



Broadcasting Decision CRTC 2022-125

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Ottawa, 10 May 2022

Aboriginal Multi-Media Society of Alberta
Calgary and Lethbridge, Alberta

Public record: 2021-0699-7

CJWE-FM Calgary – New transmitter in Lethbridge

Summary

The Commission **approves**, on an exceptional basis, an application by the Aboriginal Multi-Media Society of Alberta to amend the broadcasting licence of the Indigenous (Type B Native) FM radio programming undertaking CJWE-FM Calgary, Alberta, to operate a new rebroadcasting transmitter in Lethbridge, Alberta.

Background

1. In Broadcasting Decision 2017-198, the Commission approved an application from the Aboriginal Multi-Media Society of Alberta (AMMSA) for a broadcasting licence (Type B Native) to serve the urban Indigenous communities of Calgary and Edmonton, Alberta. In particular, the Commission noted AMMSA's commitment to serve Indigenous communities in Calgary and Edmonton as well as its experience as an Indigenous broadcasting leader, giving a voice to Indigenous communities through news and entertainment programming.
2. The Commission also approved applications from AMMSA for the addition of rebroadcasting transmitters throughout other areas in Alberta to serve Indigenous audiences in Broadcasting Decisions 2018-460, 2020-331 and 2021-80.

Application

3. AMMSA filed an application to amend the broadcasting licence of the Indigenous (Type B Native) FM radio programming undertaking CJWE-FM Calgary, Alberta, to operate a new rebroadcasting transmitter in Lethbridge, Alberta. The Commission did not receive any interventions in regard to this application.
4. The new transmitter, CJWE-FM-1, will operate at 103.5 MHz (channel 278C1), with an effective radiated power of 100,000 watts (non-directional antenna and an effective height of the antenna above average terrain of 162.7 metres).

5. AMMSA stated that the addition of a new transmitter will allow it to extend its services beyond the authorized contours of CJWE-FM to better serve the urban Indigenous population of southwest Alberta, which AMMSA submitted will build on its mandate to provide Indigenous radio service that can cover the Treaty 7 region.
6. The frequency proposed by AMMSA is currently occupied by an existing allotment in the neighbouring community of Fort Macleod, Alberta. Therefore, AMMSA proposed changes to the Canadian FM broadcasting table of allotments that impacts allotments in the neighbouring communities of Fort Macleod and Cranbrook, British Columbia, to create the proposed frequency channel in Lethbridge. Without these changes to the table of allotments, the proposed rebroadcasting transmitter would not be technically possible without causing interference to the protected allotment in Fort Macleod.

Regulatory framework

7. Pursuant to section 5 of the *Broadcasting Act* (the Act), the Commission is required to regulate and supervise all aspects of the Canadian broadcasting system with a view of implementing the broadcasting policy set out in subsection 3(1) of the Act and having regard to the regulatory policy set out in subsection 5(2).
8. The Commission has the authority, pursuant to subsection 9(1) of the Act, to issue licences subject to such conditions related to the circumstances of the licensee as the Commission deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act and to amend those conditions on application of the licensee.
9. When the licensee of a radio station files an application for technical amendment, the Commission generally requires that the licensee present compelling technical or economic evidence justifying the requested technical changes. The Commission may, as an exception to this general approach, approve applications that do not provide compelling technical or economic evidence where the particular circumstances of the licensee warrant. The Commission has deviated from this approach in the past to approve applications that primarily reflect a desire to serve additional communities when it is in the public interest to do so.
10. As set out in Public Notice 1990-89 (the Native Broadcasting Policy), the programming of Indigenous radio stations is to be oriented specifically to the interests and needs of the Indigenous audiences that the stations are licensed to serve. The Commission noted that these stations have a distinct role in addressing the specific cultural and linguistic needs of their audiences and creating an environment in which Indigenous music and spoken word creators can develop and flourish.

Issues

11. After examining the application in light of applicable regulations and policies, the Commission considers that it should address the following issues:
 - the appropriate technical solution to provide coverage to the urban Indigenous populations in southwest Alberta;

- the proposed use of spectrum;
- the impact on neighbouring communities stemming from changes to the Canadian FM broadcasting table of allotments;
- the impact on incumbent radio stations; and
- the impact of the application on the integrity of the Commission's licensing process.

