



Broadcasting Decision CRTC 2017-198

PDF version

Reference: 2017-1

Ottawa, 14 June 2017

Various applicants

Vancouver, British Columbia; Edmonton and Calgary, Alberta; and Ottawa and Toronto, Ontario

The application numbers are set out in this decision.

Public hearing in the National Capital Region

27 March 2017

Licensing of new radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto

*The Commission **approves** an application by Northern Native Broadcasting (Terrace, B.C.) for a broadcasting licence to operate an English- and Indigenous-language Type B Native FM radio station to serve the urban Indigenous community in Vancouver.*

*The Commission also **approves** applications by Aboriginal Multi-Media Society of Alberta for broadcasting licences to operate English- and Indigenous-language Type B Native FM radio stations to serve the urban Indigenous communities in Edmonton and Calgary.*

*In addition, the Commission **approves** applications by First Peoples Radio Inc. for broadcasting licences to operate English- and Indigenous-language Type B Native FM radio stations to serve the urban Indigenous communities in Ottawa and Toronto.*

*In light of the above, the Commission **denies** the remaining applications for broadcasting licences to operate radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto.*

In Broadcasting Notice of Consultation 2015-399 (the Call), the Commission called for applications for radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto. It noted the pressing need for radio services that would serve the Indigenous community as a whole given that issues vitally important to Indigenous Canadians are not fully covered or addressed at all in non-Indigenous media. Radio stations serving such communities can play a critical role in serving the public interest and contributing to the fulfilment of the policy objectives set out in sections 3(1)(d)(iii) and 3(1)(o) of the Broadcasting Act (the Act), specifically, to meet the needs and reflect the special place of Indigenous peoples within Canadian society.

During the course of the proceeding, through written comments and the appearance of parties at the public hearing, both applicants and interveners emphasized the importance

of meeting the needs and interests of these urban Indigenous communities, and of the need to build local businesses and establish local contacts in each community. In rendering the above decisions, the Commission has addressed the needs and interests of those communities by recognizing the importance of ensuring the Canadian broadcasting system contributes to the promotion and protection of Indigenous cultures. The support that will be provided through the addition of new radio stations, and the provision by those stations of significant amounts of local programming that reflects the cultural and linguistic backgrounds of the communities, will make a significant contribution to the populations in those communities and to meeting the relevant objectives of the Act.

In assessing the applications, the Commission considered plans and commitments regarding Indigenous programming, including how the applicants' commitments would reflect the interests and needs of the Indigenous populations to be served, foster the development of Indigenous cultures, and help preserve Indigenous languages. It also sought the applicants' views regarding what would constitute a solid and viable business plan, and questioned them on the business plans for their proposed services. In addition, the Commission considered the applicants' plans to provide for broad participation by the Indigenous populations of the regions served in the governance, operation and programming of the stations.

The Commission is confident that the successful applicants in the present proceeding will take their role very seriously and work together to ensure that their services promote the interests of and reflect Indigenous communities. Neither this decision nor any future policy review absolve non-Indigenous radio or television broadcasters from serving the Indigenous peoples in their local communities. The Commission will closely monitor the ability of the broadcasting system as a whole to fulfill the mandate of promoting and serving Indigenous communities.

Call for applications

1. In Broadcasting Decision 2015-282, the Commission revoked the broadcasting licences for the Type B Native radio stations CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton and CKAV-FM-9 Ottawa, held by Aboriginal Voices Radio Inc. (AVR). The decision to revoke those licences was based on AVR's serious and repeated non-compliance with its regulatory obligations, and on the inability of the licensee to adequately meet the needs of the Indigenous¹ populations in those communities.
2. The revocation of the broadcasting licences for the former AVR services has left a void in the number of stations serving the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto. In the Commission's view, these five radio markets are of particular interest to new players who wish to operate new radio stations to serve those communities.

¹ "Indigenous" means an individual who self-identifies as Indigenous, which includes First Nations, Metis or Inuit. In the present decision, "Indigenous" is used interchangeably with "Aboriginal," which has been used in other Commission documents.

3. In Broadcasting Notice of Consultation 2015-399, the Commission called for applications for broadcasting licences to operate new radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto. This call was open to any person or group who wished to submit an innovative application that focused on serving Indigenous Canadians, regardless of the type of service proposed.
4. The Commission noted in Broadcasting Notice of Consultation 2015-399 that there is a pressing need for radio services that would serve the Indigenous community as a whole given that issues vitally important to Indigenous Canadians are not fully covered or addressed at all in non-Indigenous media. Radio stations serving such communities can play a critical role in serving the public interest and contributing to the fulfilment of the policy objectives set out in sections 3(1)(d)(iii) and 3(1)(o) of the *Broadcasting Act* (the Act), specifically, to meet the needs and reflect the special place of Indigenous peoples within Canadian society.
5. The Commission also indicated that applicants would be required to provide evidence giving clear indication of a demand and a market for the services proposed. This included demonstrating the needs of the Indigenous communities in the markets in question, how proposed services would meet those needs, and whether the markets could sustain proposed additional services should they already have services targeting Indigenous communities.

Applications received

6. In response to Broadcasting Notice of Consultation 2015-399, the Commission received the following applications for broadcasting licences to operate FM radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto.

Vancouver

Applicant	Application number
Northern Native Broadcasting (Terrace, B.C.)	2016-0013-0
First Peoples Radio Inc.	2016-0027-1

Edmonton

Applicant	Application number
Aboriginal Multi-Media Society of Alberta	2016-0029-7
First Peoples Radio Inc.	2016-0031-2
VMS Media Group Ltd.	2016-0042-9

Calgary

Applicant	Application number
Aboriginal Multi-Media Society of Alberta	2016-0026-3
First Peoples Radio Inc.	2016-0028-9
VMS Media Group Ltd.	2016-0044-5

Ottawa

Applicant	Application number
Wawatay Native Communications Society	2016-0034-6
First Peoples Radio Inc.	2016-0036-2

Toronto

Applicant	Application number
Wawatay Native Communications Society	2016-0024-7
First Peoples Radio Inc.	2016-0033-8

7. Northern Native Broadcasting (Terrace, B.C.) (NNB), which currently operates the English- and Indigenous-language Type B Native radio station CFNR-FM Terrace, is a not-for-profit corporation controlled by its board of directors, which is currently comprised of four members. NNB indicated that the board representation would be increased by at least one member who would connect with the three core nations of the Lower Mainland Nations. It also proposed to create a community advisory council (the Council) that would be comprised of one member from each of the three Lower Mainland Nations along with seven members from agencies that provide services to Indigenous communities. The role of the Council would be to encourage the development of the management team in fulfilling the station's urban Indigenous programming conditions.
8. First Peoples Radio Inc. (FPR) is a not-for-profit corporation controlled by the board of directors of the Winnipeg-based Aboriginal Peoples Television Network Incorporated (APTN). FPR indicated that its board structure would include representation from each of the regions served by the proposed stations. Specifically, it would consist of seven individuals: three would be drawn from APTN senior management with relevant experience in broadcasting management and operations, and the remaining four would be independent of APTN (i.e., not directors, officers, or employees of APTN), representing the communities served by the stations.

