



20 January 2020

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Claude Doucet  
Secretary General  
CRTC  
Ottawa, ON K1A 0N2

Dear Secretary General,

**Re: Part 1 licence renewal applications submitted by Rogers Media Inc.: 2019-0901-1, 2019-0913-6, 2019-0923-5, 2019-0903-7, 2019-0915-2, 2019-0926-9, 2019-0906-1, 2019-0919-4, 2019-0927-7, 2019-0907-9, 2019-0920-2, 2019-0929-3, 2019-0910-3, 2019-0936-8, 2019-0935-0, 2019-0911-0**

- 1 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established to undertake research and policy analysis about electronic communications, including broadcasting.
- 2 We are writing with respect to the Part I radio licence renewal applications submitted in early December 2019 by Rogers Media Inc.; our intervention is attached.
- 3 Should the CRTC decide to hold a public hearing with respect to these applications the Forum requests the opportunity to appear.

Sincerely yours,

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Vice-President  
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## Executive summary

### Current legislative and regulatory requirements

**ES1** Rogers' Part 1 licence renewal applications are subject to the 1991 Broadcasting Act, the *Radio Regulations, 1986*, the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, and the 2006 *Commercial Radio Policy*. Rogers must also comply with its stations' existing conditions of licence.

### CRTC evidentiary gap

**ES2** While the CRTC has stated a preliminary view that Rogers' stations are in "apparent compliance", it has not provided any evidence to support this position. Nor does the CRTC's licence renewal application form require broadcasters to provide any information relevant to assessing the degree to which broadcasters are meeting the Act's objective of employment in broadcasting.

### Rogers' applications

**ES3** Rogers has applied to renew 16 radio stations that serve 11 communities in British Columbia, Alberta and Ontario. The communities differ significantly: Toronto – Ontario's capital – has 728 times more people than Whistler, British Columbia.

**ES4** Rogers' licence renewal applications do not describe or explain

- how the programming provided by its radio stations meet the particular needs and interests of the communities they are licensed to serve
- its stations'
  - airplay and promotion of emerging Canadian artists and their music, either in the current or coming licence terms,
  - use of voice-tracking and how this meets the definition of local programming, or their
  - use of new distribution platforms and how these benefit Canada's broadcasting system.

**ES5** Seven of Rogers' radio stations propose to carry no or very little (less than a minute per 18-hour broadcast day) of international news.

### Summary of recommendations

**ES6** The Forum supports Rogers' application to renew its licences if it provides the CRTC with evidence: establishing the needs and interests of the communities served by its radio stations; justifying the lack or near lack of international news being proposed for CHFI-FM Toronto, CIKR-FM Kingston, CHUR-FM North Bay, CISQ-FM Squamish, CISW-FM Whistler and CKSR-FM Chilliwack; setting out its plans for airplay and promotion of emerging Canadian artists, and explaining how its use of online platforms to complement its conventional radio stations is strengthening their programming.

### Request for information

**ES7** The Forum is requesting a copy of Rogers' total number of and percentage of on-air employees, including voiceovers, for each station. as well as information about the number of journalists employed by each station (or for the stations in total).

## I. Introduction

- 1 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established in 2013 to undertake research and policy analysis about electronic communications, including broadcasting. We make submissions to and appear before Committees of the Senate and House of Commons, as well as the CRTC.
- 2 Our intervention today addresses Part 1 applications to renew 16 commercial radio programming licences held by Rogers Media Inc. (Rogers).
- 3 In the remainder of this section we summarize current legislative and regulatory requirements for commercial radio stations in Canada, and review the requirements of the Part 1 renewal process for commercial radio stations. We then address the individual circumstances of the applicants and their applications. Our recommendations and a summary of questions left unanswered by Rogers' applications then follow.

