



## Broadcasting Decision CRTC 2023-58

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Reference: 2022-201

Ottawa, 9 March 2023

**Piikani Resource Development Ltd., on behalf of Piikani Tsi Nii Ka Sin  
Broadcasting Association**  
Brocket, Alberta

*Public record: 2022-0197-9*

*Public hearing in the National Capital Region*

*13 October 2022*

### Low-power, Indigenous FM radio station in Brocket

#### Summary

The Commission **approves** an application by Piikani Resource Development Ltd., on behalf of Piikani Tsi Nii Ka Sin Broadcasting Association, for a broadcasting licence to operate a low-power, Indigenous (Type B Native) FM radio station in Brocket, Alberta.

#### Application

1. Piikani Resource Development Ltd. (PRDL) filed an application on behalf of Piikani Tsi Nii Ka Sin Broadcasting Association (Piikani Broadcasting) for a broadcasting licence to operate a low-power, Indigenous (Type B Native)<sup>1</sup> FM radio programming undertaking in Brocket, Alberta.
2. Piikani Broadcasting is a not-for-profit corporation which limits its membership to the Piikani Nation or entities beneficially owned by the Piikani Nation, and which is controlled by its board of directors.
3. The station would operate at 105.7 MHz (channel 289LP) with an effective radiated power (ERP) of 50 watts (omnidirectional antenna with an effective height of the antenna above average terrain [EHAAT] of 22.8 metres).<sup>2</sup>
4. PRDL stated that media provides an opportunity to encourage people to learn their language and history and that the proposed station would help revitalize the Blackfoot language. To that end, PRDL proposed to broadcast 126 hours of local programming

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<sup>1</sup> Type B Native stations, as defined in Public Notice 1990-89 (the Policy), are referred to as Indigenous stations in this decision.

<sup>2</sup> The proposed technical parameters for this station were recalculated following the publication of Broadcasting Notice of Consultation 2022-201 and therefore differ from those specified in that notice.

per broadcast week. Of that programming, approximately 105 hours would be devoted to musical content, 35% of which would be musical selections performed or composed by Indigenous creators. The remaining 21 hours would be devoted to spoken word programming, of which a minimum of 14 hours would be Blackfoot-language programming.

5. PRDL stated that the proposed station's programming would include pow-wow music, history stories, language learning, and cultural teachings. PRDL also proposed to promote the development of Indigenous talent through the broadcast of special programs, including concerts and live in-studio performances.
6. The Commission received interventions in support of this application.

### **Issues**

7. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act*, to issue broadcasting 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 *Broadcasting Act*.
8. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
  - whether the use of the frequency 105.7 MHz by the applicant for its proposed station would represent an appropriate use of spectrum;
  - whether this application satisfies the provisions for Indigenous radio stations set out in Public Notice 1990-89 (the Policy) and in Public Notice 2001-70; and
  - whether approval of this application would have an undue economic impact on incumbent stations.

### **Appropriate use of spectrum**

9. The Department of Industry (also known as Innovation, Science and Economic Development Canada) has granted conditional technical acceptability of the proposed station. As such, the applicant's proposal adheres to the rules governing FM spectrum coordination.
10. Given that the proposed service would be a low-power FM station, its use of the proposed frequency would not remove the availability of that frequency and would therefore have a negligible impact on the availability of frequencies in Broukett and surrounding areas.
11. In light of the above, the Commission finds that the use of the frequency 105.7 MHz by the applicant for its proposed radio station would represent an appropriate use of spectrum.

## **Provisions for Indigenous radio stations**

12. As set out in the Policy, the Commission expects the programming of Indigenous radio stations to be specifically oriented to the interests and needs of the Indigenous audiences that the stations are licensed to serve. 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.
13. The Commission acknowledges the applicant's commitment to local reflection, to broadcasting original programming and to furthering the preservation of Indigenous language and cultures through the broadcast of programming that would be offered in the Blackfoot language and that would address Indigenous cultural elements.
14. The Commission also considers that the broadcast of such programming would not only further the objectives set out in the *Broadcasting Act* but would also be consistent with the Government of Canada's commitment to support the reclamation, revitalization, maintenance and strengthening of Indigenous languages set out in the *Indigenous Languages Act*.
15. The Commission, in Public Notice 2001-70, determined that it would be appropriate to impose on non-exempted Indigenous radio stations a condition of licence requiring that a minimum of 35% of the content category 2 (Popular Music) musical selections broadcast during each broadcast week be devoted to Canadian selections. PRDL indicated in its application that Piikani Broadcasting would adhere to such a condition of licence.
16. In light of the above, the Commission finds that this application is consistent with the provisions for Indigenous radio stations set out in the Policy as well as the requirements set out in Public Notice 2001-70.