9. Aboriginal Multi-Media Society of Alberta (AMMSA) is a not-for-profit corporation controlled by its board of directors. It currently operates the English- and Indigenous-language Type B Native radio station CFWE-FM-4 Edmonton. AMMSA indicated that its board would be comprised of 12 members of the Indigenous communities to be served.
10. VMS Media Group Ltd. (VMS) is a corporation controlled by its board of directors, which is comprised of three members: Mr. Ranjit Sidhu, President; Mr. Pal Virk, Vice-President and Secretary; and Mr. Alnoor Mitha, Vice-President and Treasurer. VMS proposed to create an advisory council consisting of nine members of the community served, whose role would be to reflect the Indigenous community.
11. Wawatay Native Communications Society (Wawatay) is a not-for-profit corporation controlled by its board of directors, which is currently comprised of five members. It currently operates CJWT-FM Timmins and its rebroadcasting transmitters, and CKWT-FM Sioux Lookout and its rebroadcasting transmitters. Wawatay indicated that the board representation would be increased by two members to represent the local First Nations of the Ottawa and Toronto areas. It also proposed to create a community-elected advisory board (the elected Council) for each of the Ottawa and Toronto stations. The role of the elected Council would be to help root the programming in the local communities to be served.
12. With the exception of VMS, the applicants proposed to operate Type B Native FM radio stations that would serve the urban Indigenous communities in the above-noted markets by broadcasting programming in English and in Indigenous languages (and, in the case of Wawatay, also in French). VMS proposed to operate commercial specialty FM radio stations in Edmonton and Calgary that would broadcast both Indigenous and ethnic programming.
13. The frequencies chosen by the applicants for their proposed services in each radio market were the same frequencies occupied by the former AVR stations. Consequently, the proposals for the same radio market are mutually exclusive on a technical basis.

Public hearing and interventions

14. In Broadcasting Notice of Consultation 2017-1, the Commission announced that it would hold a hearing starting on 27 March 2017 to examine the above applications, and called for written comments on the various proposals.
15. In the same way that the call for applications was open to all Canadians, all Canadians were given the opportunity to comment on the applications that were submitted, and these comments have assisted the Commission in regard to the licensing decisions set out below. The Commission received and considered over 250 interventions in regard to the applications, the vast majority of which supported the various proposals.

16. The Commission also received general comments on certain applications from the Forum for Research and Policy in Communications, and from an individual. It also received an intervention from the Community Media Advocacy Centre (CMAC) opposing the applications by FPR and VMS, and supporting the applications by NNB, AMMSA and Wawatay. In regard to FPR, CMAC cited possible competition/conflict issues with the other applicants given FPR's ties to APTN, and questioned the applicant's commitment to supporting certain elements of the local Indigenous communities. In regard to VMS, CMAC questioned the appropriateness of a non-Indigenous media group applying for a radio broadcasting licence at this time to operate an Indigenous radio station. Finally, the Commission received a written intervention from NNB opposing certain elements of the business plan proposed by FPR in its application.
17. The public record for each application can be found on the Commission's website at www.crtc.gc.ca or by using the appropriate application number.

Commission's analysis and decisions

Severability of applications by First Peoples Radio Inc.

18. FPR indicated that its applications were non-severable. It submitted that should all five of its applications not be approved, substantial changes to its proposals would be required. For example, should only four of its applications be approved, it stated that it would expect to offer less local programming and fewer news and information segments. For its proposals to be viable, and for it to meet certain commitments that it proposed to adhere to by condition of licence, FPR stated that it would need one station in each of the three provinces, and no fewer than four stations, including one in each of Vancouver and Toronto.
19. FPR further indicated that through shared national management and infrastructure, its national model would allow the stations to share costs and pool risks. It added that operating nationally would provide each station with access to a richer pool of the resources for local and national programming, music research and technical expertise needed in urban markets. FPR added that there would be important cross-promotional opportunities between APTN and each of the proposed stations.
20. The Commission acknowledges that FPR may be inclined to make changes to its proposals should all five applications not be approved. Further, should the Commission approve FPR's applications in fewer than four markets, expenses may have to be amortized over a smaller number of stations. Those stations may also have less capacity to garner national revenues.
21. However, in light of the information available on the public record of this proceeding, the Commission is not convinced that FPR will be able to launch and maintain services in any of the five markets, and meet its minimum programming commitments, only if all five of its applications are approved. In fact, FPR indicated that each of the proposed stations would be self-sufficient, and that it would locate some of its functions in Winnipeg in order to capitalize on the resources of APTN

and sister stations. In addition, since the radio revenue projections provided are based primarily on local advertising sales, any changes in revenues relating to the broadcast of national advertising would not significantly impact its business plan.

22. In this regard, the Commission notes that various parties to the proceeding made reference to regional/local versus national radio services. Although certain types of services, such as television services, may benefit from operating on a national level, what distinguishes radio and the ability of radio operators to compete is community reflection through the broadcast of local programming. This is particularly true for Indigenous radio stations given that Indigenous communities are typically local by nature. Even when part of the same Nations or treaty groups, each Indigenous community has its own history, culture and language(s).
23. Further, as argued by certain parties, a national radio service may not have the same support from local organizations and businesses in the local market as would a regional or local service. Regional and local radio services are much more likely to be suited to providing regional news coverage and public information since the operators will have a better understanding of the needs of their surrounding communities and may be in a better position to reflect local diversity by reaching out to local communities through a variety of languages. Further, by expanding their activities to urban markets, and through regional/local management and infrastructure, operators can benefit from synergies that would allow them to share costs (relating to, among other things, music research, training and educational opportunities).
24. In short, although a national radio service may be able to benefit from synergies based on a national business plan and on the availability of national coverage to promote employment and training goals, regional and local radio services can benefit from local radio experience and relationships, and from expanding their activities across a region or province.
25. The Commission is not persuaded that severing FPR's applications would be an absolute impediment to the viability of any individual station. FPR's claim relates more to pooling risks and providing a national-level service than to how the viability of its individual stations would be dependent upon treating its applications as non-severable.

Assessment of market capacity and of the applications received

26. The support provided through the addition of new radio stations that target the Indigenous communities in the Vancouver, Edmonton, Calgary, Ottawa and Toronto radio markets, with significant amounts of local programming that reflects the populations' cultural and linguistic backgrounds, will make a significant contribution to the Indigenous communities served and to meeting the relevant objectives of the Act.

27. Accordingly, and consistent with its instructions to potential applicants set out in Broadcasting Notice of Consultation 2015-399, in order to assist it in evaluating how a proposed service would meet the needs of Indigenous Canadians in those radio markets, the Commission has considered the merits of each application in light of its regulatory framework for Indigenous broadcasting (see Public Notice 1990-89) as well as in regard to the following criteria, set out in Broadcasting Notice of Consultation 2015-399:

- plans and commitments regarding Indigenous programming, including how the applicant's commitments will reflect the interests and needs of the Indigenous population to be served, foster the development of Indigenous cultures and help preserve Indigenous languages;
- the capacity of the proposed business plan [...] to sustain the programming plans set out in the application;² and
- plans to provide for broad participation by the Indigenous population of the region served in the governance, operation and programming of the station.