### A. Current requirements for commercial radio stations in Canada

- 4 Regulatory requirements for commercial radio stations in Canada are set out by statute, regulations and CRTC policies.
  1. **The Broadcasting Act**
    - 5 Parliament's legal requirements for all broadcasters in Canada, including private broadcasters, are set out in section 3 of the 1991 *Broadcasting Act*. Section 5(1) of the *Act* requires the CRTC to "regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) ...." The key requirements for Canadian programming broadcasters are set out in subsections 3(1)(d) through to 3(1)(s), which are set out in Table 1.

**Table 1, *Broadcasting Act's* requirements for private broadcasters**

Subsection 3(1) requirements that apply to private broadcasters
<p>(d) the Canadian broadcasting system should</p> <p>(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,</p> <p>(ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,</p> <p>(iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society, and</p> <p>(iv) be readily adaptable to scientific and technological change;</p> <p>(e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming;</p> <p>(f) <b>each broadcasting undertaking</b> shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided</p>

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**Subsection 3(1) requirements that apply to private broadcasters**

by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;

(g) the programming originated by broadcasting undertakings should be of high standard;

(h) all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast;

(i) the programming provided by the Canadian broadcasting system should

(i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes,

(ii) be drawn from local, regional, national and international sources,

(iii) include educational and community programs,

(iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and

(v) include a significant contribution from the Canadian independent production sector;

...

(o) programming that reflects the aboriginal cultures of Canada should be provided within the Canadian broadcasting system as resources become available for the purpose;

...

(s) **private** networks and **programming undertakings** should, to an extent consistent with the financial and other resources available to them,

(i) contribute significantly to the creation and presentation of Canadian programming, and

(ii) be responsive to the evolving demands of the public; ...

- 6 Briefly, subsections 3(1)(f), (g), (h) and (s) require individual broadcasters such as Rogers and their undertakings, to
- make maximum use of Canadian resources in programming creation and presentation (3(1)(f))
  - make predominant use of Canadian resources in programming creation and presentation (3(1)(f))
  - contribute significantly to Canadian programming creation and presentation (s. 3(1)(s)(i))
  - be responsible to the public's evolving demands (3(1)(s)(ii))
  - ensure programming is of high standard (3(1)(g)), and
  - be responsible for programming broadcast (3(1)(h)).
- 7 Parliament has entrusted implementation of Parliament's broadcasting policy to the CRTC, and only to the CRTC. Section 3(2) stipulates that achieving the objectives "can best be achieved by providing for the regulation and supervision of the Canadian broadcasting system by a single independent authority", while section 5(1) states that the CRTC "shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1)...".

- 8 Parliament also requires the CRTC to “have regard to the regulatory policy” set out in subsection 5(2), in implementing Parliament’s broadcasting policy. The 5(2) requirements are set out in Table 2 and, notably for the purposes of this intervention, require CRTC regulation and supervision “in a flexible manner ... sensitive to the administrative burden” that regulation and supervision might impose:

**Table 2 Broadcasting Act’s requirements for the CRTC**

Subsection 5(2) requirements apply to the CRTC
<p>The Canadian broadcasting system should be regulated and supervised in a flexible manner that</p> <p>(a) is readily adaptable to the different characteristics of English and French language broadcasting and to the different conditions under which broadcasting undertakings that provide English or French language programming operate;</p> <p>(b) takes into account regional needs and concerns;</p> <p>(c) is readily adaptable to scientific and technological change;</p> <p>(d) facilitates the provision of broadcasting to Canadians;</p> <p>(e) facilitates the provision of Canadian programs to Canadians;</p> <p>(f) does not inhibit the development of information technologies and their application or the delivery of resultant services to Canadians; and</p> <p>(g) is sensitive to the administrative burden that, as a consequence of such regulation and supervision, may be imposed on persons carrying on broadcasting undertakings.</p>

- 9 While Parliament requires the CRTC to be conscious of the requirements in subsection 5(2), it also states clearly in subsection 5(3) that “if ... a conflict arises between” the broadcast policy objectives in subsection 3(1) and the regulatory policy objectives in 5(2), the CRTC “shall give primary consideration to the objectives of the broadcasting policy” set out in subsection 3(1).
- 10 In other words, even if at some point requests from the CRTC impose a burden – that presumably is undue – Parliament said that evidence of that burden cannot be used to override its broadcasting policy objectives. It is somewhat puzzling that while many – perhaps most – commercial radio broadcasters rely very heavily to understand and sell the value of their advertising time, the CRTC appears to be forgoing the collection and publication of data that are not only useful and relevant, but necessary to the evaluation of broadcasters’ licensing applications.

