



Broadcasting Decision CRTC 2024-139

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Reference: 2023-369

Ottawa, 26 June 2024

Neeti P. Ray, on behalf of corporations to be incorporated
Hamilton and Windsor, Ontario

Public records: 2023-0534-1, 2023-0629-0 and 2023-0630-8
Public hearing in the National Capital Region
8 February 2024

CKWW Windsor, CHAM Hamilton and CKOC Hamilton – Change in ownership and effective control

The Commission approves applications by Neeti P. Ray to change the ownership and effective control of three English-language commercial AM radio stations located in Ontario: CKWW Windsor, CHAM Hamilton and CKOC Hamilton. Through this transaction, the applicant will acquire from Bell the assets necessary to operate these stations.

The Commission finds that approval of the transaction is in the public interest and will have a positive impact on the diversity of voices. The continued operation of three AM radio stations by an independent owner focused on the revitalization of these stations will benefit listeners in the Windsor and Hamilton markets.

The Commission also approves the applicant's request for new broadcasting licences to continue the operation of the stations under the same terms and conditions as those in effect under the current licences.

Applications

1. Neeti P. Ray, on behalf of corporations to be incorporated (Neeti P. Ray, OBCI), filed applications for authority to acquire from Bell Media Regional Radio Partnership¹ the assets of the English-language commercial AM radio station CKWW Windsor, Ontario, and to acquire from Bell Media Inc.² the assets of the English-language commercial radio stations CHAM Hamilton and CKOC Hamilton, Ontario. The applicant also requested new broadcasting licences to continue the operation of the stations under the same terms and conditions as those in effect under the current licences.

¹ Bell Media Inc. and 8384819 Canada Inc., partners in a general partnership carrying on business as Bell Media Regional Radio Partnership.

² Bell Media Regional Radio Partnership and Bell Media Inc. (collectively, Bell).

2. The purchase price for the assets of the three radio stations is \$445,000. The applicant proposed a value of the transaction of \$811,547, which includes the purchase price and the total value of leases to be assumed, \$366,547. The applicant proposed a tangible benefits package of \$48,693, to be paid in seven equal annual instalments.
3. Following the close of the transaction, three separate corporations to be incorporated would become the licensees of CKWW, CHAM and CKOC. The effective control of all three stations would be exercised by Neeti P. Ray.
4. The Commission received an intervention in support of the applications from Stillwater Broadcasting Ltd., licensee of CJSB-FM Swan River, Manitoba. This intervener stated that it would be glad to see these stations acquired by a local operator. It considered that the applicant's plan to operate the stations is well thought out, by taking advantage of new technology and synergies.
5. The Commission received an intervention commenting on the applications for the Hamilton stations from the Coalition of Toronto Market Ethnic Broadcasters³ (the Coalition). The Commission also received interventions opposing the same applications from Radio 1540 Limited (CHIN Radio-TV), licensee of CHIN Toronto, CHIN-FM Toronto and CHIN-1-FM Toronto; and from Michel Mathieu, on behalf of 8041393 Canada Inc., licensee of CJRK-FM Scarborough, Ontario. Neeti P. Ray, OBCI replied to the interventions.

Regulatory framework

6. The review of ownership transactions is an essential element of the Commission's regulatory and supervisory mandate under the *Broadcasting Act*. Obtaining a licence to operate a broadcasting undertaking (in this case, a radio station) is a regulatory privilege granted by the Commission. A licensee does not have the authority to transfer a licence to a new operator as they see fit.
7. For this reason, licensees must obtain the Commission's approval before entering into any action, agreement, or transaction that changes, directly or indirectly, the effective control of the radio station. This requirement is set out in subsection 11(4) of the *Radio Regulations, 1986* (the Regulations).
8. When seeking the Commission's approval, the applicant must demonstrate that the benefits of the transaction are commensurate with the size and nature of the transaction and that the application represents the best possible proposal under the circumstances. The Commission will consider each application on its merits and will approve the transaction if the change in ownership and effective control is in the public interest. The public interest is reflected in the Canadian broadcasting and regulatory policy set out in subsections 3(1) and 5(2) of the *Broadcasting Act*.

