



## Broadcasting Decision CRTC 2022-3

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Reference: 2021-218

Ottawa, 10 January 2022

### Interlake Mennonite Fellowship Church

Okno, Manitoba

*Public record for this application: 2021-0081-6*

*Public hearing in the National Capital Region*

*9 September 2021*

### New religious (Church) FM radio station in Okno, Manitoba

The Commission **approves** an application for a broadcasting licence to operate an English and German-language religious (Church) FM radio station in Okno, Manitoba.

The Commission **denies** the applicant's request for an exception to the emergency alerting requirements set out in the *Radio Regulations, 1986*. However, the Commission grants an extension of 180 days to implement the National Public Alerting System.

#### Application

1. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue and renew 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.
2. Consistent with this authority, Interlake Mennonite Fellowship Church (Interlake) filed an application for a broadcasting licence to operate an English and German-language religious (Church) FM radio station in Okno, Manitoba. The proposed station would operate at 107.9 MHz (channel 300A) with an effective radiated power (ERP) of 220 watts (directional antenna with a maximum ERP of 340 watts and an effective height of antenna above average terrain of 22.6 metres).
3. Interlake proposed to broadcast a minimum total of two hours of programming per broadcast week, of which one hour would be in English and one hour in German. The new station would offer live broadcasts of religious services, weddings, funerals, baptisms and other such religious celebrations to the Christian parish of Okno and the surrounding areas. The licensee agreed not to broadcast any advertising material by condition of licence.

4. Interlake confirmed that it would adhere to the Commission's guidelines on balance and ethics as set out in Public Notice 1993-78, in which the Commission stated that stations that broadcast religious programming have an obligation to offer differing views on matters of public concern, including religious matters.
5. The Commission did not receive any interventions in regard to this application. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Request for exemption**

6. In its application, Interlake also requested an exception to section 16 of the *Radio Regulations, 1986* (the Regulations), related to the broadcast of emergency alert messages from the National Public Alerting System (NPAS) given that the station would generally only broadcast two hours per broadcast week.

### **Background**

7. In Broadcasting Regulatory Policy 2014-444, the Commission amended various regulations, standard conditions of licence and certain exemption orders to require the mandatory distribution of emergency alert messages by broadcasting undertakings. This policy was the culmination of a public process examining the need for regulatory intervention to ensure that emergency alerts entered in the National Alert Aggregation and Dissemination (NAAD) System would be distributed by broadcasters to the general public. The NAAD System forms part of the overarching system known as Canada's NPAS.
8. The obligations applicable to licensed radio broadcasters are set out in section 16 of the Regulations.
9. The purpose of the emergency alerting framework set out in Broadcasting Regulatory Policy 2014-444 is to ensure that alerts are available to as many Canadians as possible. In that policy, the Commission stated that the full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, it considered that any request related to a delay or an exception to the implementation of emergency alerting should be accompanied by compelling rationale.

### **Commission's analysis**

10. Subsequent to Broadcasting Regulatory Policy 2014-444, a number of exemption orders were amended to ease the regulatory burden on broadcasters. As a result, low-power radio undertakings providing programming that is derived solely from houses of worship were exempt from implementing the NPAS. However, Interlake did not wish to operate at low power under the exemption order and instead applied for a protected power class station.
11. The Commission denied previous applications for exception to the NPAS requirements in Broadcasting Decisions 2015-576 and 2018-212. In Broadcasting Decision 2018-212, the Commission acknowledged the challenges faced by not-for-profit radio operators, but

noted that full participation by broadcasters is needed in order for the NPAS to be effective in safeguarding and warning Canadians. It further noted that a broadcaster in a small community plays a key role in ensuring that local residents receive timely warning of unfolding or imminent danger.

12. In these recent decisions, the Commission granted extensions of time for broadcasters to implement the NPAS due to the notable upfront costs.
13. Accordingly, the Commission considers that given the time to acquire the necessary funding to invest in the financial commitment for the NPAS, it is reasonable to provide Interlake with an extended period of time to implement the system beyond when they become operational.

## Conclusion

14. In light of all of the above, the Commission **approves** the application by the Interlake Mennonite Fellowship Church for a broadcasting licence to operate an English and German-language religious (Church) FM radio programming undertaking in Okno, Manitoba. The terms and **conditions of licence** are set out in the appendix to this decision.
15. In addition, the Commission **denies** the application for an exception to the emergency alerting requirements set out in the *Radio Regulations, 1986*. However, the Commission grants an extension of 180 days to implement the National Public Alerting System.

Secretary General

## Related documents

- *CKOK-FM Nain – Request for an exemption or an extension of time to implement a public alerting system*, Broadcasting Decision CRTC 2018-212, 21 June 2018
- *CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme – Extension of the deadline for implementation of the emergency alerting system*, Broadcasting Decision CRTC 2015-576, 22 December 2015
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993

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



## Appendix to Broadcasting Decision CRTC 2022-3

### Terms, conditions of licence and encouragement for the English- and German-language religious (Church) FM radio programming undertaking in Okno, Manitoba

#### Terms

The licence will expire 31 August 2028.

The station will operate at 107.9 MHz (channel 300A) with an average effective radiated power (ERP) of 220 watts (maximum ERP of 340 watts with an effective height of antenna above average terrain of 22.6 metres).

Pursuant to subsection 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the Commission will only issue a licence for this undertaking once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be in operation by no later than **10 January 2024**. To request an extension, the applicant must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

#### Conditions of licence

1. The licensee must broadcast programming consisting solely of religious services, with the exception of programs or program segments it produces for the purpose of ensuring balance on matters of public concern. Such programs or program segments must also adhere to guidelines (I) to (IV) contained in section III.B.2a) *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993. The Commission will consider the broadcast of religious services, weddings, funerals, baptisms and other such religious celebrations as meeting the definition of "religious services."
2. The licensee shall not broadcast advertising material.
3. The licensee must adhere to the guidelines on ethics for religious programming set out in section IV of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, regarding tolerance, integrity, social responsibility and solicitation of funds.
4. The licensee shall implement the National Public Alerting System (NPAS) by no later than **180 days following the station's launch** in order to comply with the requirements set out in subsections 16(2) and 16(3) of the *Radio Regulations, 1986*, and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014. As part of this requirement:

- a) The licensee must file a letter with the Commission to attest to the implementation date of its NPAS within 14 days after the installation. In this letter, the licensee shall confirm whether maintenance, testing and updating procedures have been adopted for its automated emergency alert message distribution equipment.
  - b) The licensee must file with the Commission the results of its first NPAS tests, as scheduled by the relevant alerting authorities or through onsite testing by a qualified installer, within two weeks after the occurrence of such system tests.
5. The licensee shall comply with the *Radio Regulations, 1986* at all times.

**Encouragement**

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.