



Broadcasting Decision CRTC 2022-11

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Reference: Part 1 applications posted on 11 and 12 July 2019

Ottawa, 25 January 2022

United Christian Broadcasters Media Canada
Ontario, Alberta and Saskatchewan

Public record for these applications: 2019-0517-6, 2019-0518-4, 2019-0519-2, 2019-0520-0, 2019-0521-7, 2019-0522-5 and 2019-0532-4

CKJJ-FM Belleville, CKGW-FM Chatham, CHJJ-FM Cobourg, CJOA-FM Thunder Bay, CJAH-FM Windsor, CKOS-FM Fort McMurray, CIUC-FM Regina – Licence amendments

The Commission **denies** applications by United Christian Broadcasters Media Canada to amend the broadcasting licences for the English-language commercial specialty (Christian music) radio programming undertakings CKJJ-FM Belleville, CKGW-FM Chatham, CHJJ-FM Cobourg, CJOA-FM Thunder Bay, CJAH-FM Windsor, Ontario, CKOS-FM Fort McMurray, Alberta, and CIUC-FM Regina, Saskatchewan, by replacing conditions of licence related to music from content subcategory 35 (Non-classic religious).

The Commission considers that this is a policy issue and therefore would be more appropriately examined as part of the Commercial Radio Policy review proceeding currently underway.

Background

1. Christian music stations operate in the Specialty format and typically commit to devoting the musical selections they broadcast almost entirely to selections drawn from content subcategory 35 (Non-classic religious).
2. Unless otherwise specified in a condition of licence, these stations must ensure that at least 10% of all content category 3 (Special Interest Music) musical selections they broadcast each broadcast week are Canadian selections as set out in subsection 2.2(3) of the *Radio Regulations, 1986* (the Regulations). They must also ensure that at least 35% of all content category 2 (Popular music) musical selections are Canadian selections as set out in subsection 2.2(8) and 2.2(9) of the Regulations.
3. Currently, United Christian Broadcasters Media Canada's (UCB) radio stations CKJJ-FM Belleville, CKGW-FM Chatham, CHJJ-FM Cobourg, CJOA-FM Thunder Bay, CJAH-FM Windsor, Ontario, CKOS-FM Fort McMurray, Alberta, and CIUC-FM Regina, Saskatchewan, are subject to:
 - A condition of licence requiring that at least 95% (CKJJ-FM Belleville, CHJJ-FM Cobourg, CJOA-FM Thunder Bay, and CJAH-FM Windsor) or 90% (CKGW-FM

Chatham, CKOS-FM Fort McMurray, and CIUC-FM Regina) of all musical selections broadcast each broadcast week be devoted to selections from content subcategory 35 (Non-classic religious);

- A condition of licence requiring that at least 15% of all content category 3 (Special Interest Music) musical selections broadcast each broadcast week are Canadian selections; and
- Subsection 2.2(8) and 2.2(9) of the Regulations requiring a minimum of 35% of musical selections from content category 2 be Canadian selections.

Applications

4. UCB filed applications to amend the broadcasting licences for the English-language commercial specialty (Christian music) radio programming undertakings CKJJ-FM, CKGW-FM, CHJJ-FM, CJOA-FM, CJAH-FM, CKOS-FM, and CIUC-FM, by replacing the conditions of licence related to music from content subcategory 35 (Non-classic religious). The Commission did not receive any interventions regarding these applications.
5. Specifically, UCB proposed to replace the conditions of licence with the following condition:

The licensee shall devote at least 90% of all musical selections broadcast each broadcast week to selections from subcategory 35 (Non-classic religious). The licensee is permitted to play religious music from category 2 without being required to play 35% Canadian content non-religious music from category 2 only if this music meets the following criteria:

- the music falls within the licensed musical format, e.g. adult contemporary;
 - the song identifies as Christian/religious in content;
 - the artist is actively seeking airplay for its song(s) on Christian Specialty Radio; and
 - the song finds its roots and/or purpose in the Christian faith.
6. UCB stated that there have been songs from religious faith (category 3) artists that have gained popularity with mainstream listenership and have charted on popular music charts, which has resulted in them being considered as category 2 (Popular Music) musical selections. The licensee argued that the main issue faced by its radio stations is the requirement to devote at least 35% of its category 2 (Popular Music) musical selections to Canadian selections since there is not enough Canadian content in category 2 (Popular Music) that passes its filter of Christian music that aligns with UCB's values, vision and mission, that listeners want to hear, and that fulfills the current stipulated policy requirement.
 7. While UCB recognized that instances of Christian music selections gaining "hits" status is infrequent, it argued that these occurrences have direct and drastic negative effects on UCB and its listeners.

8. UCB submitted that if its radio stations cannot play the most popular and relevant religious music, it becomes harder to be current and the loss of listenership and financial support from donors is inevitable. It further submitted that allocating resources to monitor the charts adds to the financial burden.

Commission's analysis and decision

9. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act, as well as to amend those conditions on application of the licensee.
10. While the Commission has the ability to make exceptions to regulations of general application, such as those in the present application, the Commission notes that the issues raised by the UCB warrant a broader analysis.
11. The regulatory framework at issue involves not only the impact that categorization has on the ability of a broadcaster to meet its Canadian content requirements, but also the criteria for the categorization of certain musical selections as either content category 2 or 3 musical selections.
12. This regulatory framework is one that is applied equally to all licensees and that provides certainty for all industry players and artists as to how musical selections are to be treated. Consequently, allowing one party to re-categorize musical selections in isolation of a broader review of the Commission's treatment of the categorization of musical selections could be viewed as inequitable and may encourage a piecemeal approach to the categorization of musical selections and, in turn, create uncertainty within the industry as well as make monitoring more difficult.
13. The Commission notes that a review of the Commercial Radio Policy is currently underway. In *Call for comments – Commercial radio policy framework review*, Broadcasting Notice of Consultation CRTC 2020-374, 12 November 2020, the Commission sought comments on various issues relating to commercial radio and asked several questions relating to programming and content categories. Among these questions, the Commission asked whether it should be adding or modifying some music subcategories and whether content categories should be eliminated.
14. As such, the Commission considers that the issue raised by UCB in its applications would be more appropriately examined as part of the Commercial Radio Policy review proceeding that is currently underway.
15. In light of the above, the Commission **denies** the applications by United Christian Broadcasters Media Canada to amend the broadcasting licences for the English-language commercial specialty (Christian music) radio programming undertakings CKJJ-FM Belleville, CKGW-FM Chatham, CHJJ-FM Cobourg, CJOA-FM Thunder Bay, CJAH-FM Windsor, Ontario, CKOS-FM Fort McMurray, Alberta, and CIUC-FM Regina,

Saskatchewan, by replacing conditions of licence related to the broadcast of music from content subcategory 35 (Non-classic religious).

Secretary General