³ According to the intervention, the Coalition includes licensees operating the following stations, all of which are authorized by condition of service to provide third-language programming: CIRV-FM Toronto, CJSB-FM Toronto, CHKT Toronto, CHHA Toronto, CHTO Toronto, CIRF Brampton and CFMS-FM Markham, Ontario.

Issues

9. After examining the record for these applications in light of applicable regulations and policies, the Commission considers that it must address the following issues:
- whether approval of the applications would be consistent with the Commission's Common Ownership Policy for radio;
 - whether the applicant's ownership structure satisfies the requirements of the *Direction to the CRTC (Ineligibility of Non-Canadians)* (the Direction);
 - whether approval of the proposed transaction would be in the public interest;
 - the value of the transaction and tangible benefits;
 - the allocation of tangible benefits;
 - the broadcast of third-language programming and the solicitation of local advertising; and
 - the provision of local programming and local news.

Common Ownership Policy for radio

10. The revised Commercial Radio Policy, Broadcasting Regulatory Policy 2022-332, establishes the Common Ownership Policy for radio.⁴ That policy states that in a market that has fewer than eight commercial radio stations broadcasting in the same language, an operator may be permitted to own up to three stations operating in that language, regardless of the frequency bands used.
11. The Regulations define an AM radio station market as the daytime primary contour (i.e., 15mV/m contour) of the station or the central area (CTRL) as defined by Numeris, whichever is smaller in terms of surface area.
12. Both Hamilton and Windsor are Numeris CTRLs. Pursuant to the Regulations, the markets for CKOC and CHAM are defined in terms of the Hamilton CTRL, while the market for CKWW is defined by that station's primary contour.
13. Both the Hamilton CTRL market and the CKWW market have fewer than eight commercial stations. Since the applicant does not operate any commercial stations in the Hamilton CTRL, and only operates one station, CINA-FM, in Windsor, within CKWW's market, the Commission finds that approval of the applications would be consistent with the Commission's Common Ownership Policy.

⁴ The Common Ownership Policy for radio was first set out in Public Notice 1998-41, and later reviewed and confirmed in Broadcasting Public Notice 2008-4. Broadcasting Information Bulletin 2010-341 sets out the guidelines for the application of that policy, and amendments to the policy are set out in Broadcasting Regulatory Policy 2022-332.

Canadian ownership and effective control

14. The Direction does not allow the Commission to issue a broadcasting licence to an applicant that is a non-Canadian.
15. Neeti P. Ray is a Canadian as defined in the Direction. Effective control of the proposed licensees would be exercised by Neeti P. Ray, given that all of the shares in each of the corporations to be incorporated would be held by the Neeti P. Ray Family Trust, of which Neeti P. Ray is the sole trustee.
16. Accordingly, the Commission finds that the proposed transaction complies with the Direction.

Public interest of the proposed transaction

17. When the Commission evaluates whether a transaction is in the public interest, it examines the extent to which the transaction improves the Canadian broadcasting system and contributes to meeting the policy objectives of the *Broadcasting Act*. Section 3 of that Act describes a broadcasting system that contributes to the creation and presentation of Canadian programming, and through its programming reflects the multicultural and multiracial nature of Canadian society. Furthermore, the programming that system provides should be drawn from local and regional sources and should ensure that a diversity of news voices is offered to the public.

