



Broadcasting Decision CRTC 2024-178

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Reference: Part 1 application posted on 24 January 2024

Ottawa, 9 August 2024

Société Radio Communautaire du Grand Edmonton Society
Edmonton, Alberta

Public record: 2023-0310-6

CFED-FM Edmonton – Licence amendment

Summary

The Commission approves the application by Société Radio Communautaire du Grand Edmonton Society (Société Radio Communautaire) to broadcast programming other than French-language programming on CFED-FM Edmonton. The Commission has consulted with Edmonton’s French-speaking community and considers that approval of the application is in the public interest.

During each broadcast week, Société Radio Communautaire may broadcast on CFED-FM a maximum of 18 hours of English-language and third-language programming produced by The Universal Radio Network (TURN), a third-party audio programming producer, as follows:

- a maximum of 15 hours per week, from 6 p.m. to 9 p.m., Monday to Friday; and
- a maximum of three hours per week, on Saturday or Sunday.

This authorization is valid until **9 August 2029**, which will give Société Radio Communautaire the time it needs to turn around the station’s financial situation and avoid ending its operations.

Application

1. Société Radio Communautaire du Grand Edmonton Society (Société Radio Communautaire) is the licensee of the French-language community radio station CFED-FM Edmonton, Alberta.
2. In Broadcasting Decision 2017-3, the Commission approved Société Radio Communautaire’s application for a broadcasting licence to operate a French-language community FM radio station in Edmonton targeting Edmonton’s French-language official language minority community (OLMC), including Francophones of all ages and cultures, newcomers and Francophiles. CFED-FM’s licence expires on 31 August 2030.¹

¹ In Broadcasting Decision 2023-77, the Commission renewed the broadcasting licences of various community radio stations, including CFED-FM, from 1 September 2023 to 31 August 2030.

3. Excluding Société Radio-Canada stations,² CFED-FM is the only other French-language station in Edmonton. According to the licensee, CFED-FM's mission is to be the crossroads of the Francophone community, to break isolation, to bring together generations and diversity within the community, and to develop communications that value belonging to a dynamic Francophonie in the greater Edmonton region.
4. The Société Radio Communautaire has applied to amend CFED-FM's conditions of service to remedy serious financial difficulties. Specifically, the licensee wishes to amend its conditions of service to allow the station to broadcast a certain number of hours of English-language programming during each broadcast week. The licensee indicated that if the Commission denies its application, it will be forced to terminate CFED-FM's activities.
5. More specifically, Société Radio Communautaire wishes to broadcast The Universal Radio Network (TURN) programming from 6 p.m. to 9 p.m., Monday to Friday, and a block of time to be determined on weekends.
6. TURN is incorporated in the province of Alberta, and the members of its Board of Directors are all Canadians. Its programming is available digitally on its website and digital streaming platforms. Its programming, all locally produced in a studio in Edmonton, is aimed at a young adult audience (ages 16 – 45), with a focus on second-generation Canadians of the South Asian diaspora.
7. TURN's programming is mainly in English but includes music and spoken word in Punjabi and Hindi. The music broadcast is world beat music, and more specifically Bollywood and Punjabi music.
8. Société Radio Communautaire has indicated that authorization to broadcast TURN's programming for three consecutive years would put the station back on a sound financial footing. In its view, three years would be enough to plan strategies for recruiting employees and volunteers and finding long-term funding. The licensee also submitted that a five-year authorization would allow it to achieve greater financial stability.
9. The programming to be produced by TURN and broadcast on CFED-FM would consist of 40% spoken word and 60% musical programming. The spoken word component would consist of programming in English, Punjabi and Hindi. Music programming would be drawn primarily from content subcategory 33 (World beat and international) with a particular focus on Bollywood and Punjabi music, with an emphasis on Canadian artists of South Asian descent (50%).
10. In addition to the usual 30-day intervention period, OLMC members were duly consulted through an additional intervention period, in compliance with section 5.2 of the *Broadcasting Act*. The interveners unanimously supported Société Radio Communautaire's application. The public record of this application is available on the Commission's website, www.crtc.gc.ca, or by using application number 2023-0310-6.