## **Economic impact on incumbent stations**

17. Brocket is located south of Calgary and west of Lethbridge. There are currently no stations specifically licensed to serve Brocket, but the region does receive programming from two rebroadcasting transmitters, specifically, CFWE-FM-2 Peigan / Blood Reserve Porcupine Hills and CJPV-FM Pincher Creek.<sup>3</sup>
18. The proposed station would be a first service specific to Brocket. Its primary (3.0 mV/m) contour would not overlap that of any incumbent radio station and, according to the applicant, the station would rely on funding from government grants and fundraising revenues.

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<sup>3</sup> CFWE-FM-2 rebroadcasts the programming of the station CJWE-FM Calgary, which is operated by the Aboriginal Multi-Media Society of Alberta, and CJPV-FM rebroadcasts that of CJPR-FM Blairmore, which is operated by Stingray Radio Inc.

19. In light of the above, the Commission finds that approval of this application would not have an undue economic impact on incumbent stations.

## Conclusion

20. In light of all of the above, the Commission **approves** the application by PRDL, on behalf of Piikani Broadcasting, for a broadcasting licence to operate a low-power Indigenous FM radio programming undertaking in Brocket, Alberta. The terms and **conditions of licence** are set out in the appendix to this decision.

21. In addition, the Commission **directs** PRDL to file, by no later than 90 days from the date of this decision, an executed copy of amended by-laws for Piikani Broadcasting that require at least 80% of the corporation's directors to be Canadians, as defined in the *Direction to the CRTC (Ineligibility of Non-Canadians)*,<sup>4</sup> at all times.

## Reminders

22. The licensee must comply at all times with the *Radio Regulations, 1986* (the Regulations).

23. As set out in section 16 of the Regulations, licensees have obligations relating to the broadcast of emergency alert messages received from the National Alert Aggregation and Dissemination System. The Commission reminds the licensee that compliance with section 16 of the Regulations will require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages be installed and programmed to properly account for the authorized contours of the radio station. A confirmation of the installation and test of the alert broadcast decoder is to be provided to the Commission within 90 days of installation.

Secretary General

## Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2022-201, 2 August 2022
- *Changes to conditions of licence for certain native radio undertakings*, Public Notice CRTC 2001-70, 15 June 2001
- *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990

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

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<sup>4</sup> SOR/97-192, 8 April 1997.

## Appendix to Broadcasting Decision CRTC 2023-58

### Terms, conditions of licence and encouragement for the low-power English- and Blackfoot-language Indigenous (Type B Native) FM radio programming undertaking in Brocket, Alberta

#### Terms

The licence will expire 31 August 2029.

The station will operate at 105.7 MHz (channel 289LP) with an effective radiated power (ERP) of 50 watts (omnidirectional antenna with an effective height of the antenna above average terrain [EHAAT] of 22.8 metres).

Pursuant to subsection 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (also known as Innovation, Science and Economic Development Canada, hereafter referred to as the Department) 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 operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **9 March 2025**. To ensure that such a request is processed in a timely manner, it should be submitted in writing at least 60 days before this date.

The Department's *BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings* specifies that a low-power FM radio station is considered a secondary assignment operating on an unprotected channel. Should an FM station or transmitter with protected status be granted a frequency incompatible with that used by the low-power station considered in this decision, the applicant may need to cease the operation of that low-power station or file an application to change its frequency and/or technical parameters.

#### Conditions of licence

1. The licensee shall devote, in each broadcast week, no less than 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

For the purposes of this condition of licence, the terms "broadcast week," "Canadian selection," "content category" and "musical selection" shall have the same meanings as those set out in the *Radio Regulations, 1986*. A musical selection by an Indigenous creator who resides in Canada is considered a Canadian selection.

2. If the licensee creates 42 or more hours of original programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters'

*Equitable Portrayal Code*, as amended from time to time and approved by the Commission, and to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

3. The licensee shall implement the National Public Alerting System (NPAS) 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.

### **Encouragement**

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another Indigenous station or network.