



## Broadcasting Decision CRTC 2007-97

Ottawa, 23 March 2007

### **Aboriginal Voices Radio Inc.**

Toronto, Ontario

*Application 2006-1548-7*

*Broadcasting Public Notice CRTC 2007-1*

*9 January 2007*

### **CKAV-FM Toronto - Use of the SCMO channel**

#### **The application**

1. The Commission received an application by Aboriginal Voices Radio Inc. (AVR), licensee of CKAV-FM Toronto, for authority to use a subsidiary communications multiplex operations (SCMO) channel<sup>1</sup> for the purpose of broadcasting a predominantly Tamil-language radio service.
2. The new service will broadcast programming produced by Anu Network Inc. At least 80% of the programming will be in the Tamil language with the remainder in English (18%) and Hindi (2%). At least 90% of the programming will originate from Canadian sources. Non-Canadian programming will be obtained from foreign-based news agencies such as Reuters and The Press Association. The service will operate 24 hours a day, 7 days a week and will consist primarily of music, sports, news, entertainment, education, cultural, and general interest programming.

#### **Intervention**

3. The Commission received one intervention in opposition to this application from Mr. Robert Kanis, who raised concerns about possible technical interference with CKAV-FM's main frequency.
4. AVR did not reply to this intervention.

#### **The Commission's analysis and determinations**

5. Regarding the intervention filed, the Commission notes that determinations concerning the possibility for interference caused by the operation of an SCMO will be made by the Department of Industry (the Department).

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<sup>1</sup> Programming broadcast using an SCMO channel is not accessible with standard radio equipment and requires instead the use of a special receiver.

6. The Commission's policy regarding services using the SCMO channel of FM stations is set out in *Services using the vertical blanking interval (television) or subsidiary communications multiplex operation (FM) channel*, Public Notice CRTC 1989-23, 23 March 1989 (Public Notice 1989-23).
7. The policy states that the Commission would be concerned if an SCMO service were to have a negative impact on existing local conventional ethnic broadcasters. No such broadcaster opposed this application. The Commission is satisfied that approval of this application will not cause undue negative impact on existing local conventional ethnic radio stations.
8. Accordingly, the Commission **approves** the application by Aboriginal Voices Radio Inc. for authority to use an SCMO channel of CKAV-FM Toronto for the purpose of broadcasting a predominantly Tamil-language service.
9. The Commission reminds AVR that, as stated in section 3(1)(h) of the *Broadcasting Act* (the Act), it is responsible for the programs that it broadcasts. It is therefore expected to ensure that its SCMO service is operated in a responsible manner and to adhere to the guidelines regarding the provision of SCMO services set out in Appendix A to Public Notice 1989-23.
10. Finally, the Commission also reminds the licensee that, pursuant to section 22(1) of the Act, this authority will only be effective when the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Secretary General

*This decision is to be appended to the 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>*