Positions of parties

18. CHIN Radio-TV noted that the Commission's regulatory framework requires that it determine whether Neeti P. Ray, OBCI's applications represent the best possible proposals. It argued that other, possibly better proposals were not put forward since other potentially interested parties did not learn that these stations were for sale until after the applicant had entered into an agreement to purchase the stations.
19. The intervener added that it would have been interested in purchasing CHAM or CKOC had it known they were for sale, and that it would have considered migrating its AM station to the frequency currently used by CKOC.
20. Neeti P. Ray, OBCI replied that Bell⁵ no longer wishes to operate these stations, and considered that approval of the proposed transaction would ensure the stations remain in operation. As a result, the transaction would benefit all parties, including Canadian radio listeners, by keeping the stations on the air. The applicant added that since the transaction would allow it to increase its radio presence in Windsor⁶ and to establish its first radio presence in Hamilton, approval of the transaction would result in a new independent owner for the stations focused on their revitalization within the Windsor and Hamilton markets.

⁵ Here, "Bell" refers to both Bell Media Inc. and Bell Media Regional Radio Partnership.

⁶ The applicant currently operates CINA-FM Windsor, a multicultural radio station airing programming in 12 different languages, with a focus on Arabic-language programming.

21. In regard to the diversity of voices, Neeti P. Ray, OBCI stated that approval of the proposed transaction would not negatively impact the level of competition in the Hamilton radio market since it currently owns no stations in that market. Further, the applicant indicated that CINA-FM, its multicultural Windsor radio station, and CKWW, the Windsor station it would acquire, would remain very different stations. It considered that the levels of diversity and competition in the Windsor market would not change.
22. Finally, Neeti P. Ray, OBCI stated that there are no policy concerns given that it plans to operate the stations under the same terms and conditions of service.⁷ It added that the present applications conform to the Commission's Tangible Benefits Policy (see Broadcasting Regulatory Policy 2022-332) and that the intangible benefits would be the continued operation of the stations in the communities of Hamilton and Windsor at a time when Bell has been shutting down other AM stations.

Commission's decision

23. The Commission considers that approval of the present transaction would help to ensure the survival of the three AM stations, stations that may have otherwise closed. Approval of the transaction would also help to provide listeners in Hamilton and Windsor with continued access to local programming while increasing the current level of programming diversity in Hamilton and maintaining programming diversity in Windsor.
24. In regard to the intervention filed by CHIN Radio-TV, the Commission notes that there is no competitive process for changes in ownership and that it must assess whether the transaction is in the public interest and consistent with the overall objectives of the *Broadcasting Act*. Further, the requirement for the applicant to pay tangible benefits contributes to ensuring that the transaction is in the public interest.
25. Finally, the Commission notes that Neeti P. Ray is an experienced broadcaster, operating various stations in different Ontario markets, including the AM station CINA Mississauga. This operator is aware of the specific challenges of operating AM stations.
26. In light of the above, the Commission finds that approval of the present applications would be in the public interest.

Value of the transaction and tangible benefits

27. One way of ensuring that the public interest is served is by proposing financial contributions that are proportionate to the size and nature of the transaction. These contributions are known as "tangible benefits." The Commission's policy on tangible benefits is set out in Broadcasting Regulatory Policy 2014-459, with amendments regarding the allocation of benefits set out in Broadcasting Regulatory Policy 2022-332. Tangible benefits serve the public interest because they increase the quantity and quality

⁷ Pursuant to subsections 49(1) and 50(2) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to subsection 9.1(1) of the new *Broadcasting Act*, or subsection 11.1(2) in the case of expenditures. As such, the conditions of licence for these licensees became conditions of service and continue to apply to the licensees.

of Canadian programming and support the creation, distribution and promotion of such programming. For this reason, the Commission requires that applicants propose tangible benefits when they seek the Commission's approval to change the effective control of radio and television programming services.