28. As noted above, VMS proposed to operate commercial specialty FM radio stations in Edmonton and Calgary that would broadcast both Indigenous and ethnic programming. Accordingly, the Commission has also considered VMS's application in light of the following factors that were first set out in Decision 99-480 and that are normally considered in assessing applications for commercial radio services:

- the quality of the application (relating to, for example, the proposed business plan and programming format, commitments to the broadcast of Canadian content, and the reflection of the local community);
- the diversity of news voices; and
- the competitive state of the markets in question.

29. In the Commission's view, the primary issues to be considered when assessing the competing applications for new radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto are the following:

- Market capacity: Can each of the radio markets sustain an additional radio service targeting its urban Indigenous community without having an undue negative impact on existing stations?

² In this regard, the Commission notes that Indigenous radio stations target audiences and sources of advertising revenue that are different from those served by mainstream and ethnic radio stations.

- Assessment of applications: Should the market have the capacity to sustain such an additional radio service, which of the applications would best meet the needs of the urban Indigenous community in each market?
30. In each of the sections that follow, for each radio market, the Commission sets out its determination as to whether the market has the capacity to sustain the addition of a radio service targeting its urban Indigenous community, followed by its assessment of the applications to operate radio stations targeting the urban Indigenous community in that market.

Vancouver

Market capacity

31. In 2011, the Indigenous population of the Vancouver Census Metropolitan Area (CMA) was 52,375. From 2001 to 2011, that CMA's Indigenous population increased by nearly three times the rate of its overall population.
32. The Vancouver radio market is served by 20 commercial stations (11 FM and 9 AM). From 2011 to 2015, total radio revenues declined with a compound annual growth rate (CAGR) of -0.6%. In 2012, total radio revenues reached a peak of \$126 million. The profit before interest and taxes (PBIT) and PBIT margin also declined slightly over that period. The PBIT margin peaked at 24.1% in 2013, and in 2015, at 19.5%, was comparable to the Canadian average of 18.9%.
33. In regard to Vancouver's economic outlook, this market benefits from positive economic factors, including higher household incomes and lower unemployment levels when compared to the national average. Economic growth in Vancouver is expected to remain steady, second only to Toronto among Canadian CMAs.
34. In light of the above, the Commission finds that the Vancouver radio market can sustain the addition of one new radio station serving its urban Indigenous community.

Assessment of applications

35. After examining the applications by NNB and FPR in light of the factors and criteria set out above, the Commission finds that while both are quality applications that meet the criteria set out in Broadcasting Notice of Consultation 2015-399, the application by NNB better meets the needs of the urban Indigenous community in the Vancouver market. NNB proposed higher levels of local programming and Indigenous-language programming. In addition, it currently has a presence in British Columbia with its Type B Native radio station CFNR-FM, and as such can benefit from various synergies. Further, its proposed business plan is more modest than that filed by FPR. Finally, NNB has committed to maintaining current relationships and developing new relationships with communities that would form its target audience, which would be conducive to NNB delivering programming that is relevant to that audience.

36. NNB's new station would serve the urban Indigenous community in Vancouver by offering a mix of spoken word and musical programming targeting that community. Specifically, the station would operate under a Rock, Blues, Canadian-Centric Roots Rock, and Classic Hits music format, targeting Indigenous people from 25 to 55 years of age. NNB committed to broadcast 126 hours of programming each broadcast week, of which at least 120 hours would be local programming. Further, it committed to broadcast at least 2 hours and 30 minutes of Indigenous-language programming (Salishan, Coast and Halkomelem). **Conditions of licence** in regard to those commitments are set out in Appendix 1 to this decision.
37. NNB committed to broadcast each broadcast week 25 hours of spoken word programming, including 6 hours and 45 minutes of news, and 101 hours of musical programming. At least 25% of all musical selections broadcast would be devoted to Indigenous music, and 5% would be in Indigenous languages. **Conditions of licence** relating to the broadcast of musical selections are set out in Appendix 1.
38. The Commission considers the business plan proposed by NNB for its station to be reasonable, sustainable and self-sufficient, based on the sale of advertising. In this regard, NNB projected advertising revenues of \$888,000 in Year 2, growing to \$1.6 million in Year 7, and that the station would achieve profitability by Year 4. These projections are more modest than those set out by FPR (i.e., advertising revenues of \$1.8 million in Year 2, growing to \$2.7 million in Year 7, and profitability by Year 3) and as such would have a more limited impact on existing services in the Vancouver radio market. NNB added that 22% of its existing British Columbia-based radio network website traffic originates from Vancouver, which shows that it already has an audience in the market.
39. NNB indicated that it has developed strong relationships with various groups within the Vancouver area. Its proposed community advisory council would be comprised of members of the three communities to be served by the station (Squamish Nation, Tsleil-Waututh Nation and Musqueam Indian Band), who would provide guidance on relevant news and events programming. The council, to be coordinated by station staff, would also identify and invite participation from community groups and agencies serving members of First Nations communities living in Vancouver. NNB further committed to provide a venue to support the cultural needs of its audience by broadcasting programming on artists that is relevant in terms of language and culture. Specifically, its journalism team would present stories about local arts and culture, musicians and storytellers.
40. NNB's commitment to serve Indigenous communities in Vancouver was reflected in the letters of support submitted by leaders and officials from the Gitmaxmak'ay Nisga'a Society, the Musqueam Indian Band, the Squamish Nation, Moricetown Band Council, the Kitsumkalum Indian Band, and the Kitselas First Nation. In particular, the letters cited NNB's experience in broadcasting throughout northern British Columbia and its plans to provide links to the 65,000 Indigenous people living in Vancouver to their home communities while providing local content from a distinct perspective.

Edmonton

Market capacity

41. In 2011, the Indigenous population of the Edmonton CMA was 61,765. From 2001 to 2011, that CMA's Indigenous population increased by nearly twice the rate of its overall population. Currently, Edmonton has the second largest Indigenous population of all cities in Canada (second only to Winnipeg), and is on track to having the largest Indigenous population in Canada.
42. The Edmonton radio market is served by 19 commercial stations (14 FM and 5 AM), including the ethnic radio station CKER-FM Edmonton, which is owned by Rogers Broadcasting Limited. As noted above, it is also served by AMMSA's Indigenous radio station CFWE-FM-4. In addition, in Broadcasting Decision 2017-3, the Commission approved an application by 1811258 Alberta Ltd. (1811258 Alberta) for a broadcasting licence to operate an ethnic commercial AM radio station in Edmonton, which has yet to launch.
43. From 2011 to 2015, total radio revenues in Edmonton remained relatively stable with a CAGR of 1.3%. In 2013, total revenues reached a peak of \$94.1 million. The PBIT and PBIT margin also remained relatively stable over that period. The PBIT margin peaked at 25.6% in 2013, well above the Canadian average of 18.9%.
44. In regard to Edmonton's economic outlook, that city's economy has been affected by decreases in the energy sector. However, Edmonton still benefits from positive economic indicators, including higher household incomes and lower unemployment levels overall when compared to the national average.
45. In light of the above, the Commission finds that the Edmonton radio market can sustain the addition of one new radio station serving its urban Indigenous community. However, the Commission also finds that with the pending launch of 1811258 Alberta's ethnic radio station, the Edmonton radio market cannot sustain the addition of another new ethnic radio station at this time.

