



## Broadcasting Decision CRTC 2022-231

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Reference: Part 1 application posted on 1 March 2022

Ottawa, 25 August 2022

### **Christian Hit Radio Inc.**

Ottawa, Ontario and Pointe-Claire, Quebec

*Public record for this application: 2022-0095-5*

## **CHRI-FM Ottawa – New transmitter in Pointe-Claire**

### **Summary**

The Commission **approves** an application by Christian Hit Radio Inc. to operate an FM transmitter in Pointe-Claire, Quebec, to rebroadcast the programming of the English-language commercial specialty (religious) radio station CHRI-FM Ottawa, Ontario.

### **Background**

1. In Decision 96-276, the Commission approved an application by Christian Hit Radio Inc. (CHR) for a broadcasting licence to operate a predominantly English-language FM radio station in Ottawa, Ontario that would broadcast primarily specialty-format religious music from local studios. In that decision, the Commission considered that the addition of a Christian music station in the Ottawa market would increase the diversity of radio services available to that market's listening audiences. It further considered that CHR's commitments to broadcast a minimum of 12% Canadian content weekly and to reproduce and distribute Canadian contemporary Christian music on CDs would foster growth in the Canadian Christian music industry. In March 1997, that station launched as CHRI-FM Ottawa.
2. In Broadcasting Decisions 2004-547 and 2005-118, the Commission approved applications by CHR to operate new low-power transmitters in Cornwall, Ontario (CHRI-FM-1) and Pembroke, Ontario (CHRI-FM-2), respectively, to rebroadcast the programming of CHRI-FM in those communities.
3. In Broadcasting Decision 2018-219, the Commission approved an application by CHR to renew the broadcasting licence for CHRI-FM and the above-noted rebroadcasting transmitters until 31 August 2025.

### **Application**

4. CHR filed an application to amend the broadcasting licence for the predominantly English-language commercial specialty (religious) radio station CHRI-FM in order to operate a new FM transmitter in Pointe-Claire, Quebec (to operate under the call sign

CHRI-FM-3 Pointe-Claire), to rebroadcast the programming of CHRI-FM. The Commission did not receive any interventions in regard to this application.

5. Pointe-Claire is a local municipality in the province of Quebec within the urban agglomeration of Montréal. According to Statistics Canada, the population of Pointe-Claire in 2021 was 33,488.
6. The Montréal Census Metropolitan Area (CMA) is served by a variety of radio stations, including two commercial religious stations, both operated by not-for-profit corporations.
7. The proposed rebroadcasting transmitter would operate at 90.7 MHz (channel 214A1) with an effective radiated power (ERP) of 51 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 36.1 metres). The primary (3 mV/m) and secondary (0.5 mV/m) contours of the transmitter would be located within the Montréal CMA, which, according to Statistics Canada, had a population of 4,291,732 in 2021. The proposed transmitter would cover a population of 46,875 within its primary contour and 222,767 within its secondary contour.
8. CHR submitted that approval of its application would address a lack of English-language specialty (religious) programming in Pointe-Claire by allowing for the broadcast of Christian content for that community's English-speaking population. As part of its application, CHR included several letters of support from community members in Pointe-Claire for an English-language Christian radio service to serve that community.
9. CHR added that it has invested efforts to find and coordinate a frequency that would have a lesser impact on the Montréal CMA radio market, and that approval of its application would not create any changes or degradation to the existing local and regional radio market.

## **Regulatory framework**

10. Pursuant to section 5 of the *Broadcasting 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) and having regard to the regulatory policy set out in subsection 5(2).
11. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting 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) and to amend those conditions on application of the licensee.
12. When the licensee of a radio station files an application for technical changes, 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.

## **Issues**

13. After examining the application in light of applicable regulations and policies, the Commission considers that it should address the following issues:
- whether the proposed rebroadcasting transmitter represents an appropriate technical solution to provide coverage to Pointe-Claire;
  - whether the proposed frequency for the new rebroadcasting transmitter represents an appropriate use of spectrum;
  - whether approval of the application would result in an undue economic impact on incumbent stations;
  - whether approval of the application would have an impact on programming diversity in the market;
  - whether approval of the application would be consistent with the objectives set out in subsection 41(1) of the *Official Languages Act*; and
  - whether approval of the application would undermine the integrity of the Commission's licensing process.