28. The amount of tangible benefits payable depends on the value of the transaction. In the case of radio stations, tangible benefits usually amount to not less than 6% of the value of the transaction. The Commission looks at the value of the transaction as a whole, including the value of gross debt, working capital to be transferred at the close of the transaction, ancillary agreements, and any leases assumed by the purchaser for real property (buildings, studios and offices) and transmission facilities. The value of leases is calculated over a period of five years. These elements, if applicable, are added to the purchase price to determine the value of the transaction.
29. Neeti P. Ray, OBCI proposed a value of the transaction of \$811,547 and proposed the minimum 6% of the value of the transaction in tangible benefits, resulting in a tangible benefits package of \$48,693. The proposed value of the transaction includes the purchase price of the assets (\$445,000) and assumed leases for transmitter sites (\$366,547). It indicated that no debt or working capital, and no studio or office leases, would be assumed. The applicant added that CKWW would be operated from its existing facility in Windsor, the location from which it operates CINA-FM, and that CHAM and CKOC would be operated from a facility in Etobicoke, Ontario, from which it operates other stations, specifically, the Mississauga station CINA and CKFG-FM Toronto.
30. In light of the above, the Commission finds that the value of the transaction as proposed by the applicant is consistent with the Tangible Benefits Policy. Accordingly, the Commission determines that the value of the transaction is \$811,547 and requires a tangible benefits package totalling \$48,693.

Allocation of tangible benefits

31. In the revised Commercial Radio Policy, the Commission stated that the 6% tangible benefits formula along with the existing allocation formula should be maintained. It specified, however, that of the 3% of benefits previously allocated to the Radio Starmaker Fund (now known as the Canadian Starmaker Fund) or Fonds RadioStar, 60% must now be directed to the Canadian Starmaker Fund and 40% to Fonds RadioStar. Further, of the 1.5% of benefits previously allocated to FACTOR or Musicaction, 60% must now be directed to FACTOR and 40% must be directed to Musicaction.
32. Neeti P. Ray, OBCI proposed to allocate the funds in a manner consistent with the revised Commercial Radio Policy. In addition, the applicant stated that it would direct the 1% to be allocated to discretionary initiatives to support, in the form of scholarships, Canadian students enrolled in either the Journalism or Music programs at Hamilton's McMaster University and/or Mohawk College.

33. The Commission finds Neeti P. Ray, OBCI's proposal entirely consistent with its policies and directs the applicant to implement a tangible benefits package of \$48,693, to be paid in equal annual instalments over seven consecutive broadcast years, allocated as follows:

- 3% (\$24,346) to Canadian Starmaker Fund and Fonds RadioStar;
 - 60% (\$14,608) to Canadian Starmaker Fund
 - 40% (\$9,738) to Fonds RadioStar
- 1.5% (\$12,173) to FACTOR and Musicaction;
 - 60% (\$7,304) to FACTOR
 - 40% (\$4,869) to Musicaction
- 1% (\$8,116) to any eligible Canadian content development initiative at the discretion of the purchaser; and
- 0.5% (\$4,058) to the Community Radio Fund of Canada.

Broadcast of third-language programming and the solicitation of local advertising

Interventions

34. While the Coalition did not oppose the transaction, it proposed that the Commission impose conditions of service that would restrict the applicant from providing on either CHAM or CKOC programming in a Chinese language, in a South Asian language, in the Tamil or Tagalog languages, or in the Greek or Spanish languages.
35. This intervener also requested the applicant be prohibited from soliciting or accepting advertising in third languages during the broadcast of third-language programming, from businesses or from individuals conducting businesses outside of Hamilton (specifically, in the Toronto, Brampton and Mississauga markets, as defined by Statistics Canada and Numeris).
36. The Coalition stated that since the contours of the Hamilton stations cover part of the Greater Toronto Area (GTA), the signals of those stations could be received by listeners throughout the Toronto radio market. It therefore submitted that if the applicant were to devote the maximum allowable 15% of programming broadcast each week on CHAM or CKOC to third-language programs, this could diminish Coalition members' respective language market penetration and consequently threaten their economic viability.
37. Michel Mathieu, on behalf of 8041393 Canada Inc., submitted that competition with CHAM and CKOC, stations that can be heard well in Toronto, could significantly impact CJRK-FM.

