



## Broadcasting Decision CRTC 2004-545

Ottawa, 13 December 2004

**CPAM Radio Union.com inc.**  
Montréal, Quebec

*Application 2004-0582-0*  
*Broadcasting Public Notice CRTC 2004-67*  
*10 September 2004*

### **CJWI Montréal – Licence amendment**

*The Commission **approves** the application by CPAM Radio Union.com inc. to amend the broadcasting licence of the French-language ethnic radio station CJWI Montréal. CJWI will now be permitted to broadcast limited amounts of programming in third languages, that is, in languages other than French, English or an Aboriginal language.*

### **The application**

1. The Commission received an application by CPAM Radio Union.com inc. (CPAM) to amend the broadcasting licence of the French-language ethnic AM radio programming undertaking CJWI Montréal. The licensee proposed to amend condition of licence no. 2, which currently reads:

The licensee must devote all of its programming to French-language ethnic programming, targeting the Haitian community, the Latin-American community and the African community with French as its first or second language.

2. Under the applicant's proposal, condition of licence no. 2 would be amended to read as follows:

The licensee must devote no less than 90% of its programming in each broadcast week to French-language ethnic programming, targeting the Haitian community, the Latin-American community and the African community with French as its first or second language.

The remaining 10% of its programming may be in third languages, i.e. in languages other than French, English or an Aboriginal language.

3. The applicant submitted that the proposed change would enable it to produce public affairs programming in third languages. CPAM further maintained that the amendment would allow certain non-French stakeholders and credible specialists who have difficulty expressing themselves in French to participate in public affairs programs using their mother tongues.

## **The intervention**

4. The Commission received an intervention opposing CPAM's application from CFMB Limited (CFMB), licensee of the ethnic radio station CFMB Montréal. CFMB Montréal is required, by condition of licence, to provide programming directed to a minimum of 19 cultural groups in a minimum of 18 different languages.<sup>1</sup>
5. CFMB submitted that CPAM should have been aware of the linguistic limitations of the people that would participate in its programming prior to submitting its original application for a French-language ethnic station.
6. The intervener noted that CPAM had met with the management of CFMB before applying for a French-language ethnic station. At that meeting, CFMB submitted that CPAM had given assurances that the new station would broadcast only in French for an audience comprised of the Haitian, Latin American and African communities. As a result, CFMB did not oppose CPAM's original application for a licence.
7. CFMB was concerned that CPAM was using this application as an indirect way of obtaining authorization to operate as a third-language radio station. The intervener argued that, through the programming of CFMB and of other stations, listeners in Montréal already have access to a sufficient amount of programming in Spanish and Creole.

## **The applicant's reply**

8. In reply, the applicant stated that it was not its intention to become a third-language radio station, and that the purpose of the proposed amendment was to allow individuals not at ease in French to participate in public affairs programs. CPAM indicated that it was its practice, when a program participant speaks in a language other than French, for the program host to translate the remarks immediately into French. The applicant affirmed that it would continue to operate as the only French-language ethnic radio station in North America.

## **The Commission's analysis and determination**

9. In *New ethnic AM radio station*, Decision CRTC 2001-678, 7 November 2001 (Decision 2001-678), the Commission approved CPAM's application for a new French-language ethnic AM station to provide programming that would serve the Francophone ethnocultural communities of Haitian, Latin-American and African descent in the Greater Montréal area. The Commission further granted CPAM an exemption from section 7(2) of the *Radio Regulations, 1986* (the Regulations) which requires that an ethnic radio station devote at least 50% of its programming to third-language programs.<sup>2</sup> In Decision 2001-678, the Commission noted the applicant's submission that an ethnic station

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<sup>1</sup> See *Licence renewal for ethnic radio station CFMB*, Decision CRTC 2001-12, 17 January 2001.

<sup>2</sup> Section 2 of the Regulations defines a "third-language program" as an ethnic program in a language other than English, French, or a language of the Aboriginal peoples of Canada.

entirely devoted to French-language programming would contribute to the harmonious integration of the targeted ethnocultural communities into the larger francophone society, which would be enriched as a result.

10. The Commission notes that CPAM has affirmed its commitment to operate CJWI as a French-language ethnic station and that its purpose in seeking the proposed amendment is to permit limited use of third languages in public affairs programming and not to make a fundamental change to the nature of its station. The Commission considers that this flexibility, properly employed, could improve the licensee's service to the ethnic communities that it targets.
11. The Commission therefore **approves** the application by CPAM Radio Union.com inc. to amend the licence of CJWI by changing condition of licence no. 2 to read as follows:

The licensee must devote no less than 90% of its programming in each broadcast week to French-language ethnic programming, targeting the Haitian community, the Latin-American community and the African community with French as its first or second language.

The remaining 10% of its programming may be in third languages, i.e. in languages other than French, English or an Aboriginal language.

12. In accordance with the application, the Commission expects CJWI to continue to function as a French-language ethnic station. It therefore expects that the use of third languages will occur within programs that are predominantly in French, and that CJWI will not broadcast blocks of programming predominantly in third languages.

Secretary General

*This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>*