



Broadcasting Notice of Consultation CRTC 2013-279

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Ottawa, 7 June 2013

Call for comments regarding the exemption of low-power radio programming undertakings that provide programming derived solely from houses of worship from licensing requirements and associated regulations

The Commission calls for comments on a proposal to exempt from licensing requirements and associated regulations currently licensed low-power radio programming undertakings that provide programming derived solely from houses of worship. A proposed exemption order is set out in the appendix to this notice.

*The deadline for the filing of comments is **8 July 2013**. Parties may file replies to matters raised in the initial comments. The deadline for the filing of replies is **18 July 2013**.*

Background

1. In the CRTC Three-Year Plan 2013-2016,¹ the Commission announced its intention for the 2013-2014 broadcast year to review and streamline requirements set out in its current exemption orders for radio programming undertakings by issuing revised exemption orders for public comment. In the present notice of consultation, the Commission calls for comments relating to the exemption of currently licensed low-power radio programming undertakings that provide programming derived solely from houses of worship.

Policy considerations

2. The Commission's authority to exempt classes of broadcasting undertakings is set out in section 9(4) of the *Broadcasting Act* (the Act), which states the following:

The Commission shall, by order, on such terms and conditions as it deems appropriate, exempt persons who carry on broadcasting undertakings of any class specified in the order from any or all of the requirements of this Part or of a regulation made under this Part where the Commission is satisfied that compliance with those requirements will not contribute in a material manner to the implementation of the broadcasting policy set out in subsection 3(1) [of the Act].

¹ This can be found on the Commission's website at www.crtc.gc.ca under "Reports and Publications."

3. In Public Notice 1996-59, the Commission stated that its policy is generally to exempt classes of programming undertakings only where:
 - a) it is evident to the Commission that the licensing and regulation of the class of undertaking will not result in a significantly greater contribution to the Canadian broadcasting system, whether with respect to the Canadian programming carried by undertakings of that class, or the expenditures on Canadian programming made by such undertakings; and
 - b) it is evident to the Commission that undertakings operating under the exemption order will not have an undue impact on the ability of licensed undertakings to fulfil their regulatory requirements.
4. This policy seeks to ensure that there is an appropriate balance between the requirements that are imposed on licensees and the resources to which these licensees are disposed to meet those requirements.

Exemption of currently licensed religious (church) radio stations

5. There are currently 24 religious (church) radio stations that have been licensed by the Commission and that are currently in operation. These stations are generally located in small communities and are affiliated with local church parishes. They are all low-power radio programming undertakings, and many broadcast at an effective radiated power of two watts or less. Finally, these stations are required to adhere to the guidelines on ethics and balance in religious programming as defined in Public Notice 1993-78.
6. The Commission would not be inclined to exempt licensed religious (church) radio stations if exempting such stations could have an undue impact on the ability of licensed undertakings to fulfill their regulatory requirements. This does not seem to be the case in this instance. The Commission considers that these stations have a negligible impact on the markets in which they operate. Not only do they have limited revenues and low programming expenses, they also have a very limited reach as all are either low-power or very low-power stations. Further, their listenership is very limited in scope given that they primarily target those who may otherwise not be able to attend the religious services they broadcast.
7. Moreover, although these stations contribute to the Canadian broadcasting system, their contribution is minimal, as the programming broadcast is limited to religious services, weddings, baptisms, funerals and other religious celebrations and ceremonies. According to Commission records, none of these stations broadcast more than 40 hours of programming per broadcast week, with the majority broadcasting between 15 and 35 hours of programming during that period, and some as few as 3 hours. In addition, none of these stations broadcast advertising. Finally, these stations have relatively low programming expenses when compared to other classes of radio programming undertakings.

8. The Commission is therefore of the preliminary view that the continued licensing of these stations does not contribute to the quality and diversity of programming available to Canadians and to the Canadian broadcasting system, or to the implementation of the policy objectives of the Act. Accordingly, and in light of the guidelines set out in Public Notice 1996-59, the Commission considers that they could be exempted from licensing requirements and associated regulations.

Criteria of the proposed exemption order

9. Although the above-noted currently licensed radio stations are all related to “churches,” which are most closely associated with the Christian faith, it is the Commission’s view that the programming broadcast on any religious station eligible for exemption should not be limited to material originating from Christian faith-based institutions. It therefore considers that the use of the expression “houses of worship” would cover programming broadcast from institutions representing any faith.
10. In setting out its proposal regarding the possible exemption of currently licensed low-power radio programming undertakings providing programming that is derived solely from houses of worship, the Commission has considered the criteria set out below. The Commission notes that under this proposal, all 24 currently licensed religious (church) radio stations would become eligible for exemption from licensing requirements and associated regulations.

Low-power stations

11. Finally, the Commission is of the view that only low-power stations should be eligible for exemption from licensing requirements and associated regulations. In this regard, the Commission notes that regular FM stations are protected from interference caused by new stations or changes to existing stations. Low-power stations, on the other hand, do not have protected status and must relinquish their licences if they are not compatible with a regular, protected FM station. Therefore, low-power stations, unlike regular FM stations, have a minimal impact on the availability of frequencies in a given market. As such, the Commission considers that it continues to be necessary to licence regular, protected FM stations in order to fulfill its mandate under the Act.