Applicant's reply

38. Neeti P. Ray, OBCI replied that it was not aware of any precedent where the Commission would have imposed restrictions on the broadcast of third-language programming above and beyond the limits already set out in the Regulations. The applicant added that it is seeking no more and no fewer restrictions on the programming of CHAM and CKOC than what is already allowed. In this regard, the applicant noted that all commercial English-language stations have the ability to provide third-language programming to reflect the communities they are licensed to serve.
39. Neeti P. Ray, OBCI submitted that it would be inappropriate to impose restrictions on its ability to provide advertising from Toronto, Brampton and Mississauga in the third-language programming broadcast on CHAM and CKOC. It argued that persons in the Hamilton area, in surrounding communities and in the GTA are in regular and frequent contact with each other through work, business, family relations and the general mobility inherent in Canada's largest urban conglomeration of communities. The applicant noted that many individuals commute from Hamilton to the GTA and from the GTA to Hamilton. In its view, it is entirely appropriate for advertisers in these areas to be able to access marketing opportunities for their businesses that reach this mobile customer base.
40. Finally, Neeti P. Ray, OBCI stated that comments included in its reply to the Coalition are also relevant to the intervention filed by Michel Mathieu in regard to concerns expressed over the competitive impact that broadcasting Tamil-language programming on CHAM and CKOC would have on CJRK-FM. The applicant added that CJRK-FM launched in 2016 and has had sufficient time to establish itself, and that as an FM station does not face the same challenges as AM stations generally do. In its view, approving the present applications would not have any particularly negative impact on CJRK-FM.

Commission's decisions

Third-language programming

41. CHAM and CKOC are not ethnic radio stations but rather English-language commercial radio stations, which, pursuant to the Regulations, may devote a maximum of 15% of their programming each broadcast week to third-language programming. The restrictions relating to the broadcast of third-language programming as proposed by the Coalition are typically imposed on ethnic stations, not English-language commercial stations.
42. The Commission considers that there is no evidence on the record of this proceeding to suggest that the applicant will operate the stations differently than how they are currently being operated, and notes that issues have never arisen regarding their programming. Moreover, allowing the licensees to devote up to 15% of each station's programming to third-language programming, which is typical practice for commercial broadcasters, would pose no harm to other licensees in the Hamilton market.
43. In light of the above, the Commission finds that it would not be appropriate to impose conditions of service further limiting the applicant's ability to broadcast certain types of third-language programming.

Local advertising

44. While commercial FM radio stations are subject to a standard condition of service linking local advertising to local programming in markets where there is more than one station,⁸ no such formal limitation exists for commercial AM radio stations. Similarly, AM stations are not restricted in terms of the locations from which they can draw advertising. As such, while it is preferable for the programming and advertising broadcast on AM stations to be relevant to the local communities served by the stations, there is no formal requirement that they broadcast a certain amount of local programming in order to be able to solicit local advertising.
45. In general, the Commission imposes non-standard conditions of service only where the record demonstrates that the circumstances of a licensee warrant it. For instance, where there is evidence that a licensee is attempting “back door” entry into a market it is not licensed to serve, the Commission may consider imposing a non-standard condition of service to limit the licensee’s activities to the market or demographic it was licensed to serve.
46. The Commission notes that while the markets of CHAM or CKOC do not overlap with those of the members of the Coalition, in some instances it is possible that the signals of CHAM or CKOC could extend beyond the markets they are licensed to serve and be heard in areas served by some members of the Coalition. Nevertheless, the strength and quality of the signals in those areas cannot be verified, and AM signals are significantly more affected in larger metropolitan areas, such as the GTA.
47. Moreover, given the overall financial position of the stations operated by the Coalition members and the limited potential advertising revenues that the applicant could draw from the markets of those stations, any potential impact would be negligible and would not cause an undue impact on them.
48. In regard to the intervention from Michel Mathieu, the Commission notes that the market served by CJRK-FM is not the same as those served by CHAM and CKOC.
49. In light of the above, that Commission finds that it would be neither appropriate nor necessary to impose on the licensees of CHAM or CKOC any conditions of service limiting those stations’ ability to solicit or accept advertising from outside their markets.