Appropriate technical solution

12. The proposed rebroadcasting transmitter's primary audience is urban Indigenous populations who live off reserve in cities and towns in southwest Alberta, such as Lethbridge, Coaldale, Fort Macleod, Raymond and Picture Butte. These communities are located outside of the primary and secondary contours of the originating station's transmitters.
13. The secondary audience will benefit from the enhanced service to the Kainai and Piikani First Nations, parts of which have weak signal coverage from CFWE-FM-2 Porcupine Hills, Alberta, a rebroadcasting transmitter of CJWE-FM, due to distance and terrain limitations.
14. The Commission notes that the licensee did not submit this amendment on the grounds of technical deficiencies within its authorized contours, but rather to provide service to additional communities. The Commission further notes that the addition of a rebroadcasting transmitter is generally an effective solution for improving coverage.
15. Consequently, the Commission considers that the proposed rebroadcasting transmitter represents an appropriate technical solution to address the applicant's primary intent of serving the population of Lethbridge and surrounding towns in southwest Alberta.

Proposed use of spectrum

16. AMMSA is proposing the use of 103.5 MHz in Lethbridge, which would remove its availability in the surrounding communities.
17. The Commission notes that other frequencies remain available with the potential to serve the entire Lethbridge market and the surrounding areas, with a similar total population served.
18. Consequently, the Commission is of the view that the use of frequency 103.5 MHz for the new rebroadcasting transmitter represents an appropriate use of spectrum.

Impact stemming from changes to the Canadian FM broadcasting table of allotments

19. Pursuant to paragraph 22(1)(b) of the Act, the Commission will not approve an amendment to a licence unless the Minister of Industry certifies to the Commission that the applicant:
 - has satisfied the requirements of the *Radiocommunications Act* and the regulations made under that Act; and
 - has been or will be issued a broadcasting certificate with respect to the radio apparatus that the applicant would be entitled to operate under the licence.

20. To create the proposed frequency in Lethbridge, AMMSA proposed changes to the Canadian FM broadcasting table of allotments,¹ which is managed by the Department of Industry.
21. Specifically, AMMSA proposed to delete channel 278B and add channel 243B in Fort Macleod as well as to delete channel 243C and add channel 244B1 in Cranbrook to create room for the proposed rebroadcasting transmitter in Lethbridge.
22. The Commission considers that while the proposed modification to the Cranbrook allotment results in a change to the class of the allotment, the new allotment provides similar coverage to the market of Cranbrook. The Commission also notes that the primary contour of the proposed added channel in Fort Macleod is nearly identical to that of the proposed deleted channel.
23. In its review, the Department of Industry determined that the application, including changes to the Canadian FM broadcasting table of allotments, was conditionally technically acceptable.
24. In light of the above, the Commission considers that the proposed changes to the allotment plan would have no significant impact on the neighbouring communities.

Financial impact on incumbent stations

25. The proposed rebroadcasting transmitter would overlap with five commercial radio stations² and one campus radio station³ serving Lethbridge, as well as a rebroadcasting transmitter of AMMSA's own radio station originating in Edmonton (CFWE-FM-2 Peigan/Blood Reserve Porcupine Hills, Alberta).
26. In its application, AMMSA stated that it is strictly proposing a rebroadcasting transmitter of its originating station, CJWE-FM, and does not intend to establish a local office nor will it have any sales representatives in Lethbridge. As such, it would have no impact on local sales generated by existing radio stations.
27. In light of the above, the Commission finds that approval of the requested technical changes would not have an undue financial impact on incumbent stations.

Integrity of the Commission's licensing process

28. The Commission notes that AMMSA did not identify an economic or technical need for the new rebroadcasting transmitter. However, the Commission has, as an exception to this general approach, approved applications that do not provide compelling technical or economic evidence where the particular circumstances of the licensee warrant, including those where the licensee seeks to serve additional communities, when it is in the public interest to do so.

¹ The Department of Industry defines an allotment as "the entry of a designated frequency channel in an agreed plan, for use by one or more administrations for a terrestrial or space radiocommunication service in one or more identified countries or geographical areas and under specified conditions."