### **Appropriate technical solution to provide coverage to Pointe-Claire**

14. CHR's request to operate a new rebroadcasting transmitter in Pointe-Claire was not made to address technical deficiencies within CHRI-FM's authorized contours. Given that the proposed transmitter would be located approximately 140 kilometres from the originating Ottawa station CHRI-FM, it would lie outside that station's primary and secondary contours. The purpose of the requested amendment is to provide an English-language commercial specialty (religious) radio service to the Montréal CMA community of Pointe-Claire.
15. The primary contour of the proposed rebroadcasting transmitter would serve the municipality of Pointe-Claire, while the secondary contour could be impacted by interference from CJPB-FM Montréal and CKUT-FM Montréal.
16. In light of the above, the Commission finds that CHR's proposal to operate a rebroadcasting transmitter in Pointe-Claire to rebroadcast the programming of CHRI-FM constitutes an appropriate technical solution for providing coverage and sufficient service to that community.

## **Appropriate use of spectrum**

17. As noted above, CHR proposed the use of frequency 90.7 MHz (channel 214A1) for the new rebroadcasting transmitter in Pointe-Claire. The licensee submitted that the use of a protected class station is necessary due to the scarcity of FM channels in the Montréal CMA and due to current and future technical investments.
18. Although approval of CHR's proposal would remove the availability of the frequency 90.7 MHz in the surrounding communities, there is another frequency available in Pointe-Claire that could support technical parameters similar to those proposed by CHR for the new transmitter. As such, approval of CHR's application would not impact the availability of frequencies in surrounding markets.
19. Further, the Commission finds that the use of a protected class station for the proposed transmitter is appropriate, and that approval of CHR's application would not result in under-use of the proposed frequency.
20. In light of the above, the Commission finds that CHR's proposal represents an appropriate use of spectrum.

## **Economic impact on incumbent stations**

21. Currently, there are no radio stations licensed specifically to serve Pointe-Claire. However, the primary contours of 12<sup>1</sup> radio stations serving the Montréal CMA radio market reach Pointe-Claire, with the primary contours of eleven of those stations fully covering the primary contour of the proposed rebroadcasting transmitter.
22. There are currently two commercial religious radio stations in Montréal, CJRS Montréal and CIRA-FM Montréal, both operated by not-for-profit corporations. CJRS, operated by Radio Chalom,<sup>2</sup> is a trilingual radio station that broadcasts religious programming (50% Jewish and 50% Christian) in French (60%), English (30%) and Hebrew (10%). CJRS's primary contours do not reach the contours of CHR's proposed rebroadcasting transmitter. CIRA-FM, operated by Radio-Ville-Marie, is a French-language commercial religious radio station with rebroadcasting transmitters in Trois-Rivières (CIRA-FM-2), Victoriaville (CIRA-FM-3) and Rimouski (CIRA-FM-4), Quebec. The primary contour of CHR's proposed rebroadcasting transmitter in Pointe-Claire fully overlaps the primary contour of CIRA-FM.
23. CHR's proposed rebroadcasting transmitter would provide the first predominately English-language commercial speciality (religious) FM radio service to the Montréal CMA. The applicant indicated that the majority of revenues for the originating Ottawa station comes from donations. As such, CHR is not seeking to solicit advertising

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<sup>1</sup> These include nine commercial radio stations, one commercial religious radio station operated by a not-for-profit corporation, and two campus radio stations.

<sup>2</sup> In Broadcasting Notice of Consultation 2022-201, the Commission announced that it will hold a public hearing on 13 October 2022 to consider an application by Communications Média Évangélique / Gospel Media Communications to acquire from Radio Chalom the assets of CJRS.

revenues in Pointe-Claire, and approval of its application would not result in a change to its current financial projections.

24. In light of the above, and given the nature of the proposed service, the Commission finds that approval of CHR's application would not have an undue economic impact on incumbent stations in the Montréal CMA radio market.

### **Programming diversity**

25. CHR stated that its programming targets Canadian Christian spirituality values, and is enriched with non-denominational Christian music and spoken word programs. As such, it considers that the station's programming relates to all listeners and is not tied to a specific geographic region. The applicant submitted that CHRI-FM's programming has the same value in Pembroke and Cornwall, the locations of its current rebroadcasting transmitters, and that this would be no different in Pointe-Claire.
26. The Commission notes that Pointe-Claire does not currently have a dedicated English-language commercial specialty (religious) programming service. The Commission considers that the proposed transmitter would provide diversity of programming to the target community, given that it would be the first dedicated English-language commercial specialty (religious) station to directly serve the community of Pointe-Claire and surrounding areas. Approval of this application would therefore ensure that listeners in Pointe-Claire have access to a diversity of programming in terms of predominantly religious (Christian) programming and would increase the diversity of radio services available to audiences in the local municipality.
27. In light of the above, the Commission finds that approval of the new rebroadcasting transmitter for Pointe-Claire would add to the diversity of programming in the Montréal CMA radio market.