Provision of local programming and local news

50. Public Notice 1995-60 sets out that licensees of commercial AM stations are asked, at the time of licence renewal, to indicate the level of local programming their stations will provide and to indicate how they will ensure that spoken word programming of direct and particular relevance to the community they serve is included in their stations’ programming.

⁸ See condition of service 8 set out in the appendix to Broadcasting Regulatory Policy 2022-334.

51. CHAM currently operates under a local comedy format. Of the 126 hours of programming broadcast each broadcast week on the station, 9.75 hours are locally produced. In the context of the most recent licence renewal for the station (see Broadcasting Decision 2020-407), the licensee indicated in its application that its format did not allow it to offer local news.
52. CKOC previously operated under a sports talk format and, prior to that, under an Oldies music format.⁹ Since 2021, it has operated under a business news format. Of the 126 hours of programming broadcast each broadcast week on the station, 27.75 hours are locally produced. In the context of that station's most recent licence renewal (see Broadcasting Decision 2020-407), the licensee indicated in its application that its previous sports talk format did not allow it to offer local news.
53. CKWW currently operates under an Oldies music format. Of the 126 hours of programming broadcast each broadcast week, 42 hours are locally produced. The current licensee of the station is required, through a condition of service set out in the appendix to Broadcasting Decision 2017-232, to broadcast on the station at least one hour and 30 minutes of programming drawn from content subcategory 11 (News).
54. Neeti P. Ray, OBCI expressed its willingness to maintain the same types of programming currently offered on CHAM, CKOC and CKWW. The Commission agreed to these local programming levels in the most recent licence renewals for the stations, a time when they were operated by a large, vertically integrated broadcaster.
55. The Commission has adopted a case-by-case approach for AM stations as to whether to impose conditions of service relating to local programming. Given that there are no minimum requirements relating to the broadcast of local programming and news by AM stations, the Commission finds that it would not be appropriate to impose on the licensees of CHAM, CKOC and CKWW conditions of service in this regard.

Conclusion

56. In light of all of the above, the Commission approves the applications by Neeti P. Ray, on behalf of corporations to be incorporated, for authority to change the ownership and effective control of the English-language commercial AM radio programming undertaking CKWW Windsor, Ontario, through the acquisition of the assets, and for authority to change the ownership and effective control of the English-language

⁹ CKOC does not currently broadcast music. However, given that it previously operated under an Oldies music format, and in the event it does broadcast music, it continues to be subject to the following condition of service, set out in Appendix 2 to Broadcasting Decision 2020-407: "The licensee shall, as an exception to the percentage of Canadian musical selections set out in [sub]sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), in any broadcast week where at least 90% of musical selections from content category 2 (Popular Music) that it broadcasts are selections released before 1 January 1981: in that broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and between 6 a.m. and 6 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety. The licensee shall specify, on the music lists it provides to the Commission, the year of release for all musical selections it broadcasts."

commercial AM radio programming undertakings CHAM Hamilton and CKOC Hamilton, Ontario, through the acquisition of the assets.

57. Upon surrender of the current licence issued to Bell Media Regional Radio Partnership for CKWW and the current licences issued to Bell Media Inc. for CHAM and CKOC, and once the applicant has satisfied the Commission with supporting documentation that eligible corporations have been incorporated in accordance with the applications in all material respects, the Commission will issue to Neeti P. Ray, on behalf of the corporations to be incorporated, a new broadcasting licence for CKWW expiring 31 August 2026 and new broadcasting licences for CHAM and CKOC, each expiring 31 August 2027,¹⁰ under the terms and conditions of service set out in Appendices 1 through 3, respectively, to this decision.

Conditions of service

58. Given that the applicant proposed to operate the stations under the same terms and conditions as those in effect under the current licences, the Commission makes the following orders consistent with the existing conditions of service.

