



## Broadcasting Decision CRTC 2021-339

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Reference: 2021-114

Ottawa, 8 October 2021

### **Abram Zacharias, on behalf of a not-for-profit corporation to be incorporated**

La Crête, Alberta

*Public record for this application: 2020-0881-2*

*Public hearing in the National Capital Region*

*27 May 2021*

### **Low-power, ethnic specialty commercial FM radio station in La Crête**

The Commission **denies** an application by Abram Zacharias, on behalf of a not-for-profit corporation to be incorporated, for a new broadcasting licence to operate a low-power, ethnic specialty commercial FM radio station in La Crête, Alberta.

#### **Application**

1. Abram Zacharias, on behalf of a not-for-profit corporation to be incorporated (Abram Zacharias (NPC OBCI)), filed an application for a new broadcasting licence to operate a low-power, ethnic specialty commercial FM radio station in La Crête, Alberta.
2. Abram Zacharias (NPC OBCI) is jointly owned by George Peters (20%), Jason Peters (20%), Simon Peters (20%), Andrew Friesen (20%) and Abram Zacharias (20%). The effective control of the not-for-profit corporation is exercised by its board of directors. All board members are Canadians residing in Canada. Accordingly, Abram Zacharias (NPC OBCI) is eligible to hold a broadcasting licence pursuant to the *Direction to the CRTC (Ineligibility of Non-Canadians)*.<sup>1</sup>
3. The station would operate at 99.9 MHz (channel 260LP) with an effective radiated power of 47.2 watts (non-directional antenna with an effective height of the antenna above average terrain of 23.8 metres).
4. The applicant proposed to operate an ethnic station in accordance with the specialty format as set out in Public Notice 1995-60. It proposed to devote at least 60% of the programming broadcast in each broadcast week to ethnic programming, including 56% to third-language programming and 4 % to English-language programming.

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<sup>1</sup> SOR/97-192

The applicant added that the proposed programming would target at least one cultural group and would be offered in a minimum of two languages, including Low German (Mennonite/Plautdietsch) and English.

5. Further, the applicant proposed to broadcast 126 hours of programming per broadcast week, including one hour of local programming. The remainder of the programming would be wrap-around programming, which would consist of content primarily from the online service PlautPot, targeting a Mennonite audience and broadcasting news on Mennonite communities around the world.
6. The proposed programming would offer essential information on local events, news and weather reports. Specifically, the applicant proposed to broadcast six hours of news per broadcast week, including 30 minutes of local and regional news, one hour of national news, and four hours and 30 minutes of international news.
7. The applicant added that 65% of the programming would comprise spoken-word programs and that 35% of the daily programming would be musical. Specifically, 35% of musical selections would be selections in Low-German/Plautdietsch. Abram Zacharias (NPC OBCI) specified that 15% of music broadcast would be drawn from content subcategory 22 (Country and country-oriented) and 85% from content category 3 (Special Interest Music), which would include 25% of musical selections from content subcategory 32 (Folk and folk-oriented), 35% from content subcategory 33 (World beat and international) and 25% from content subcategory 35 (Non-classic religious).
8. The Commission did not receive any interventions following the publication of Broadcasting Notice of Consultation 2021-114, in which this application was posted. However, the applicant filed supporting letters from local businesses and individuals as part of the application.

## **Issues**

9. After examining the record for this application in light of applicable regulations and policies, the Commission considers that the issues it must address are the following:
  - the proposed frequency;
  - the impact on the incumbent stations in the market; and
  - the proposed programming.

## **Proposed frequency**

10. The applicant proposed to operate the station at 99.9 MHz. Multiple frequencies that offer similar or greater coverage to that proposed by the applicant are available in the La Crête region. Accordingly, 99.9 MHz is not the last frequency available to serve La Crête.

11. Since the application is for a low-power FM station, the use of the proposed frequency would not remove its availability from the surrounding areas.
12. In light of the above, the Commission finds that the use of 99.9 MHz by the applicant would have a negligible impact on the availability of frequencies in La Crête and surrounding areas.

### **Impact on incumbent stations in the market**

13. There are currently no commercial radio stations specifically serving the La Crête region. However, the area is served by rebroadcasting transmitters of two stations, CIAM-FM-2 Buffalo Head (rebroadcasting transmitter for CIAM-FM Vermillon) and CKLA-FM La Crête (rebroadcasting transmitter for CKHL-FM High Level). Therefore, the proposed station would be the first originating station serving this market. However, the applicant indicated that the majority of the station's content would come from the retransmission of content obtained from the online service PlautPot.
14. The Commission considers that the proposed station would not compete with CIAM-FM and CKHL-FM, since CIAM-FM generates the majority of its revenues from community donations and CKHL-FM's contours do not overlap those of the proposed station.
15. In light of the above, the Commission finds that the approval of this application would have minimal impact on the incumbent stations in the La Crête market, CIAM-FM and CKHL-FM, through their respective rebroadcasting transmitters.

### **Proposed programming**

#### **Languages of broadcast and ethnic groups served**

16. Pursuant to Public Notice 1999-117 (the Ethnic Broadcasting Policy), ethnic radio stations must serve multiple ethnocultural groups in multiple languages. The number of groups served and languages of broadcast is based on the makeup of the community, the services already available and the support shown by local community organizations.
17. Paragraph 25 of the Ethnic Broadcasting Policy sets out that the requirement to serve a variety of ethnic groups remains an important element of the framework. An application by an ethnic station to serve only one or two groups would contravene this policy, unless the applicant could demonstrate that there would not be a significant negative effect on any existing or proposed ethnic stations, or on the number of ethnic groups served in the market overall.
18. As set out in the Ethnic Broadcasting Policy, smaller ethnic groups should be represented on ethnic radio stations, since they benefit from a basic level of programming in their own languages and from programming that contributes to their full participation in Canadian society, reflects their culture, and promotes cross-cultural understanding.