Assessment of applications

46. The application by VMS for Edmonton is innovative in terms of its proposed mix of Indigenous, ethnic and cross-cultural programming offering. However, the applicant proposed to broadcast programming in South Asian languages that are similar to those offered by the incumbent radio station CKER-FM. Further, the ethnic programming to be broadcast by VMS's proposed station would overlap programming targeting the South Asian community that is currently broadcast by CKER-FM and that will be broadcast by 1811258 Alberta's new ethnic radio station. As a result, VMS's proposal would not add to the diversity of South Asian programming in the market. Finally, VMS's projected revenues that are tied to ethnic programming represent over 70% of Edmonton's 2015 ethnic radio revenues. Consequently, approval of VMS's application could have an undue negative

financial impact on the Edmonton ethnic radio market, in particular on 1811258 Alberta's yet to launch ethnic radio station.

47. The Commission finds that while the applications by both AMMSA and FPR are quality applications that meet the criteria set out in Broadcasting Notice of Consultation 2015-399, the application by AMMSA better meets the needs of the urban Indigenous community in the Edmonton radio market. In addition to proposing a higher level of local programming, AMMSA has a presence in the Edmonton market with its station CFWE-FM-4, and has proposed a more modest business plan, which would have less of an impact on incumbent stations.
48. AMMSA's new station would serve the urban Indigenous community in Edmonton by offering a mix of spoken word and musical programming targeting that community. Specifically, the station would operate under a mixed contemporary (Pop, Rock and Dance) music format. AMMSA committed to broadcast 126 hours of programming each broadcast week, of which at least 120 hours would be local programming. Further, it committed to broadcast at least 7 hours of Indigenous-language spoken word programming (Cree, Dene, Nakoda/Sioux). **Conditions of licence** in regard to those commitments are set out in Appendix 2 to this decision.
49. AMMSA committed to broadcast each broadcast week 9 hours of spoken word programming, including 4 hours and 25 minutes of news, and 117 hours of musical programming. At least 20% of all musical selections broadcast would be devoted to Indigenous music, and 5% would be in Indigenous languages. **Conditions of licence** relating to the broadcast of musical selections are set out in Appendix 2.
50. The Commission considers the business plan proposed by AMMSA for its station to be reasonable, sustainable and self-sufficient, based on the sale of advertising. In this regard, AMMSA projected advertising revenues of \$325,000 in Year 2, growing to \$523,000 in Year 7, and that the station would achieve profitability by Year 5. AMMSA's projections are more modest than those set out by FPR (i.e., advertising revenues of \$1.6 million in Year 2, growing to \$2.3 million in Year 7, and profitability by Year 3) and as such would have a more limited impact on existing commercial stations in the Edmonton radio market, as well as on AMMSA's existing Indigenous radio station CFWE-FM-4. AMMSA added that its proposed station would benefit from synergies with CFWE-FM-4, and would be able to share risks and costs with that station, which targets an audience that is different from that targeted by its proposed station.
51. AMMSA's commitment to serve Indigenous communities in Edmonton was reflected in letters of support submitted by, among others, representatives from the Piikani Nation of Blackfoot Confederacy, the Assembly of First Nations, the Mayor of Edmonton, educational institutions, and numerous individuals from or representing independent production companies, artists, publicity agencies, and companies that promote artists. These letters cited, among other things, AMMSA's experience as an Indigenous broadcasting leader that consistently gives a voice to

Indigenous communities through news and entertainment programming and serves as a point of connection for listeners.

Calgary

Market capacity

52. In 2011, the Indigenous population of the Calgary CMA was 33,375. From 2001 to 2011, that CMA's Indigenous population increased by nearly twice the rate of its overall population.
53. The Calgary radio market is served by 20 commercial stations (15 FM and 5 AM). These include the ethnic radio stations CHKF-FM Calgary and CKYR-FM Calgary, which are owned by Fairchild Radio (Calgary FM) Ltd. and Multicultural Broadcasting Corporation Inc., respectively.
54. From 2011 to 2015, total radio revenues in Calgary remained relatively stable with a CAGR of 1.4%. In 2015, total revenues reached a peak of \$98.7 million. The PBIT and the PBIT margin also remained relatively stable over that period. The PBIT margin peaked at 27.3% in 2013, and in 2015, at 24.6%, was well above the Canadian average of 18.9%.
55. In regard to Calgary's economic outlook, that city's economy has been affected hard by decreases in the energy sector. However, Calgary still benefits from positive economic indicators, including higher household incomes and historically lower unemployment levels when compared to the national average.
56. In light of the above, the Commission finds that the Calgary radio market can sustain the addition of one new radio station serving its urban Indigenous community. However, the Commission also finds that with the presence of CHKF-FM and CKYR-FM, the Calgary radio market cannot sustain the addition of a new ethnic radio station at this time.

Assessment of applications

57. The application by VMS for Calgary is innovative in terms of its proposed mix of Indigenous, ethnic and cross-cultural programming offering. However, the ethnic programming to be broadcast by VMS's proposed station would overlap programming targeting the South Asian community that is currently broadcast by the incumbent radio stations CHKF-FM and CKYR-FM. As a result, VMS's proposal would not add to the diversity of South Asian programming currently available in the market. Finally, VMS's projected revenues that are tied to ethnic programming represent over 30% of Calgary's 2015 ethnic radio revenues. In light of the above, approval of VMS's application could have an undue negative financial impact on the Calgary ethnic radio market and its incumbent ethnic radio stations.

58. The Commission finds that while the applications by both AMMSA and FPR are quality applications that meet the criteria set out in Broadcasting Notice of Consultation 2015-399, the application by AMMSA better meets the needs of the urban Indigenous community in the Calgary radio market. In addition to proposing a higher level of local programming, AMMSA has proposed a more modest business plan, which would have less of an impact on incumbent stations.
59. AMMSA's new station would serve the urban Indigenous community in Calgary by offering a mix of spoken word and musical programming targeting that community. Specifically, the station would operate under a Country/mixed contemporary (Pop, Rock, Gospel and Blues) music format. AMMSA committed to broadcast 126 hours of programming each broadcast week, of which at least 117 hours and 30 minutes would be local programming. Further, it committed to broadcast at least 7 hours of Indigenous-language spoken word programming (Cree, Blackfoot, Dene, Nakoda/Sioux). **Conditions of licence** in regard to those commitments are set out in Appendix 3 to this decision.
60. AMMSA committed to broadcast each broadcast week 9 hours of spoken word programming, including 4 hours and 25 minutes of news, and 117 hours of musical programming. At least 20% of all musical selections broadcast would be devoted to Indigenous music, and 5% would be in Indigenous languages. **Conditions of licence** relating to the broadcast of musical selections are set out in Appendix 3.
61. The Commission considers the business plan proposed by AMMSA for its station to be reasonable, sustainable and self-sufficient, based on the sale of advertising. In this regard, AMMSA projected advertising revenues of \$193,000 in Year 2, growing to \$387,000 in Year 7, and that the station would achieve profitability by Year 7. These projections are more modest than those set out by FPR (i.e., advertising revenues of \$1.8 million in Year 2, growing to \$2.33 million in Year 7, and profitability by Year 5) and as such would have a more limited impact on existing services in the Calgary radio market. AMMSA added that the finances are in place to proceed in Calgary, and that it has identified its sales/station manager and on-air people.
62. Finally, AMMSA committed to maintaining current relationships with Indigenous communities in Alberta, and to developing new such relationships.
63. AMMSA's commitment to serve Indigenous communities in Calgary was reflected in letters of support submitted by, among others, representatives from the Piikani Nation of Blackfoot Confederacy, the Assembly of First Nations, the Mayor of Calgary, educational institutions, and numerous individuals from or representing independent production companies, artists, publicity agencies, and companies that promote artists. These letters cited, among other things, AMMSA's experience as an Indigenous broadcasting leader that consistently gives a voice to Indigenous communities through news and entertainment programming and serves as a point of connection for listeners.