59. For each station, as is the case for the current licensee, the Commission considers it appropriate for the licensee to adhere to the standard conditions of service for commercial radio stations, with the exception of those that apply only to FM radio stations.

60. Further, pursuant to subsection 49(2) of the *Online Streaming Act*, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. As a result, the Commission considers it appropriate to require that the licensee adhere to these requirements as conditions of service.

61. Accordingly, for the undertaking CHAM Hamilton, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** Neeti P. Ray, on behalf of a corporation to be incorporated, by **condition of service**, to adhere to the standard conditions of service set out in the appendix to Broadcasting Regulatory Policy 2022-334, with the exception of conditions of service 6 through 8, as well as to all applicable requirements set out in the Regulations, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.

62. Additionally, for the undertakings CKOC Hamilton and CKWW Windsor, pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** Neeti P. Ray, on behalf of corporations to be incorporated, by **condition of service**, to adhere to the standard conditions of service set out in the appendix to Broadcasting Regulatory Policy 2022-334, with the exception of conditions of service 6 through 8, as well as to all applicable requirements set out in the Regulations, that were made under

¹⁰ The Commission last renewed the broadcasting licences for CKOC and CHAM in Broadcasting Decision 2020-407 until 31 August 2027. The Commission renewed the broadcasting licence for CKWW in Broadcasting Decision 2017-232 until 31 August 2024 and administratively renewed the licence until 31 August 2026 in Broadcasting Decision 2023-230.

paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*, and to all additional conditions of service, as specified below.

63. In regard to additional conditions of service for CKOC, the Commission **orders** Neeti P. Ray, on behalf of a corporation to be incorporated, by **condition of service**, in any broadcast week where at least 90% of musical selections from content category 2 (Popular Music) that it broadcasts are selections released before 1 January 1981:
- in that broadcast week, to devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
 - between 6:00 a.m. and 6:00 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, to devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.
64. In regard to additional conditions of service for CKWW, the Commission **orders** Neeti P. Ray, on behalf of a corporation to be incorporated, by **condition of service**:
- to broadcast, in each broadcast week, at least one hour and 30 minutes of programming drawn from content subcategory 11 (News), as defined in Broadcasting Regulatory Policy 2022-333; and
 - as an exception to the percentage of Canadian musical selections set out in subsections 2.2(8) and 2.2(9) of the Regulations, to devote at least 20% of its musical selections from content category 2 (Popular Music) in each broadcast week and between 6:00 a.m. and 6:00 p.m. from Monday to Friday to Canadian selections broadcast in their entirety.
65. The Commission notes that these applications, including the proposed conditions of service, were subject to a public proceeding that provided both the applicant and other interested parties notice of and an opportunity to make representations with respect to the proposed conditions of service. The Commission is satisfied that, in this case, the public proceeding was sufficient to achieve the purposes of the publication and consultation requirement set out in subsection 9.1(4) of the *Broadcasting Act*.
66. The terms as well as the specifics of the conditions of service identified above for CKWW, CHAM and CKOC are set out in Appendices 1 through 3, respectively, to this decision.
67. Finally, the Commission notes that the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensees shall also adhere to any such requirements set out in the broadcasting licences for the undertakings.

Reminders

Force and effect of broadcasting licences

68. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licences will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapse.

Local news

69. Radio stations are an important daily source of local news and information for communities. Carrying on a broadcasting undertaking comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.
70. As noted above, the revised Commercial Radio Policy specifies the type of spoken word material that must be included as part of a station's local programming. In accordance with that regulatory policy, the Commission reminds the licensees that their stations, in their local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensees to ensure that a reasonable amount of daily local news and information is made available to those communities.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2023-230, 28 July 2023
- *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Various commercial radio stations – Licence renewals*, Broadcasting Decision CRTC 2020-407, 22 December 2020
- *Various commercial radio stations – Licence renewals*, Broadcasting Decision CRTC 2017-232, 5 July 2017

- *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014
- *Revised guidelines for the application of the Common Ownership Policy for Radio*, Broadcasting Information Bulletin CRTC 2010-341, 4 June 2010
- *Diversity of Voices – Regulatory Policy*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998
- *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995

This decision and the appropriate appendix are to be appended to each licence.