19. According to Abram Zacharias (NPC OBCI), the station would serve only one ethnic group, the adult Mennonite population of La Crête and its surroundings area. The applicant added that the programming would be offered in the Low-German/Plautdietsch and English languages.
20. In a request for information, the Commission asked Abram Zacharias (NPC OBCI) to explain how the proposed station would meet the Commission's objective to serve a variety of ethnic groups. In its reply, the applicant indicated that Low German/Plautdietsch-speaking Mennonites were the only significant ethnic group in the community and that only 3% of the La Crête population speak a language other than Low German/Plautdietsch or English.
21. According to Statistics Canada's 2016 Census, the majority of the population of La Crête identified German as their mother tongue. Only some residents indicated that they knew neither English nor French.
22. The Commission notes that Abram Zacharias (NPC OBCI) proposed to serve one group, namely, the Mennonite population of La Crête. However, the Commission acknowledges that, given the demographics of the community, serving more than one distinct group in this case would not be practical.
23. Nevertheless, as described in the following section, the Commission has concerns about whether the station's proposed programming would adequately reflect local issues and concerns during the licence term, or help the local community to better participate in Canadian society or bridge the cultural gap with the existing English-speaking community.
24. In light of the above, the Commission finds that the applicant has not demonstrated that the proposed station's programming would reflect local concerns and help the local community to better participate in Canadian society or bridge the cultural gap with the existing English-speaking community.

#### **Canadian content and local programming**

25. Subparagraphs 3(1)(d)(i) and 3(1)(d)(ii) of the *Broadcasting Act* (the Act) declare that the Canadian broadcasting system should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada, and encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view.
26. Further, paragraph 3(1)(f) of the Act declares that each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided by the undertaking renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources.

27. Finally, subparagraphs 3(1)(i)(ii) and 3(1)(i)(iv) of the Act declare that the programming provided by the Canadian broadcasting system (in this case, a radio station) should be drawn from local, regional, national and international sources, and provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern.
28. In its reply to a Commission request for information, the applicant confirmed that at least 7% of musical selections broadcast during ethnic programming periods each broadcast week would be Canadian selections. It also indicated that at least 10% of musical selections drawn from content category 3 (Special Interest Music) and broadcast during non-ethnic programming periods during each broadcast week would be Canadian selections, as required by the Ethnic Broadcasting Policy.
29. In regard to local programming, the applicant stated that such programming would be limited since there are few local events in the La Crête region. However, it would broadcast local weather reports and information about local activities, and would promote local creators. In addition, the applicant indicated that the 30 minutes of local and regional news that it proposed to broadcast during the broadcast week would be a summary of the week's events.
30. The applicant indicated that the programming would be collected, developed and aired by the members of the board of directors, and that it does not anticipate hiring any employees in the near future.
31. In Broadcasting Public Notice 2006-158 (the Commercial Radio Policy), the Commission specifies that licensees must include in their local programming spokenword programming that is directly targeted to the communities they serve, such as local news, local weather reports and local sports, as well as the promotion of local activities and events.
32. In its application, Abram Zacharias (NPC OBCI) indicated that it intends to broadcast one hour of local programming per broadcast week. However, with the exception of 30 minutes of local/regional news, the schedule provided by the applicant does not clearly show when the local programming would be presented. The programming includes several blocks of ethnic programs obtained from third parties.
33. The Commission has concerns regarding the number of hours of local programming proposed by the applicant. Specifically, the Commission is of the view that one hour of local programming per broadcast week is not sufficient to meet the objectives of the Ethnic Broadcasting Policy and the Commercial Radio Policy, or to adequately serve and reflect the local community.
34. The Commission is of the view that the proposed ethnic radio station should be an important source of local programming and should provide better local reflection since this new service would be the first and only service in the La Crête radio market.

35. Further, the content from various countries does not rely predominantly on Canadian resources, does not specifically safeguard, enrich and strengthen the cultural and social fabric of Canada, and does not encourage the development of Canadian expression, as set out in the objectives of the Act indicated above.
36. In addition, Abram Zacharias (NPC OBCI) specified in the application that only members of the board of directors would research content, decide on programming content and present on-air. Accordingly, the Commission has concerns regarding the possibility for listeners to learn about diverging opinions on topics of interest and to have access to varied, balanced and comprehensive programming.
37. The Commission considers that decision-making by board members in all areas of the proposed radio station's operations could limit the diversity of voices or points of view for listeners.
38. In light of the above, the Commission finds that the applicant has not demonstrated that the proposed station would meet the Commission's policy objectives regarding the offer of local programming.

## **Conclusion**

39. In light of all of the above, the Commission **denies** the application by Abram Zacharias, on behalf of a not-for-profit corporation to be incorporated, for a new broadcasting licence to operate a low-power, ethnic specialty commercial FM radio programming undertaking in La Crête, Alberta.
40. If the applicant wishes to submit another application at a later date, it should ensure that the proposal meets the local programming and local reflection requirements in order to provide programming that is relevant to the community served and to present a diversity of points of view, consistent with the objectives set out in the Act, the Ethnic Broadcasting Policy and the Commercial Radio Policy.

Secretary General

## **Related documents**

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2021-114, 22 March 2021
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Ethnic Broadcasting Policy*, Public Notice CRTC 1999-117, 16 July 1999
- *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995