of operations, \$300,000 to a development fund and \$210,000 to a mentorship fund to support the Alberta independent production community over its licence term.

13. For its part, MCA proposed to extend the reach of its Lethbridge-based religious programming service by adding digital transmitters in Calgary and Edmonton to rebroadcast, in its entirety, the current programming of CJIL-TV Lethbridge. The service currently devotes no less than 14 hours each broadcast week to offering differing views on religion and matters of general concern, of which 4 hours are scheduled during the evening broadcast period between 6 p.m. and midnight.
14. While MCA did not propose to broadcast any local programming in Calgary and Edmonton, it did propose to “continue its ongoing commitment to reflect in its programming the needs and issues of these communities.” Further, MCA has filed with the Commission a copy of its Internal Fundraising Policy and the composition of a six-member regulatory review committee.

Commission’s Determinations

15. The Commission notes that it received a great number of interventions in support of the applications by Crossroads and MCA, demonstrating a demand for religious television programming services in Calgary and Edmonton. As Crossroads noted in its applications, approximately 74% to 77% of Calgary and Edmonton residents expressed a religious affiliation in the Statistics Canada 2001 Census. Of these, 91% in Calgary and 92% in Edmonton declared Christianity as their religion. The largest non-Christian religion in both communities is Islam and the second is Buddhism.
16. The Commission further notes that there is currently no full-time over-the-air religious television service available in either of these cities. Consequently, the Commission agrees with those interveners who underscored the importance of balance programming as a criterion for licensing religious programming undertakings in Calgary and Edmonton.
17. Overall, the Commission is of the view that Crossroads has solid plans for religious, balance and local programming and for ensuring fair reflection of all religions, based on its experience with its CITS-TV service. Specifically, the Commission is satisfied with Crossroads’ description of how it will achieve balance within its programs and with how its balance and other programming will be reflective of audiences in Calgary and Edmonton. The Commission has also taken special note of the commitments by Crossroads with respect to local programming and funding to support the Alberta independent production community. The Commission considers that these respective commitments will ensure local and regional reflection and will provide a benefit to the independent production sector in Alberta.
18. Accordingly, the Commission **approves** the applications by Crossroads Television System for broadcasting licences to operate English-language religious television programming undertakings to serve Calgary and Edmonton. The terms and **conditions of licence** for the new undertakings are set out in the appendix to this decision.

19. For all of the reasons set out above, the Commission considers that Crossroads' proposal best meets the objectives of the Religious Policy and the Act, by providing for religious programming including original local content that will respond to the diverse needs and interests of viewers in the Calgary and Edmonton markets. The Commission also notes that The Miracle Channel is currently available through direct-to-home satellite providers in both Calgary and Edmonton.
20. In light of all of the above, the Commission **denies** the applications by The Miracle Channel Association for broadcasting licences to operate English-language transitional digital religious television programming undertakings to rebroadcast the programming of CJIL-TV Lethbridge in Edmonton and Calgary.

Other matters

21. Subsequent to the public process relative to these applications, the Commission issued Broadcasting Public Notice 2007-53, in which it announced that television licensees will be authorized to broadcast only digital over-the-air signals after 31 August 2011. Accordingly, the new licences issued to Crossroads will expire on that date. This will allow the licensee to commence making arrangements for transition to transmitting digital over-the-air signals after that date and will allow the Commission to examine the licensee's plans in that regard.

Employment equity

22. Because Crossroads is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Ethnic television stations in Calgary and Edmonton*, Broadcasting Decision CRTC 2007-166, 8 June 2007
- *CHCA-TV Red Deer – New transmitters in Calgary and Edmonton*, Broadcasting Decision CRTC 2007-168, 8 June 2007
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- Broadcasting Notice of Public Hearing CRTC 2006-13, 14 December 2006

- *Call for applications for broadcasting licences to carry on television programming undertakings to serve Edmonton and / or Calgary, Alberta, Broadcasting Public Notice CRTC 2006-3, 12 January 2006*
- *Religious broadcasting policy, Public Notice CRTC 1993-78, 3 June 1993*

This decision is to be appended to each licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Decision CRTC 2007-167

Crossroads Television System

Applications 2005-0912-7 and 2005-0914-3, received 29 July 2005

Terms, conditions of licence and expectations for the religious television programming undertakings in Calgary and Edmonton

Terms

Issuance of the broadcasting licences

The licences will expire 31 August 2011.

The station in Calgary will operate on channel 32 with an effective radiated power of 75,000 watts.

The station in Edmonton will operate on channel 45 with an average effective radiated power of 34,000 watts.

The Commission reminds the applicant that, pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the licences for these undertakings will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertakings 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 8 June 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. Not less than 75% of all programming broadcast by the licensee during the broadcast day and not less than 50% of the programming broadcast during peak time hours (7 p.m. to 11 p.m.) shall be devoted to programs drawn from category 4 (Religion), as set out in item 6 of Schedule I to the *Television Broadcasting Regulations, 1987*.

2. The remainder of the programming broadcast by the licensee may be:
 - a) programs that reflect broadly accepted religious, spiritual, ethical or moral values; and/or
 - b) other programming, provided it is contextualized, and each contextual segment is:
 - appropriately drawn from category 4 (Religion);
 - clearly linked and integral to the subject matter of the content being contextualized; and
 - at least equal in duration to the content being contextualized.
3. The licensee shall broadcast a minimum of 18 hours of balance programming in every broadcast week, of which 11 hours shall be original balance programming and 8 hours shall be broadcast between 6 p.m. and 11 p.m.

For the purpose of this condition of licence, “balance programming” is defined as programming devoted to providing differing views on issues and events presented during the station’s primary programming and includes the presentation of different religions.

4. The licensee shall not broadcast more advertising material than what is allowed under the *Television Broadcasting Regulations, 1987*. For clarification purposes, this condition applies to all regular programming as well as all brokered or “paid to air” programming.

For purposes of this condition, the term “advertising material” shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*.

5. In each year of the licence term, the licensee shall provide closed captioning for all news programs and not less than 90% of all programs broadcast during the broadcast day.
6. The licensee shall adhere to the guidelines on ethics and the solicitation of funds set out in *Religious broadcasting policy*, Public Notice CRTC 1993-78, 3 June 1993.
7. 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.

8. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' *Sex-role portrayal code for television and radio programming*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

9. The licensee shall adhere to the depiction of violence in television programming set out in the Canadian Association of Broadcasters' *Voluntary code regarding violence in television programming*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

For the purposes of the above conditions, the term "broadcast day" shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*.

Expectations

The Commission expects the licensee to ensure that a minimum of 4 hours of programming broadcast every broadcast week is programming by non-Christian faith groups.

The Commission expects the licensee to submit annual reports outlining its activities relating to the licensing of independent production. The reports should include details on project budgets, the number of hours of independently produced programming that is produced and broadcast, production locations and details regarding the location of the producer's home base. The reports will be made public so that producers and other interested parties can monitor the licensee's performance in this area. The Commission expects the licensee to consult with Commission staff regarding the content and format of such reports.

The Commission expects the licensee to develop an Alberta-based, religiously diverse, and regionally representational compliance committee to ensure the fair and accurate reflection of religious beliefs and to ensure that the balance requirements set out in the *Religious broadcasting policy*, Public Notice CRTC 1993-78, 3 June 1993, are consistently met.