Appendix 1 to Broadcasting Decision CRTC 2024-139

Terms, conditions of service, expectations and encouragement for the English-language commercial AM radio programming undertaking CKWW Windsor, Ontario

Terms

The licence will expire 31 August 2026.

The Commission will only issue a licence for this undertaking once the applicant has:

- satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects; and
- satisfied the Commission that the proposed licensee of the undertaking meets the definition of “qualified corporation” set out in the *Direction to the CRTC (Ineligibility of Non-Canadians)*.

Conditions of service

1. The licensee shall adhere to the conditions set out in the appendix to *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022, with the exception of conditions 6 through 8, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.
3. In each broadcast week, the licensee shall broadcast at least one hour and 30 minutes of programming drawn from content subcategory 11 (News), as defined in the appendix to *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022.
4. As an exception to the percentage of Canadian musical selections set out in subsections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall devote at least 20% of its musical selections from content category 2 (Popular Music), as defined in the appendix to *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022, in each broadcast week and between 6:00 a.m. and 6:00 p.m. from Monday to Friday, to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category,” “content subcategory” and “musical selection” shall have the meanings as those set out in the Regulations.

Expectations

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Canadian emerging artists

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station's musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of "Canadian emerging artist" is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station's playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of "Indigenous-Canadian musical selection" set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

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 in its hiring practices and in all other aspects of its management of human resources.

Appendix 2 to Broadcasting Decision CRTC 2024-139

Terms, conditions of service, expectations and encouragement for the English-language commercial AM radio programming undertaking CHAM Hamilton, Ontario

Terms

The licence will expire 31 August 2027.

The Commission will only issue a licence for this undertaking once the applicant has:

- satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects and
- satisfied the Commission that the proposed licensee of the undertaking meets the definition of “qualified corporation” set out in the *Direction to the CRTC (Ineligibility of Non-Canadians)*.

Conditions of service

1. The licensee shall adhere to the conditions set out in the appendix to *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022, with the exception of conditions 6 through 8, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.

Expectations

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Canadian emerging artists

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station’s musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request,

information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of “Canadian emerging artist” is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station’s playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of “Indigenous-Canadian musical selection” set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

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 in its hiring practices and in all other aspects of its management of human resources.

Appendix 3 to Broadcasting Decision CRTC 2024-139

Terms, conditions of service, expectations and encouragement for the English-language commercial AM radio programming undertaking CKOC Hamilton, Ontario

Terms

The licence will expire 31 August 2027.

The Commission will only issue a licence for this undertaking once the applicant has:

- satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects and
- satisfied the Commission that the proposed licensee of the undertaking meets the definition of “qualified corporation” set out in the *Direction to the CRTC (Ineligibility of Non-Canadians)*.

Conditions of service

1. The licensee shall adhere to the conditions set out in the appendix to *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022, with the exception of conditions 6 through 8, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.
3. The licensee shall, as an exception to the percentage of Canadian musical selections set out in subsections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), in any broadcast week where at least 90% of musical selections from content category 2 (Popular Music), as defined in the appendix to *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022, that it broadcasts are selections released before 1 January 1981:
 - (a) in that broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
 - (b) between 6:00 a.m. and 6:00 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

The licensee shall specify, on the music lists it provides to the Commission, the year of release for all musical selections it broadcasts.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the Regulations.

Expectations

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Canadian emerging artists

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station’s musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of “Canadian emerging artist” is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station’s playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of “Indigenous-Canadian musical selection” set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

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 in its hiring practices and in all other aspects of its management of human resources.