## 2. Regulations that apply to broadcasting applications

- 11 The CRTC’s regulations for applications submitted by broadcasters are set out in the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (SOR/2010-277) [Rules] that the CRTC issued in 2010.<sup>1</sup> Parliament took the breach of a CRTC regulation seriously, making it “an offence punishable on summary conviction” with fines for corporations beginning at \$250,000.<sup>2</sup>

<sup>1</sup> *Broadcasting Act*, s. 21(a): “The Commission make may rules ... respecting the procedure for making applications for licences, or for the ... renewal ... thereof ....”

<sup>2</sup> *Act*, s. 32(2)(b).

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- 12 In 2010 the CRTC explained that it issued the *Rules* to
- enable informed and effective public participation in Commission proceedings;
  - ensure the efficient, transparent and predictable conduct of Commission proceedings;
  - eliminate unnecessary costs and delays in the regulatory process; and
  - provide a comprehensive set of rules applicable in most Commission proceedings, while maintaining the flexibility necessary to address the specific circumstances of each proceeding.<sup>3</sup>
- 13 The *Rules* apply to Part 1 applications<sup>4</sup> unless the CRTC “is of the opinion that considerations of public interest or fairness permit”. Then it may “dispense with or vary these Rules”.<sup>5</sup> The CRTC’s online Part 1 applications page does not state that it has dispensed with or varied the *Rules* for the applications submitted by Rogers.
- 14 Broadcasters such as Rogers must apply to renew their licences “using the appropriate form ... as amended from time to time”<sup>6</sup> but the *Rules* provide that if the forms are not appropriate, an application must among other things
- ...
- (e) contain a clear and concise statement of the relevant facts, of the grounds of the application and of the nature of the decision sought;
  - (f) set out any amendments or additions to these Rules proposed by the applicant; and
  - (g) include any other information that might inform the Commission as to the nature, purpose and scope of the application, and be accompanied by any supporting documents.<sup>7</sup>
- 15 Whether broadcasters use the CRTC’s forms or make applications in another manner, the CRTC must then “post on its website all applications that comply with the requirements set out in subsection 22”.<sup>8</sup> In issuing the *Rules* in 2010 the CRTC said that its “forms will ensure that [an applicant has] provided all of the relevant information that the Commission generally needs to assess” an application.<sup>9</sup> It added that

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<sup>3</sup> *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, (Ottawa, 23 December 2010), <https://crtc.gc.ca/eng/archive/2010/2010-959.htm>, para. 3 [*Guidelines*].

<sup>4</sup> *Ibid.*, at para. 10; *Rules*, s. 2(1).

<sup>5</sup> *Rules*, s. 7.

<sup>6</sup> *Rules*, s. 22(2).

<sup>7</sup> *Rules*, s. 22(2).

<sup>8</sup> *Rules*, s. 23.

<sup>9</sup> *Guidelines*, para. 70.