² CHFA-10-FM Edmonton and CBCX-FM-1 Edmonton

Regulatory framework

11. The Commission has the authority, pursuant to subsections 9(1) and 9.1(1) of the *Broadcasting Act*, to issue licences and impose conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*.
12. In exercising this power, when it receives an application relating to a condition affecting OLMCs, the Commission must consider the objectives of Canadian broadcasting policy and the other sections of the *Broadcasting Act*. It must also consider the objectives and relevant requirements of the *Official Languages Act*.
13. This requires the Commission to take positive action related to a number of policy objectives, including:
 - promoting the vitality of OLMCs and supporting their development, taking into account their unique and pluralized character;
 - supporting the production and broadcasting of original programs by and for OLMCs, as well as French-language programming in general;
 - promoting the full recognition and use of both official languages; and
 - protecting and promoting the French language, given its minority position in Canada and North America.
14. The Commission must also consider the procedural obligations to consult OLMCs set out in section 41 of the *Official Languages Act* and section 5.2 of the *Broadcasting Act*.
15. Radio stations are generally authorized to broadcast in the language indicated in the licence granted by the Commission (e.g., a French-language station, an English-language station, etc.) or in a language authorized in a regulation or condition of service. The *Radio Regulations, 1986* (Regulations) allow community radio stations to devote no more than 15% of any broadcast week to programming in a third language³ if they serve a market with at least one ethnic station. On the other hand, if they want to broadcast in the other official language or a language of Canada's Indigenous people, these stations will need a condition of service authorizing this.
16. In the case of French-language radio stations, the Regulations set out more specific broadcasting requirements. These requirements are addressed in this decision.
17. Finally, when a radio station licensee files an application to amend its conditions of service, including an application for authorization to broadcast programming in an official language other than the station's language of licence, the Commission expects the licensee to

³ As set out in the Regulations, programming in a "third language" refers to ethnic programming in a language other than French, English or a language of Canada's Indigenous people.

demonstrate the existence of an economic need that convincingly justifies the change in the programming broadcast.

Issues

18. After examining the record for this application, the Commission considers that it must address the following issues:

- financial and economic considerations;
- the proposed programming and the required Commission authorizations; and
- the public interest and impact on OLMCs.

The application's financial and economic considerations

Financial considerations for the station

19. Société Radio Communautaire reported that the station has been in debt since its launch in 2018, and that this situation was exacerbated by the COVID-19 pandemic. CFED-FM relies heavily on subsidies, which account for two-thirds of its total revenues. However, Société Radio Communautaire foresees that many of these subsidies, paid to finance the station's operations, will soon come to an end. Despite efforts to find help, including fundraising, the money raised is not enough to ensure the station's survival.

20. The licensee also drew up a turnaround plan for the station, with minimum operating conditions from the 2020-2021 broadcast year, which included a significant reduction in salary expenses. Despite this, the licensee anticipates a deficit over the next two years if the Commission denies its application.

21. The Commission notes that all the efforts made by the licensee to redress its financial situation demonstrate that it has attempted to regain its solvency while maintaining an entirely French-language programming schedule. Furthermore, this application does not appear to be a roundabout way of integrating English-language programming on the air in the long term, or a way of changing the station's French-language mandate.

22. In view of the above, the Commission concludes that Société Radio Communautaire has demonstrated a financial need justifying the proposed amendments.

Economic considerations for the Edmonton radio market

23. The Commission considers that approving the application would not increase the station's advertising revenues. CFED-FM would receive revenues from the lease of airtime but would not receive revenues from advertising broadcast during the broadcast hours allocated to TURN. At present, TURN broadcasts programming online and already benefits from airtime on an AM radio service in the region. Consequently, the approval of this application does not represent a significant change for the Edmonton radio market.

