



Broadcasting Decision CRTC 2003-421

Ottawa, 26 August 2003

CJRT-FM Inc.
Toronto, Ontario

Application 2002-0826-6
Broadcasting Public Notice CRTC 2003-6
10 February 2003

CJRT-FM Toronto - Use of the SCMO channel

The application

1. The Commission received an application by CJRT-FM Inc., licensee of CJRT-FM Toronto, for authority to use a subsidiary communications multiplex operations (SCMO) channel¹ for the purpose of broadcasting an Urdu-, Hindi- and English-language radio service.
2. MZR 91 Multizone Radio (Multizone) would operate the service and offer 42 hours of programming per week. Sixty percent of the programming would be in Urdu, 30% in Hindi, and the remaining 10% would be in English. The programming would consist primarily of multicultural and multilingual news, entertainment and religious programs. The service would target the Sri Lankan, Bangladeshi, Pakistani and Afghan communities in Toronto. Multizone indicated that the service would especially help the youth from these communities to maintain a connection with their cultural backgrounds and it would benefit immigrants in the Greater Toronto Area (GTA).

Interventions

3. The Commission received two interventions opposing the application. CIUT-FM Toronto, a community-based campus radio programming undertaking, submitted that its SCMO facilities are currently used by Sur Sagar Radio Inc. (Sur Sagar) to provide service to Punjabi and Hindi communities in Toronto. According to CIUT-FM, if the proposed SCMO service were approved, it would erode the market share for listeners and advertisers and thereby have a negative impact on the existing Sur Sagar SCMO service. CIUT-FM objected particularly to the Hindi language component of the proposed service and urged the Commission to limit the proposed service's programming to languages other than Hindi.

¹ Programming broadcast using an SCMO channel is not accessible with standard radio equipment and requires instead the use of a special receiver.

4. AJIT Newspaper, Advertising, Marketing and Communications Inc. (AJIT) also opposed the proposed service. AJIT provides an SCMO service over the facilities of CFNY-FM Brampton that is directed to the South Asian community and that offers a substantial amount of Urdu programming. AJIT argued that there is an important “disconnect” between the audience the applicant is intending to serve and the audience that will actually be served. It submitted that immigrants from the countries the applicant proposed to target will have little interest in the proposed Urdu-language programming since Urdu is not widely spoken, written or understood in these countries. For this reason, AJIT expects that the proposed service will not focus on Urdu communities, but instead will focus more generally on Hindi and Pakistani communities and on communities that share English as a common third language. AJIT further submitted that, given the uncertainty surrounding the applicant’s intended audience, it is almost impossible to determine the place the proposed SCMO service would have within the existing advertising market for ethnic radio services.
5. AJIT also expressed concern that the proposed service would undercut the existing advertising rates in order to obtain a share of the market and position itself as an “alternative, cheaper and more comprehensive advertising purchase.”
6. Finally, AJIT submitted that, although the applicant intends to provide religious programming, it did not indicate how it would provide balance in its programming, or how it would handle the ethical issues related to airing controversial viewpoints or soliciting donations from its audience.

The applicant’s reply

7. In reply to CIUT-FM’s intervention, the applicant submitted that the proposed service would not have a negative impact on the Sur Sagar SCMO service. The applicant stated that it has no interest in serving the Punjabi community, which is the only community that Sur Sagar targets.
8. Regarding AJIT’s intervention, the applicant responded that the proposed service’s identity would in fact be established by the Urdu-language component of its schedule. It added that the proposed service would replace a former South Asian SCMO service that was provided by CJRT-FM and would therefore not create any more competition than what already existed.
9. Finally, with respect to AJIT’s comments on the religious programming component of the proposed service, the applicant stated that it intends to air a religious call to prayers on auspicious days of every South Asian community. The applicant noted that its application does not mention the solicitation of donations or the propaganda of any religion in the proposed programming schedule.

The Commission's determination

10. The Commission's policy regarding services using the SCMO channel of FM stations is set out in *Services using the vertical blanking interval (television) or subsidiary communications multiplex operation (FM) channel*, Public Notice CRTC 1989-23, 23 March 1989 (Public Notice 1989-23).
11. The policy states that the Commission would be concerned if an SCMO service were to have a negative impact on existing local conventional ethnic broadcasters. Unlike licensed radio undertakings, SCMO services are not required to offer a minimum level of Canadian content, to make financial contributions to Canadian talent development, or, in general, to make specific programming commitments. The Commission notes that no existing local conventional commercial broadcaster, including ethnic radio stations, opposed this application. Moreover, the Commission recently approved four new stations in the GTA,² three of which were for ethnic radio stations. None of the new licensees opposed the application. Rather, the concerns raised in the CIUT-FM intervention touched upon the possible negative impact of the proposed service on another SCMO service. While the Commission notes these concerns, it also notes that the Commission's policy does not restrict competition between such services. Consequently, the Commission considers that CIUT-FM's objection to the application, on the grounds that the proposed service would have a negative impact on its SCMO service, does not raise any concern.
12. With respect to AJIT's intervention, in addition to the above, the Commission notes that, since SCMO services cannot be received in automobiles, the proposed service would not compete with existing local conventional radio stations during the peak hours in the morning and evening drive times.
13. In light of the above, the Commission is satisfied that approval of this application will not cause undue negative impact on existing local conventional ethnic radio stations. Accordingly, the Commission **approves** the application by CJRT-FM Inc. to use an SCMO channel of radio station CJRT-FM Toronto for the purpose of broadcasting an Urdu-, Hindi- and English-language radio service.

² See the following decisions, all dated 17 April 2003: *Ethnic FM radio station in Toronto*, Broadcasting Decision CRTC 2003-115; *French-language FM community radio station in Toronto*, Broadcasting Decision CRTC 2003-116; *Ethnic AM community radio station in Toronto*, Broadcasting Decision CRTC 2003-117; and *Stand-alone ethnic transitional digital radio undertaking in Toronto*, Broadcasting Decision CRTC 2003-118.

14. The Commission reminds CJRT-FM Inc. that as stated in section 3(1)(h) of the *Broadcasting Act*, it is responsible for the programs that it broadcasts. It is therefore expected to ensure that its SCMO service is operated in a responsible manner and to adhere to the guidelines regarding the provision of SCMO services set out in Appendix A to Public Notice 1989-23.

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>