Ottawa

Market capacity

64. In 2011, the Indigenous population of the Ottawa CMA was 30,570. From 2001 to 2006, that CMA's Indigenous population increased by over eight times the rate of its overall population, and from 2006 to 2011, by over five times the rate of its overall population.
65. The Ottawa radio market is served by 19 commercial radio stations (17 FM and 2 AM). From 2011 to 2015, total radio revenues as well as the PBITs and PBIT margins declined.
66. In regard to the economic outlook for Ottawa, the region is benefiting from positive economic indicators, including higher household incomes and lower unemployment levels when compared to the national average.
67. In light of the above, the Commission finds that the Ottawa radio market can sustain the addition of one new radio station serving its urban Indigenous community.

Assessment of applications

68. Wawatay received support from certain citizens and community leaders for its application to serve Ottawa's urban Indigenous community. This support emphasizes the importance Ontarians place on reclaiming, enhancing and retaining Indigenous languages and culture through broadcasting in Ottawa.
69. Further, leaders of the Indigenous communities in Ontario expressed their support for Wawatay's proposal to serve the urban Indigenous community in Ottawa through its commitment to broadcast 63 hours of local programming and no less than 42 hours of Indigenous-language programming each broadcast week. Letters of support were submitted by, among others, leaders and representatives of the Shibogama First Nations Council, the Metis Settlements General Council, Nishnawbe Aski Nation, Chiefs of Ontario, Grand Council Treaty #3, as well as by numerous individuals representing various educational institutions and community or media associations. They emphasized, among other things, the need for Indigenous representation and programming in the Ottawa radio market, and noted Wawatay's commitment to deliver a high percentage of Indigenous-language programming and music.
70. Wawatay's projected total expenses, including for programming that garnered such support for its Ottawa station, are higher than those projected by any of the other applicants, while its projected advertising revenues are lower than those of the other applicants. In addition, the applicant indicated that advertising revenues would account for less than 10% of its expenses. Moreover, Wawatay's business plan relies mainly on subsidies and grants that it confirmed have not been secured.³ In this regard, other applicants to this proceeding, including those whose applications were

³ Transcript: 27 March 2017 public hearing, volume 1, paragraphs 284 to 293

not competitive with Wataway's in the same markets, testified that, based on their experience in Indigenous broadcasting, such funding is simply not available.⁴

71. In the Commission's view, Wawatay's proposed business plan is speculative given that it has failed to provide the necessary evidence to demonstrate that its plan would be viable and sustainable in the absence of subsidies and grants. Consequently, for its proposal for Ottawa, Wawatay has not met the criterion in this regard set out in Broadcasting Notice of Consultation 2015-399.
72. The Commission finds that the application by FPR is a quality application that meets the criteria set out in Broadcasting Notice of Consultation 2015-399 and meets the needs of the urban Indigenous community in the Ottawa radio market. For example, FPR proposed elevated levels of local programming and Indigenous-language programming. Further, its proposed business plan, while being more ambitious than that filed by Wawatay, is, as noted below, reasonable, sustainable and self-sufficient, based on the sale of advertising. Finally, FPR committed to developing new relationships with communities that would form its target audience, which would be conducive to FPR delivering programming that is relevant to that audience.
73. FPR's new station would serve the urban Indigenous community in Ottawa by offering a mix of spoken word and musical programming targeting that community. Specifically, the station would operate under a music-based "Indigenous Variety" format targeting Indigenous people from 25 to 49 years of age. FPR committed to broadcast 126 hours of programming each broadcast week, of which at least 60% (about 75 hours) would be local programming. Further, it committed to broadcast at least 9 hours of Indigenous-language programming (Cree, Inuktitut and Ojibwe). **Conditions of licence** in regard to those commitments are set out in Appendix 4 to this decision.
74. FPR committed to broadcast each broadcast week 19 hours and 25 minutes of spoken word programming, including 6 hours and 10 minutes of news, and 102 hours and 30 minutes of musical programming. At least 25% of all musical selections broadcast would be devoted to Indigenous music. A **condition of licence** relating to the broadcast of musical selections is set out in Appendix 4.
75. The Commission considers the business plan proposed by FPR for its station to be reasonable, sustainable and self-sufficient, based on the sale of advertising. In this regard, FPR projected advertising revenues of \$1.9 million in Year 2 and \$2.47 million in Year 7, and indicated that the station would achieve profitability by Year 3. Based on its market research, FPR indicated that a large proportion of the potential Indigenous audience for its new station would consist of Canadian Broadcasting Corporation (CBC) radio listeners, and that its target audience would therefore attract fewer commercial advertising dollars from existing commercial radio stations, and more new revenue from existing and new advertisers.

⁴ Transcript: 27 March 2017 public hearing, volume 3, paragraphs 2679 to 2683; 2758 to 2761; 2891 to 2892

76. FPR identified four Indigenous communities⁵ with whom it would actively engage in order to provide programming that would be directly relevant to them by reflecting the interests of those communities in a meaningful way. It would accomplish this by directly engaging with local Indigenous elders and through annual local consultations, in addition to other platforms such as social media and on-air programming.
77. FPR stated that it is fully committed to working with other Indigenous broadcasters, existing Indigenous communications societies and other locally-based producers to provide relevant local content and greater coverage and scope for Indigenous broadcasting in Canada. It further stated that it would reach out to local language teachers, elders and listeners in Ottawa to find the best approach to offer Indigenous-language programming in the most relevant languages. FPR added that it would work closely with Indigenous organizations such as the Indigenous-led registered charity Indspire in Indigenous Music Awards, as well as community colleges and grass-roots organizations to find and support Indigenous talent.

Toronto

Market capacity

78. In 2011, the Indigenous population of the Toronto CMA was 36,995. From 2001 to 2006, that CMA's Indigenous population increased by over three times the rate of that its overall population, and from 2006 to 2011, by over four times the rate of its overall population.
79. The Toronto radio market is served by 31 commercial stations (18 FM and 13 AM). From 2011 to 2015, total radio revenues declined steadily with a CAGR of -1.1%. The PBIT and PBIT margin also declined slightly over that period. The PBIT margin peaked at 35.1% in 2012, and in 2015, at 29.8%, was well above the Canadian average of 18.9%.
80. In regard to Toronto's economic outlook, the city is expected to have Canada's fastest growing economy for the second consecutive year in 2017. Toronto also benefits from positive economic factors, such as higher household incomes and growing retail sales when compared to the national average.
81. In light of the above, the Commission finds that the Toronto radio market can sustain the addition of one new radio station serving its urban Indigenous community.