24. The Commission received no opposition to this application.

25. In light of the above, the Commission concludes that approval of the application would not have an undue economic impact on the other stations operating in this market.

Proposed programming and required authorizations

Programming authorization

26. In compliance with the Regulations, French-language stations may broadcast English-language musical programming without having to request authorization from the Commission. However, the station must meet all its regulatory requirements for music programming, in particular the requirement that at least 65% of the Category 2 (Popular Music) musical selections it broadcasts during the broadcast week be in the French language.
27. The situation is different when it comes to broadcasting spoken word programming. Obligations regarding the language of spoken word programming are closely linked to the type of station (e.g., commercial, community, etc.) and the language indicated in the licence granted by the Commission (e.g., a French-language station, an English-language station, a station in a language of Canada's Indigenous people, etc.).
28. CFED-FM, as a French-language community station, does not require Commission authorization to broadcast up to 15% of the broadcast week in a third language. However, it must obtain authorization from the Commission to broadcast English-language spoken word programs.
29. Société Radio Communautaire proposes to enter into an airtime lease agreement with TURN, allowing it to allocate 12% of the broadcast week to third-language programming, i.e., the 6 p.m. to 9 p.m. time slot from Monday to Friday.
30. Société Radio Communautaire would also like to broadcast TURN's programming in one or two three-hour blocks over the weekend. Although these six hours of weekend programming are not crucial to the signing of the agreement between TURN and Société Radio Communautaire, they would maximize leasing revenues, while respecting the 15% threshold for third-language programming allowed by the Regulations.
31. The practice of leasing airtime does not generally raise concerns about a licensee's ability to exercise control over its station. This practice is not subject to prior approval by the Commission. However, to confirm the nature and scope of the proposed agreement, the Commission will require, as a **condition of approval**, that Société Radio Communautaire file the signed agreement with TURN for the lease of airtime no later than **8 October 2024**. It is understood that the agreement is binding between the licensee and TURN as soon as it is filed with the Commission.
32. In the case of Société Radio Communautaire's current application, the proposed agreement would enable the station to retain the time slots most popular with listeners and advertisers (i.e., 6 a.m. to 6 p.m., Monday to Friday) for broadcasting its own programming. In fact, despite the lease of airtime to TURN, the number of hours of programming produced by CFED-FM would still represent 83% to 88% of the broadcast week (calculated on a total of 126 hours).

33. At present, CFED-FM's programming includes 92.5 hours of local programming produced by the station. The remaining programming hours come from Canadian French-language community programs, such as those produced by the Alliance des radios communautaires du Canada, the Association Acadian Radio of New Brunswick, and Radio France International.
34. Leasing airtime to TURN, although it would remove a certain number of hours of French-language programming, would allow Société Radio Communautaire to improve its financial situation while meeting its regulatory requirement to broadcast a minimum of 15% local spoken word.
35. Finally, to provide TURN with the maximum number of hours of English-language programming agreed to in the proposed agreement, Société Radio Communautaire will potentially have to eliminate the majority of English-language musical selections from its in-house music programming, which should result in more French-language programming than is currently the case.
36. Although approving this application would have an impact on the amount of French-language programming broadcast by CFED-FM, the Commission concludes that since the majority of weekly programming will remain in French and will be broadcast during prime time (6 a.m. to 6 p.m., Monday to Friday), this still allows the station to fulfil its mission of offering programming that meets the needs of Francophones in the Edmonton area.
37. Consequently, the Commission authorizes Société Radio Communautaire to broadcast on CFED-FM a maximum of 18 hours per broadcast week of English-language and third-language programming produced by TURN, as follows:
 - a maximum of 15 hours per week, from 6 p.m. to 9 p.m., Monday to Friday; and
 - a maximum of three hours per week, on Saturday or Sunday.
38. Notwithstanding this authorization, the Commission reminds Société Radio Communautaire that it is responsible for all content broadcast on the station, including all programming produced by TURN. It also remains responsible for all instances of non-compliance or potential complaints arising from the broadcast of the new programming.