### **Consistency with the objectives set out in subsection 41(1) of the *Official Languages Act***

28. As a federal institution, the Commission has obligations pursuant to subsection 41(1) of the *Official Languages Act*. Where appropriate, these obligations include considering the needs and realities of official language minority communities (OLMC) in its decision-making processes in order to “[enhance] the vitality of the English and French linguistic minority communities in Canada and [support and assist] their development; and [foster] full recognition and use of English and French in Canadian society.”
29. Whereas several French-language radio stations operating in the Montréal CMA, including CJRS and CIRA-FM, offer religious programming, there are currently no English-language FM radio stations providing speciality (religious) programming to the area. As such, approval of the present application would result in CHRI-FM, through the operation of the proposed rebroadcasting transmitter, becoming the only English-language radio station offering English-language specialty (religious) programming in Pointe-Claire. Although that programming would not consist of local content (given that the programming would originate from Ottawa), the support expressed by local

community members from Pointe-Claire and surrounding areas for CHR's application reflects a need for English-language Christian-based programming in this community.

30. In light of the above, the Commission finds that approval of CHR's application for a new transmitter in Pointe-Claire to rebroadcast the programming of CHRI-FM would represent a positive measure towards meeting the objectives set out in the *Official Languages Act* by helping to ensure that the Canadian broadcasting system reflects the linguistic duality of Canada and that the needs of the English OLMC in the Montréal CMA are met.

### **Integrity of the Commission's licensing process**

31. Generally, the Commission will approve an application to operate a rebroadcasting transmitter based on technical need, to help ensure that the signal of the originating station can be better received by listeners. Although the addition of a transmitter may also be used to expand the licensed service area to serve additional communities, any requests in this regard are generally approved only on an exceptional basis, such as when the Commission determines that approval of the request would not have a negative impact on the radio market in which the new transmitter will operate, when there is no opposition to the request, and when approval of the request would be in the public interest.
32. As indicated above, CHR's application is not premised on an economic or technical need and does not reference challenges to the provision of service in CHRI-FM's licensed market. Rather, the applicant wishes to extend the service provided by its Ottawa station to Pointe-Claire, which is located outside that station's primary service area. Nevertheless, the Commission considers that approval of the application would be in the public interest given that CHRI-FM, through the new rebroadcasting transmitter, would become the first dedicated English-language commercial specialty (religious) station to directly serve the community of Pointe-Claire and surrounding areas.
33. Further, approval of CHR's proposal to operate a rebroadcasting transmitter in Pointe-Claire would not bring about an undue economic impact on incumbent stations in the Montréal CMA radio market as the applicant is not seeking to solicit advertising revenues from that market. Also, as noted above, the Commission finds that the proposal represents an appropriate technical solution for the applicant's stated objective and will not exhaust the availability of frequencies in the market. Finally, as noted above, no interventions, including interventions opposing CHR's proposal, were submitted to the Commission. Accordingly, the Commission is of the view that in the present case, an exception is warranted to its general approach of assessing applications to operate new rebroadcasting transmitters based on technical or economic need.
34. In light of the above, the Commission finds that approval of CHR's application would not undermine the integrity of the Commission's licensing process.

### **Conclusion**

35. In light of all of the above, the Commission **approves** the application by Christian Hit Radio Inc. to amend the broadcasting licence for the FM radio programming undertaking

CHRI-FM Ottawa, Ontario, in order to operate an FM transmitter in Pointe-Claire, Quebec, to rebroadcast the programming of CHRI-FM.

36. Pursuant to subsection 22(1) of the *Broadcasting Act*, this authority will only be effective 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 **25 August 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.
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 authorized contours of the new FM transmitter CHRI-FM-3 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 CHRI-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**

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2022-201, 2 August 2022
- *Various commercial radio stations – Licence renewal*, Broadcasting Decision CRTC 2018-219, 28 June 2018
- *CHRI-FM Ottawa – New transmitter in Pembroke*, Broadcasting Decision CRTC 2005-118, 31 March 2005
- *CHRI-FM Ottawa – New transmitter in Cornwall*, Broadcasting Decision CRTC 2004-547, 14 December 2004
- *New Christian music FM station – Approved*, Decision CRTC 96-276, 8 July 1996

*This decision is to be appended to the licence.*