Programming

12. The Commission is of the preliminary view that the programming broadcast by stations exempt under the proposed order should be limited to the live and local broadcast of religious services, weddings, funerals and other religious celebrations and ceremonies. Through this limitation, the programming broadcast would remain niche.

Advertising

13. The Commission is of the preliminary view that stations exempt under the proposed order should not be permitted to broadcast advertising, so as to ensure that they do not have an impact on the advertising revenue in any markets that they serve.

Programming from other services

14. The Commission is of the preliminary view that stations exempt under the proposed order should not be permitted to rebroadcast the programming of any licensed or exempted radio or television undertaking.

Broadcast of musical selections

15. The Commission is of the preliminary view that stations exempt under the proposed order should not be permitted to broadcast any musical selections unless they form an integral part of the religious ceremony being broadcast.

Guidelines on ethics for religious programming

16. The Commission is of the preliminary view that stations exempt under the proposed order must comply with the guidelines on ethics for religious programming set out in Public Notice 1993-78. This would help ensure that the programming broadcast is neither abusive nor misrepresentative, and would reduce the risk of complaints by providing guidelines on tolerance, integrity, social responsibility and the solicitation of funds.
17. However, the Commission does not consider it appropriate to impose on exempt stations a requirement on balance in religious programming. Not only are they necessarily single-faith operations without open line programs, they cannot, by the nature of their service, acquire programming in order to provide such balance.

Call for comments

18. The Commission calls for comments on the issues and proposals set out above, specifically in regard to the following:
 - whether low-power radio programming undertakings providing programming that is derived solely from houses of worship should be eligible for exemption from licensing requirements and associated regulations; and
 - the criteria of the proposed exemption order.
19. A proposed exemption order is set out in the appendix to this notice.

Procedure

20. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure) set out, among

other things, the rules for content, format, filing and service of interventions. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

21. The Commission will accept comments that it receives on or before **8 July 2013**. Parties may file replies to matters raised in the initial comments. The deadline for the filing of replies is **18 July 2013**.
22. In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.
23. The Commission will not formally acknowledge interventions. It will, however, fully consider all interventions, and they will form part of the public record of the proceeding, provided that the procedures for filing set out in the Rules of Procedure and this notice have been followed.
24. Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

25. Submissions longer than five pages should include a summary.
26. Each paragraph of the submission should be numbered. In addition, where the comment is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been altered during electronic transmission.

Important notice

27. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail

or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

28. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
29. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
30. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.
31. The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

32. A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and clicking on the "Interventions/Answers" link associated with this notice.
33. The public may examine public interventions and related documents at the following Commission offices during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices

Nova Scotia

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

Quebec

205 Viger Avenue West
Suite 504
Montréal, Quebec
H2Z 1G2
Tel.: 514-283-6607

Ontario

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
Tel.: 416-952-9096

Manitoba

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

Saskatchewan

2220 – 12th Avenue
Suite 620
Regina, Saskatchewan
S4P 0M8
Tel.: 306-780-3422

Alberta

100 – 4th Avenue South-West
Suite 403
Calgary, Alberta
T2P 3N2
Tel.: 403-292-6660
Fax: 403-292-6686

British Columbia

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Policy regarding the use of exemption orders*, Public Notice CRTC 1996-59, 26 April 1996
- *Religious broadcasting policy*, Public Notice CRTC 1993-78, 3 June 1993

Appendix to Broadcasting Notice of Consultation CRTC 2013-279

Proposed exemption order

Exemption order for low-power radio programming undertakings providing programming that is derived solely from houses of worship

By this order, pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), the Commission exempts from the requirements of Part II of the Act and any regulations made thereunder those persons carrying on broadcasting undertakings of the class defined by the criteria set out below.

Purpose

The purpose of these radio programming undertakings is to provide live local broadcasts of religious services, weddings, funerals, and other such religious celebrations and ceremonies.

Description

1. The undertaking meets all technical requirements of the Department of Industry (the Department) and has acquired all authorizations or certificates prescribed by that Department.
2. The low-power undertaking operates between 525 kHz and 1705 kHz in the AM frequency band or between 88 MHz and 107.5 MHz in the FM frequency band. The undertaking broadcasts with a transmitter power of less than 100 watts in the AM band, and with a maximum effective radiated power of 50 watts with a maximum transmitting antenna height of 60 metres in the FM band as defined by the Department in Parts II and III of its *Broadcasting Procedures and Rules*.
3. The Commission would not be prohibited from licensing the undertaking by virtue of any Act of Parliament or any direction to the Commission by the Governor in Council.
4. The programming provided by the undertaking consists solely of live local broadcasts of religious services, weddings, funerals, and other such religious celebrations and ceremonies.
5. The programming provided by the undertaking contains no advertising material.
6. The undertaking does not broadcast the programming of any other programming undertaking.
7. The undertaking does not broadcast any musical selections unless they form an integral part of the religious ceremony being broadcast.

8. The undertaking's programming complies with 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 the solicitation of funds.
9. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Equitable portrayal code*, as amended from time to time and approved by the Commission.