⁵ Algonquins of Pikwàkanagàn First Nation, Mohawks of Akwesasne, Mohawks of Kanasatake, Kitigan Zibi Anishinabeg

Assessment of applications

82. Wawatay received support from certain citizens and community leaders for its application to serve Toronto's urban Indigenous community. This support emphasizes the importance Ontarians place on reclaiming, enhancing and retaining Indigenous languages and culture through broadcasting in Toronto.
83. Further, leaders of the Indigenous communities in Ontario expressed their support for Wawatay's proposal to serve the urban Indigenous community in Toronto through its commitment to broadcast 63 hours of local programming and no less than 42 hours of Indigenous-language programming each broadcast week. Letters of support were submitted by, among others, leaders and representatives of the Shibogama First Nations Council, the Metis Settlements General Council, Nishnawbe Aski Nation, Chiefs of Ontario, Grand Council Treaty #3, as well as by numerous individuals representing various educational institutions and community or media associations. They emphasized, among other things, the need for Indigenous representation and programming in the Toronto radio market, and noted Wawatay's commitment to deliver a high percentage of Indigenous-language programming and music.
84. Wawatay's projected total expenses, including for programming that garnered such support for its Toronto station, are higher than those projected by any of the other applicants, while its projected advertising revenues are lower than those of the other applicants. In addition, the applicant indicated that advertising revenues would account for less than 10% of its expenses. Moreover, Wawatay's business plan relies mainly on subsidies and grants that it confirmed have not been secured.⁶ In this regard other applicants to this proceeding, including those whose applications were not competitive with Wawatay's in the same markets, testified that, based on their experience in Indigenous broadcasting, such funding is simply not available.⁷
85. In the Commission's view, Wawatay's proposed business plan is speculative given that the applicant has failed to provide the necessary evidence to demonstrate that its plan would be viable and sustainable in the absence of subsidies and grants. Consequently, for its proposal for Toronto, Wawatay has not met the criterion in this regard set out in Broadcasting Notice of Consultation 2015-399.
86. The Commission finds that the application by FPR is a quality application that meets the criteria set out in Broadcasting Notice of Consultation 2015-399 and meets the needs of the urban Indigenous community in the Toronto radio market. For example, FPR proposed elevated levels of local programming and Indigenous-language programming. Further, its proposed business plan, while being more ambitious than that filed by Wawatay, is, as noted below, reasonable, sustainable and self-sufficient, based on the sale of advertising. Finally, FPR committed to developing new relationships with communities that would form its target audience, which would be conducive to FPR delivering programming that is relevant to that audience.

⁶ Transcript: 27 March 2017 public hearing, volume 1, paragraphs 284 to 293

⁷ Transcript: 27 March 2017 public hearing, volume 3, paragraphs 2679 to 2683; 2758 to 2761; 2891 to 2892

87. FPR's new station would serve the urban Indigenous community in Toronto by offering a mix of spoken word and musical programming targeting that community. Specifically, the station would operate under a music-based "Indigenous Variety" music format targeting Indigenous people from 25 to 49 years of age. FPR committed to broadcast 126 hours of programming each broadcast week, of which at least 60% (about 75 hours) would be local programming. Further, it committed to broadcast at least 9 hours of Indigenous-language programming (Ojibwe, Cree and Mohawk). **Conditions of licence** in regard to those commitments are set out in Appendix 5 to this decision.
88. FPR committed to broadcast each broadcast week 19 hours and 25 minutes of spoken word programming, including 6 hours and 10 minutes of news, and 102 hours and 30 minutes of musical programming. At least 25% of all musical selections broadcast would be devoted to Indigenous music. A **condition of licence** relating to the broadcast of musical selections is set out in Appendix 5.
89. The Commission considers the business plan proposed by FPR for its station to be reasonable, sustainable and self-sufficient, based on the sale of advertising. In this regard, FPR projected advertising revenues of \$2.4 million in Year 2 and \$3 million in Year 7, and that the station would achieve profitability by Year 3. Based on its market research, FPR indicated that a large proportion of the potential Indigenous audience for its new station would consist of CBC radio listeners, and that the station would therefore attract fewer commercial advertising dollars from existing commercial radio stations, and more new revenue from existing and new advertisers.
90. FPR identified seven Indigenous communities⁸ with whom it would actively engage in order to provide programming that would be directly relevant to them by reflecting the interests of those communities in a meaningful way. It would accomplish this by directly engaging with local Indigenous elders and through annual local consultations, in addition to other platforms such as social media and on-air programming.
91. FPR stated that it is fully committed to working with other Indigenous broadcasters, existing Indigenous communications societies and other locally-based producers to provide relevant local content and greater coverage and scope for Indigenous broadcasting in Canada. It further stated that it would reach out to local language teachers, elders and listeners in Toronto to find the best approach to offer Indigenous-language programming in the most relevant languages. FPR added that it would work closely with Indigenous organizations such as the Indigenous-led registered charity Indspire and Indigenous Music Awards, as well as community colleges and grass-roots organizations to find and support Indigenous talent.

⁸ Six Nations Indian Reserve, Hiawatha First Nation, Mississaugas of Scugog Island First Nation, Chippewas of Georgina Island, Alderville First Nation, Curve Lake First Nation, Chippewas of Rama First Nation

Conclusion

92. In light of all of the above, the Commission approves the application (2016-0013-0) by Northern Native Broadcasting (Terrace, B.C.) for a broadcasting licence to operate a Type B Native FM radio programming undertaking to serve the urban Indigenous community in Vancouver, British Columbia. The terms and **conditions of licence** are set out in Appendix 1 to this decision.
93. Further, the Commission **approves** the applications by Aboriginal Multi-Media Society of Alberta for broadcasting licences to operate Type B Native FM radio programming undertakings to serve the urban Indigenous communities in Edmonton (2016-0029-7) and Calgary (2016-0026-3), Alberta. The terms and **conditions of licence** are set out in Appendices 2 and 3, respectively.
94. Finally, the Commission **approves** the applications by First Peoples Radio Inc. for broadcasting licences to operate Type B Native FM radio programming undertakings to serve the urban Indigenous communities in Ottawa (2016-0036-2) and Toronto (2016-0033-8), Ontario. The terms and **conditions of licence** are set out in Appendices 4 and 5, respectively.
95. The Commission is mindful that approval of FPR's applications in Ottawa and Toronto falls short of what the applicant was seeking. However, being authorized to operate new radio stations to serve the urban Indigenous communities in these cities brings with it certain advantages and benefits, for both FPR and the communities to be served. Ottawa, as Canada's capital and located in the National Capital Region, and Toronto, as the capital of Ontario, are high profile cities that will provide FPR with good visibility. As noted by the applicant in its projections, these two radio markets are the two most profitable markets in Canada. Moreover, operating radio stations in these cities will allow FPR to benefit from synergies through sharing infrastructure with APTN in Ottawa and sale teams in both Ottawa and Toronto. This in turn should make it possible for them to take advantage of current relationships with local advertisers and become established in Eastern Canada.
96. FPR committed to contribute for each station \$20,000 each broadcast year (for a total of \$140,000 over seven consecutive broadcast years) to the promotion and development of Indigenous Canadian content. The Commission acknowledges this commitment to the broadcasting system. However, FPR's commitment in this regard was based on all five of its applications being approved. Given that this is not the case, and given the impact on its proposals resulting from combined reduced revenues, the Commission has not imposed this commitment as a condition of licence for each new station.
97. In light of the above, the Commission **denies** the following applications:

First Peoples Radio Inc. (Vancouver)
2016-0027-1

First Peoples Radio Inc. (Edmonton)
2016-0031-2

First Peoples Radio Inc. (Calgary)
2016-0028-9

VMS Media Group Ltd. (Edmonton)
2016-0042-9

VMS Media Group Ltd. (Calgary)
2016-0044-5

Wawatay Native Communications Society (Ottawa)
2016-0034-6

Wawatay Native Communications Society (Toronto)
2016-0024-7

98. The Commission **directs** FPR and NNB to file, within 30 days of the date of the present decision, executed copies of their respective bylaws. Further, the Commission **directs** FPR, NNB and AMMSA to file, within 30 days of the date of the present decision, a list of the members of their respective boards of directors and advisory councils, if applicable.

