



## Broadcasting Decision CRTC 2018-446

PDF version

Reference: 2018-106

Ottawa, 3 December 2018

**LS telcom Limited, on behalf of Aujourd'hui l'Espoir**  
Lachute, Quebec

*Public record for this application: 2017-0749-9*  
*Public hearing in National Capital Region*  
*31 May 2018*

### Christian music FM radio station in Lachute

*The Commission **denies** the application by LS telcom Limited, on behalf of Aujourd'hui l'Espoir, for a broadcasting licence to operate a French-language specialty FM radio station (Christian music) in Lachute, Quebec.*

#### Application

1. LS telcom Limited, on behalf of Aujourd'hui l'Espoir (Espoir), filed an application for a broadcasting licence to operate a French-language specialty FM radio station (Christian music) in Lachute, Quebec. The proposed station would operate at 101.7 MHz (channel 269A) with an effective radiated power of 300 watts (non-directional antenna with an effective height of antenna above average terrain of -26.7 metres).
2. Espoir is a not-for-profit faith-based organization controlled by its board of directors.
3. The applicant proposed to devote 80% of its programming in each broadcast week to local programming. It would also be prepared to devote at least 55% of its programming to religious spoken word content. Further, at least 95% of the music broadcast would be drawn from content subcategory 35 (Non-classic religious). Finally, it expressed its willingness to be subject to a condition of licence requiring it to broadcast a maximum of 19.5 hours of English-language programming and at least one hour of Spanish-language programming per broadcast week.
4. The applicant indicated that the proposed station would not offer local, regional, national or other news. According to Espoir, its programming is not of a commercial nature. Further, it did not provide a breakdown of the percentage of other local content related to the promotion of local events and activities.
5. Espoir proposed to make an over-and-above Canadian content development contribution of \$53,500 over a period of seven years. However, it did not provide details regarding the eligible recipients or initiatives that would receive this funding.

## **Interventions**

6. The Commission received an intervention supporting this application, as well as six interventions in opposition, including one comprising signatures from approximately 150 individuals. The applicant did not reply to these interventions.

## **Ownership**

7. In his opposing intervention, Mr. Michel Mathieu—designated representative for CKHQ United Voices Radio, which operates the low-power, Type B Native (Indigenous) FM radio station CKHQ-FM Kanesatake, Quebec, and for the Mohawk Council of Kanesatake—questioned the effective control of the applicant given that non-Canadian entities would provide Espoir with equipment and programming.
8. In reply to a clarification request from the Commission, the applicant indicated that Galcom International (Galcom) would provide the equipment required for the broadcasting activities and that Trans World Radio would provide part of the programming that would be broadcast. Further, it added that no agreements would be signed to obtain donations from these entities. Finally, Espoir confirmed that it would be the sole owner of all the equipment provided by Galcom and that it would produce the majority of its programming in its own studio located in Quebec.
9. In light of the above, the Commission considers that Galcom and Trans World Radio would not exercise control over the applicant.

## **Impact on CKHQ-FM**

10. In his intervention, Mr. Mathieu also expressed concerns about the fact that CKHQ-FM could be required to vacate its frequency in the event that Espoir's application were approved. He further raised concerns about the interference that the proposed station could cause to CKHQ-FM. Moreover, Mr. Mathieu and the other interveners stated that they feared that CKHQ-FM would be prevented from expanding its signal as a result of the approval of the proposed station.
11. The Commission notes that if the application for the proposed station were approved, CKHQ-FM would not have to vacate its frequency. With regard to interference, the primary service contours (3 mV/m) would remain free of interference, and thus would not affect the ability of CKHQ-FM to serve its principal market. Finally, the approval of Espoir's application would not prevent CKHQ-FM from expanding to a regular power station. However, CKHQ-FM did not submit such an application. Should such an application be submitted, it would be considered on its own merits.

## **Commission's analysis and decision**

12. In evaluating an application for a new radio station,<sup>1</sup> the Commission generally examines, among other things, the quality of the business plan, including the proposed

---

<sup>1</sup> Specialty radio stations are subject to the policy and regulations for commercial radio.

format, plans for local programming and other matters relating to the operation of the proposed station.

13. The Commission considers that the onus falls on the applicant to provide a quality application and to demonstrate an understanding of the regulatory requirements associated with operating a radio programming undertaking. The Commission also expects an applicant to provide sufficient details in support of its application to allow for a thorough analysis.
14. In this case, the Commission considers that the application as filed was missing key information. In evaluating the application, the missing details led the Commission to question the licensee's understanding and knowledge of the regulatory requirements associated with the operation of a specialty radio programming undertaking. For example, the applicant indicated that its application should not be evaluated as a commercial radio service because it was supported by a business plan based on the absence of advertising revenue. However, the absence of advertising revenue does not exclude the applicant from the regulatory requirements related to the Broadcasting Public Notice 2006-158 (the Commercial Radio Policy). Although the Commission clarified the requirements of the Commercial Radio Policy in discussions with the licensee, Esplor maintained a position that conflicted with that of the Commission, arguing that its application should not be evaluated as a commercial radio service.
15. Among other things, the Commercial Radio Policy states that licensees must include in their local programming spoken word material of direct and particular relevance to the community served, such as local news, weather and sports, and the promotion of local events and activities.
16. In its application, Esplor indicated that it would not offer any news. During the clarification process, it maintained this position. The Commission considers that this interpretation shows a lack of understanding of the requirements set out in the Commercial Radio Policy.
17. Further, in Public Notice 1993-78 (the Religious Broadcasting Policy), the Commission indicated that stations that broadcast religious programming have an obligation to offer differing views on matters of general public concern, including religious matters.
18. While Esplor confirmed that it would adhere to the Commission's guidelines on balance and ethics set out in the Religious Broadcasting Policy, it did not offer any details on how it would do so via its proposed programming.

19. In light of the above, the Commission considers that the applicant did not provide a quality application and did not demonstrate an understanding of the regulations and policies for commercial radio and religious broadcasting. Further, given the lack of details on the local programming offering, the licensee did not demonstrate how its proposed service would serve the local community.
20. Moreover, the Commission has concerns with the applicant's ability to operate the proposed station in compliance with the regulatory requirements and conditions of licence that would be imposed in the event of an approval.

## **Conclusion**

21. In light of all of the above, the Commission **denies** the application by LS telcom Limited, on behalf of Aujourd'hui l'Espoir, for a broadcasting licence to operate a French-language specialty FM radio station (Christian music) in Lachute.

Secretary General

## **Related documents**

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993