² Two stations operated by Rogers Communications Canada Inc., two operated by Vista Radio Ltd. and one operated by Pattison Media Ltd.

³ The campus radio station is operated by CKXU 88.3 FM.

29. The Commission also notes that there were no opposing interventions expressing concerns about the impact of the proposed rebroadcasting transmitter on the market and that approval of this application would not have an undue economic impact on incumbent stations in the market.
30. The present application builds on AMMSA's stated mandate to provide Indigenous radio service that can cover the Treaty 7 region by expanding that service to the largest metropolitan area south of Calgary. The Commission considers that the application is consistent with the purpose for which it originally approved the broadcasting licences for Calgary and Edmonton in Broadcasting Decision 2017-198. That purpose being to serve the urban Indigenous communities in those markets. The communities to which AMMSA is seeking to extend its reach share a common interest as the audiences served fall within the Treaty 7 region.
31. As stated in Broadcasting Decision 2017-198, the Government of Canada has prioritized reconciliation with the Indigenous Peoples of Canada in response to the 2015 [Truth and Reconciliation Commission of Canada: Calls to Action](#). The Commission recognizes the broadcasting system's important role in the reconciliation with Indigenous Peoples. As set out in subparagraph 3(1)(d)(iii) and paragraph 3(1)(o) of the Act, the Canadian broadcasting system is required, among other things, to meet the needs and reflect the special place of Indigenous Peoples within Canadian society, and include programming that reflects the Indigenous cultures of Canada, respectively. The Commission also noted in Broadcasting Decision 2017-198 that radio stations serving Indigenous communities play a critical role in serving the public interest and contributing to the fulfillment of these policy objectives.
32. In approving AMMSA's original applications to serve the urban Indigenous communities of Calgary and Edmonton, the Commission recognized the importance of ensuring that the broadcasting system in Canada contributes to the promotion and protection of Indigenous cultures.
33. The Commission is of the view that this application is consistent with the Native Broadcasting Policy in that the rebroadcast of content is specifically oriented to the Indigenous populations in southwest Alberta and reflects the interests and needs specific to the audience it will serve. The Commission considers that approving AMMSA's application to add a new rebroadcasting transmitter in Lethbridge is in the public interest, as it would offer existing Indigenous radio programming from its original station in Calgary to additional urban Indigenous communities, consistent with the policy objectives set out in subparagraph 3(1)(d)(iii) and paragraph 3(1)(o) of the Act.
34. Consequently, the Commission finds that approval of the present application would not undermine the integrity of the Commission's licensing process and that the present application is in the public interest.

Conclusion

35. In light of the above, the Commission **approves**, on an exceptional basis, the application by AMMSA to amend the broadcasting licence of the Indigenous (Type B Native) FM radio programming undertaking CJWE-FM Calgary, Alberta, to operate a new rebroadcasting transmitter in Lethbridge, Alberta.
36. Pursuant to subsection 22(1) of the Act, this authority will be effective only when the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
37. The transmitter must be in operation by no later than **10 May 2024**. To request an extension, the licensee must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

Reminder

38. As set out in section 16 of the *Radio Regulations, 1986* (the Regulations), licensees have obligations relating to the broadcast of emergency alert messages received from the National Alert Aggregation and Dissemination System. In regard to the addition of CJWE-FM-1's authorized contours resulting from the implementation of the technical changes approved in this decision, the Commission reminds the licensee that continued compliance with section 16 of the Regulations may require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages on CJWE-FM, or on any rebroadcasting transmitters that may appear on the broadcasting licence for that station, be reprogrammed to properly account for the new authorized contours.

Secretary General

Related documents

- *CFWE-FM-4 Edmonton – New transmitter in Janvier*, Broadcasting Decision CRTC 2021-80, 22 February 2021
- *CFWE-FM-4 Edmonton – New transmitter in Rocky Mountain House*, Broadcasting Decision CRTC 2020-331, 9 September 2020
- *CJWE-FM Calgary – New transmitter at Peigan/Blood Reserve Porcupine Hills*, Broadcasting Decision CRTC 2018-460, 12 December 2018
- *Licensing of new radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto*, Broadcasting Decision CTRC 2017-198, 14 June 2017
- *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990

This decision is to be appended to the licence.