Reminder regarding licence trafficking

99. The successful applicants in this proceeding will be entrusted with the important mandate to operate radio stations that provide programming that meets the needs of the Indigenous populations in their respective radio markets in Vancouver, Edmonton, Calgary, Ottawa and Toronto. Each station will be owned and controlled by a not-for-profit corporation, the structure of which provides for board membership by the Indigenous population of the regions served.
100. As set out in section 11(4)(a) of the Regulations, the licensee of a radio programming undertaking is required to obtain the Commission's prior approval in respect of any act, agreement or transaction that directly or indirectly would result in a change, by whatever means, of the effective control of the undertaking.
101. Further, licensees of radio stations are subject to the Commission's licence trafficking policy, set out in Broadcasting Information Bulletin 2010-220. As specified in the guidelines set out in that information bulletin, during the first two years following the launch of a radio service, any transaction involving the licence for that service will normally be denied, except where the applicant can demonstrate the necessity of the transaction as a result of a *force majeure* event.
102. The commitments and statements of the applicants on the record of the proceeding demonstrate that they recognize and understand the importance of their mandate as well as the letter and spirit of the Commission's licence trafficking policy. The record reflects the applicants' understanding that each undertaking must be operated

as a Type B Native radio station by the licensee itself. It also reflects their understanding that, in the event a licensee files an application for prior approval for a change in ownership and control as required by the Regulations, the Commission will closely consider whether the needs of the Indigenous communities served by the station will benefit from the transaction. The Commission will monitor the implementation of these stations to ensure that the needs of the Indigenous communities they serve are being met.

Reminder for broadcasters in regard to serving Indigenous peoples in their local communities

103. In response to the 2015 report entitled [*Truth and Reconciliation Commission of Canada: Calls to Action*](#) (the Truth and Reconciliation report), the Government of Canada has prioritized reconciliation with the Indigenous peoples of Canada. The Commission recognizes the broadcasting system's important role in the reconciliation between Indigenous and non-Indigenous Canadians. As set out in section 3(1)(d)(iii) of the Act, the Canadian broadcasting system is required, among other things, to meet the needs and reflect the special place of Indigenous peoples within Canadian society.
104. In its decision to licence these stations, the Commission recognizes the importance of ensuring that the Canadian broadcasting system contributes to the promotion and protection of Indigenous cultures.
105. The Commission is confident that the successful applicants in the present proceeding will take their role very seriously and work together to ensure that their services promote the interests of and reflect Indigenous communities. The Commission will closely monitor the licensees to ensure that they fulfill the mandate of promoting and serving Indigenous communities.
106. The Commission reminds all radio and television broadcasters, both Indigenous and non-Indigenous, of their role in ensuring the programming broadcast on their respective stations reflects Indigenous cultural diversity; in working in collaboration and sharing programming; in giving a voice to Indigenous people by allowing them to broadcast information on issues that concern them; and in shaping the destiny of Indigenous communities. Furthermore, all radio and television broadcasters, both Indigenous and non-Indigenous, must ensure that reporting on Indigenous issues is fair, accurate and non-discriminatory. In this regard, the Commission notes that the Truth and Reconciliation report emphasized the roles that can be played by the CBC and by APTN. The CBC in particular has a national platform on which it should take care to ensure Indigenous issues and culture are made more visible in its programming. For its part, APTN is in a position to provide leadership in regard to programming and an organizational culture that reflects the diverse cultures, languages and perspectives of Indigenous peoples, and to connect, inform and educate the Canadian public. The Commission will closely monitor the ability of the broadcasting system as a whole to fulfill the mandate of promoting and serving Indigenous communities.

Reminder regarding the public alerting system

107. Pursuant to section 16 of the Regulations, all radio licensees must implement a public alerting system.

Secretary General

Related documents

- *Licensing of new radio stations to serve Edmonton*, Broadcasting Decision CRTC 2017-3, 6 January 2017
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2017-1, 5 January 2017
- *Call for radio applications to serve the urban Aboriginal communities in Ottawa, Toronto, Calgary, Edmonton and Vancouver*, Broadcasting Notice of Consultation CRTC 2015-399, 26 August 2015
- *CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton and CKAV-FM-9 Ottawa – Revocation of licences*, Broadcasting Decision CRTC 2015-282, 25 June 2015
- *Revised criteria for the application of the licence trafficking policy*, Broadcasting Information Bulletin CRTC 2010-220, 19 April 2010
- *Introductory statement – Licensing new radio stations*, Decision CRTC 99-480, 28 October 1999
- *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990

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

Appendix 1 to Broadcasting Decision CRTC 2017-198

Terms, conditions of licence and encouragements for the Type B Native FM radio programming undertaking in Vancouver

Northern Native Broadcasting (Terrace, B.C.)
Application 2016-0013-0

Terms

The licence will expire 31 August 2023.

The station will operate at 106.3 MHz (channel 292C) with an average effective radiated power (ERP) of 4,600 watts (maximum ERP of 9,000 watts with an effective height of antenna above average terrain of 605.4 metres).

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

Further, 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 **14 June 2019**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*, as amended from time to time.

2. In each broadcast week, the licensee shall devote at least 2 hours and 30 minutes of spoken word programming to Indigenous-language programming.

For the purposes of this condition, “Indigenous-language programming” is defined as programming of which the spoken word content is in a language of the Indigenous peoples.

3. In each broadcast week, the licensee shall devote at least 25% of its musical selections to Indigenous-Canadian musical selections broadcast in their entirety.

For the purposes of this condition, “Indigenous-Canadian musical selection” is defined as a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Metis or Inuit.

The term “musical selection” shall have the same meaning as that set out in *Radio Regulations, 1986*, as amended from time to time.

4. In each broadcast week, the licensee shall devote at least 5% of all musical selections broadcast to musical selections in an Indigenous language.
5. In each broadcast week, the licensee shall devote a minimum of 120 hours of the programming broadcast to local programming.

Local programming must incorporate spoken word material of direct and particular relevance to the Indigenous community within the market that the licensee is licensed to serve. This must include local news, weather, sports coverage, and the promotion of local events and activities.

For the purposes of this condition, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy, 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Furthermore, the term “market” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time, which is, in the case of an FM station, the FM 3 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM) (now known as Numeris), whichever is smaller.

6. If the licensee originates 42 or more hours of 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, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

For the purposes of these conditions of licence, “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

Encouragements

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

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another Indigenous station or network with a focus on additional Indigenous-language programming or Indigenous music.

Appendix 2 to Broadcasting Decision CRTC 2017-198

Terms, conditions of licence and encouragements for the Type B Native FM radio programming undertaking in Edmonton

Aboriginal Multi-Media Society of Alberta
Application 2016-0029-7

Terms

The licence will expire 31 August 2023.