Duration of authorization

39. Société Radio Communautaire has indicated that authorization to broadcast TURN's programming for three consecutive years would put the station back on a sound financial footing. In its view, these three years would be enough to plan strategies for recruiting employees and volunteers and find long-term funding. However, a five-year authorization would enable it to achieve greater financial stability.
40. In light of the station's financial analysis, the Commission concludes that a five-year period would be more appropriate, as it would give Société Radio Communautaire the time it needs to adequately redress the station's financial situation and achieve greater financial stability.

Public interest and impact on OLMCs

41. When the Commission approved the initial licence application for CFED-FM in Broadcasting Decision 2017-3, it considered that CFED-FM would offer a new local service to Francophones in Edmonton, which would constitute a positive measure to foster the vitality of a Francophone OLMC in Canada and support its development as set out in section 41(1) of the *Official Languages Act*.
42. Société Radio Communautaire has indicated that denial of its application by the Commission would result in the station's closure. Closing CFED-FM would pose a risk to the public interest, as it is the only community radio station serving Edmonton's French-speaking OLMC.
43. Under both the *Official Languages Act* and the *Broadcasting Act*, the Commission must, in the exercise of its mandate, actively take positive measures to achieve certain policy objectives, including enhancing the vitality of OLMCs; supporting their development, taking into account their unique and plural character; fostering the full recognition and use of both English and French in Canadian society; and protecting and promoting the French language in each province and territory, taking into account its minority status in Canada and in North America due to the predominant use of English.
44. In the case of CFED-FM, the Commission considers that the closure of CFED-FM would have a negative impact on Edmonton's Francophone OLMC. In fact, the unanimous support for the application by the members of Edmonton's French-speaking OLMC who took part in the proceeding shows that approving this application is not only in the public interest, but also in the ultimate interest of this community, which strongly wishes to see the station remain in operation.
45. In view of the circumstances, the Commission considers that approving CFED-FM's application for an amendment constitutes a positive measure for Edmonton's French-speaking OLMC, enabling the station to continue to operate.

Conclusion

46. The Commission **approves** the application by Société Radio Communautaire to amend the conditions of service of its French-language community radio programming undertaking CFED-FM Edmonton, Alberta.
47. Pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission hereby issues an order imposing on the Société Radio Communautaire du Grand Edmonton Society the following **condition of service**:

The licensee may broadcast on CFED-FM Edmonton a total maximum of 18 hours per broadcast week of English-language and third-language programming produced by The Universal Radio Network, as follows:

- a maximum of 15 hours per week, from 6 p.m. to 9 p.m., Monday to Friday; and

- a maximum of three hours per week, on Saturdays or Sundays, at the licensee's discretion.

48. This authorization is valid until **9 August 2029**.

49. To confirm the nature and scope of the proposed agreement, the Commission requires, as a **condition of approval**, that the Société Radio Communautaire du Grand Edmonton Society file, no later than **8 October 2024**, the signed agreement with The Universal Radio Network for the lease of airtime.

50. Given that interested parties have had the opportunity to comment on CFED-FM's proposed amendment to the conditions of service as part of the application process, the Commission considers that this proceeding is sufficient to meet the objectives of the publication and consultation requirement set out in subsection 9.1(4) of the *Broadcasting Act* in this instance.

Reminder

51. Under section 11(4) of *Radio Regulations, 1986*, unless otherwise stipulated in the conditions of its licence, the licensee must obtain prior approval from the Commission for any action, agreement or transaction which, directly or indirectly, would change, by any means whatsoever, the effective control of its business.

Secretary General

Related documents

- Various community radio stations – Licence renewals, Broadcasting Decision CRTC 2023-77, 16 March 2023
- *Licensing of new radio stations to serve Edmonton*, Broadcasting Decision CRTC 2017-3, 6 January 2017

This decision is to be appended to the licence.