The station will operate at 89.3 MHz (channel 207C1) with an effective radiated power of 100,000 watts (non-directional antenna with an effective height of antenna above average terrain of 153.7 metres).

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

Further, 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 **14 June 2019**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*, as amended from time to time.

2. In each broadcast week, the licensee shall devote at least 7 hours of spoken word programming to Indigenous language programming.

For the purposes of this condition, “Indigenous language programming” is defined as programming of which the spoken word content is in a language of the Indigenous peoples.

3. In each broadcast week, the licensee shall devote at least 20% of its musical selections to Indigenous-Canadian musical selections broadcast in their entirety.

For the purposes of this condition, “Indigenous-Canadian musical selection” is defined as a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Metis or Inuit.

The term “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

4. In each broadcast week, the licensee shall devote at least 5% of all musical selections broadcast to musical selections in an Indigenous language.
5. In each broadcast week, the licensee shall devote a minimum of 120 hours of the programming broadcast to local programming.

Local programming must incorporate spoken word material of direct and particular relevance to the Indigenous community within the market that the licensee is licensed to serve. This must include local news, weather, sports coverage, and the promotion of local events and activities.

For the purposes of this condition, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy, 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Furthermore, the term “market” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time, which is, in the case of an FM station, the FM 3 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM) (now known as Numeris), whichever is smaller.

6. If the licensee originates 42 or more hours of 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, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

For the purposes of these conditions of licence, “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

Encouragements

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

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another Indigenous station or network with a focus on additional Indigenous-language programming or Indigenous music.

Appendix 3 to Broadcasting Decision CRTC 2017-198

Terms, conditions of licence and encouragements for the Type B Native FM radio programming undertaking in Calgary

Aboriginal Multi-Media Society of Alberta
Application 2016-0026-3

Terms

The licence will expire 31 August 2023.

The station will operate at 88.1 MHz (channel 201C1) with an effective radiated power of 100,000 watts (non-directional antenna with an effective height of antenna above average terrain of 298.6 metres).⁹

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

Further, 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 **14 June 2019**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*, as amended from time to time.

2. In each broadcast week, the licensee shall devote at least 7 hours of spoken word programming to Indigenous-language programming.

For the purposes of this condition, “Indigenous-language programming” is defined as programming of which the spoken word content is in a language of the Indigenous peoples.

3. In each broadcast week, the licensee shall devote at least 20% of its musical selections to Indigenous-Canadian musical selections broadcast in their entirety.

⁹ These technical parameters reflect those conditionally approved by the Department of Industry.

For the purposes of this condition, “Indigenous-Canadian musical selection” is defined as a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Metis or Inuit

The term “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

4. In each broadcast week, the licensee shall devote at least 5% of all musical selections broadcast to musical selections in an Indigenous language.
5. In each broadcast week, the licensee shall devote a minimum of 117 hours and 30 minutes of the programming broadcast to local programming.

Local programming must incorporate spoken word material of direct and particular relevance to the Indigenous community within the market that the licensee is licensed to serve. This must include local news, weather, sports coverage, and the promotion of local events and activities.

For the purposes of this condition, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy, 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Furthermore, the term “market” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time, which is, in the case of an FM station, the FM 3 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM) (now known as Numeris), whichever is smaller.

6. If the licensee originates 42 or more hours of 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, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

For the purposes of these conditions of licence, “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

Encouragements

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

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another Indigenous station or network with a focus on additional Indigenous-language programming or Indigenous music.

Appendix 4 to Broadcasting Decision CRTC 2017-198

Terms, conditions of licence and encouragements for the Type B Native FM radio programming undertaking in Ottawa

First Peoples Radio Inc.
Application 2016-0036-2

Terms

The licence will expire 31 August 2023.

The station will operate at 95.7 MHz (channel 239B1) with an effective radiated power of 9,100 watts (non-directional antenna with an effective height of antenna above average terrain of 117.4 metres).

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

Further, 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 **14 June 2019**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*, as amended from time to time.

2. Starting in the first year of operations, in each broadcast week, the licensee shall devote not less than 9 hours of programming to Indigenous-language programming. By the third year of operations, in each broadcast week, the licensee shall devote not less than 5 of the above 9 hours of programming to local Indigenous-language programming.

For the purposes of this condition, “Indigenous-language programming” is defined as programming of which the spoken word content is in a language of the Indigenous peoples.

Further, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy, 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

3. In each broadcast week, the licensee shall devote at least 25% of its musical selections to Indigenous-Canadian musical selections broadcast in their entirety.

For the purposes of this condition, “Indigenous-Canadian musical selection” is defined as a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Metis or Inuit.

The term “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

4. In each broadcast week, the licensee shall devote a minimum of 60% of the programming broadcast to local programming.

Local programming must incorporate spoken word material of direct and particular relevance to the Indigenous community within the market that the licensee is licensed to serve. This must include local news, weather, sports coverage, and the promotion of local events and activities.

For the purposes of this condition, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy, 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Furthermore, the term “market” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time, which is, in the case of an FM station, the FM 3 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM) (now known as Numeris), whichever is smaller.

5. If the licensee originates 42 or more hours of 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, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

For the purposes of these conditions of licence, “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

Encouragements

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

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another Indigenous station or network with a focus on additional Indigenous-language programming or Indigenous music.

Appendix 5 to Broadcasting Decision CRTC 2017-198

Terms, conditions of licence and encouragements for the Type B Native FM radio programming undertaking in Toronto

First Peoples Radio Inc.
Application 2016-0033-8

Terms

The licence will expire 31 August 2023.

The station will operate at 106.5 MHz (channel 293B1) with an average effective radiated power (ERP) of 984 watts (maximum ERP of 2,600 watts with an effective height of antenna above average terrain of 297.7 metres).

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

Further, 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 **14 June 2019**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*, as amended from time to time.

2. Starting in the first year of operations, in each broadcast week, the licensee shall devote not less than 9 hours of programming to Indigenous-language programming. By the third year of operations, in each broadcast week, the licensee shall devote not less than 5 of the above 9 hours of programming to local Indigenous-language programming.

For the purposes of this condition, “Indigenous-language programming” is defined as programming of which the spoken word content is in a language of the Indigenous peoples.

Further, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy, 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

3. In each broadcast week, the licensee shall devote at least 25% of its musical selections to Indigenous-Canadian musical selections broadcast in their entirety.

For the purposes of this condition, “Indigenous-Canadian musical selection” is defined as a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Metis or Inuit.

The term “musical selection” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

4. In each broadcast week, the licensee shall devote a minimum of 60% of the programming broadcast to local programming.

Local programming must incorporate spoken word material of direct and particular relevance to the Indigenous community within the market that the licensee is licensed to serve. This must include local news, weather, sports coverage, and the promotion of local events and activities.

For the purposes of this condition, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy, 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Furthermore, the term “market” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time, which is, in the case of an FM station, the FM 3 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM) (now known as Numeris), whichever is smaller.

5. If the licensee originates 42 or more hours of 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, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

For the purposes of these conditions of licence, “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

Encouragements

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

Where the licensee intends on carrying wrap-around programming, the Commission encourages it to use programming from another Indigenous station or network with a focus on additional Indigenous-language programming or Indigenous music.