... no matter what type of application you are filing, it will be reviewed in light of the Acts, their regulations and Commission policies.<sup>10</sup>

### 3. Commercial radio policy

- 16 In implementing Parliament's broadcasting policy for private radio stations the CRTC has over time issued policies.<sup>11</sup> Fourteen years ago it issued a new policy for commercial radio – the 2006 *Commercial Radio Policy*.<sup>12</sup> As the CRTC has not revised the policy, it remains in force overall – with occasional amendments noted below – and applies in particular to commercial radio stations' music by emerging artists, local programming, voice tracking and new distribution platforms. Some of the issues addressed<sup>13</sup> by the 2006 *Commercial Radio Policy* and the CRTC's subsequent changes in how it addresses these issues, are set out below:

#### Local programming

(2006 *Commercial Radio Policy*) 206. Accordingly, the Commission will maintain its one-third local programming requirement with respect to FM stations in competitive markets and the case-by-case approach for AM stations. **All applicants will be required, in their licence renewal applications**, as well as in applications for new licences and for the transfer of ownership, **to address local programming and to describe how the service they provide meets the particular needs and interests of their local communities**. Should complaints or interventions be filed, the Commission will expect licensees to respond with suitable commitments, if required. Conditions of licence will be imposed where the Commission deems them to be appropriate.

(2006 Commercial Radio Policy)

207. ...

Local programming includes programming that originates with the station or is produced separately and exclusively for the station. It does not include programming received from another station and rebroadcast simultaneously or at a later time; nor does it include network or syndicated programming that is five minutes or longer unless it is produced either by the station or in the local community by arrangement with the station.

In their local programming, licensees must incorporate spoken word material of direct and particular relevance to the community served. **This must include local news, weather, sports coverage, and the promotion of local events and activities.**

<sup>10</sup> *Guidelines*, para. 72.

<sup>11</sup> 1991 *Act*, s.6:

The Commission may from time to time issue guidelines and statements with respect to any matter within its jurisdiction under this Act, but no such guidelines or statements issued by the Commission are binding on the Commission.

<sup>12</sup> *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, (Ottawa, 15 December 2006), <https://crtc.gc.ca/eng/archive/2006/pb2006-158.htm>.

<sup>13</sup> As noted above (*infra*, note 10), the CRTC's policies are not binding on the Commission.



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CRTC Application to renew a broadcasting radio licence – Form 310, s. 2.2 (“Local programming”):

The definition of local programming shall be as set out in paragraphs 207 and 208 of Broadcasting Public Notice 2006-158, as amended from time to time. In making this commitment, the licensee undertakes to broadcast local news, weather and sports, to promote local events, and to provide spoken word content that meets the particular needs and interests of the communities it is licensed to serve.

CRTC *Application to renew a broadcasting radio licence – Form 310*, s. 2.4 (“News”) refers applicants “to the Appendix of Broadcasting Regulatory Policy 2010-819 for the definition of News (see Content Subcategory 11: News)”; the Appendix of *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819 (Ottawa, 5 November 2010), <https://crtc.gc.ca/eng/archive/2010/2010-819.htm>, sets out Content Subcategory 11 as follows:

Content Subcategory 11: News

**The recounting and reporting of local, regional, national and international events of the day or recent days**, with particular emphasis on the topicality of the events or situations selected, or on the constant updating of information, or both as well as background material about current events when included in newscasts but excluding weather, traffic and sports and entertainment reports.

### **Airplay and promotion of emerging Canadian artists and their music**

(2006 *Commercial Radio Policy*) 92. Accordingly, applicants for new licences, licence renewals and transfers of ownership or control of radio stations will be asked to make specific commitments to provide airplay for and to promote emerging Canadian artists and their music. Following the public process in each case, the Commission may decide to impose conditions of licence.<sup>14</sup>

### **Pre-recorded announcers - voice tracking**

(2006 *Commercial Radio Policy*) 208. The Commission notes that many radio stations make use of a programming technique generally known as “voice tracking.” Using this technique, the contributions of announcers are recorded in advance and inserted into the programming mix at appropriate times. **The Commission considers that programming produced using voice tracking qualifies as local programming when it fulfils the definition of local programming set out above.**

### **New distribution platforms**

(2006 *Commercial Radio Policy*) 31. .... Many radio broadcasters are themselves exploring ways of using new distribution platforms to complement the service provided by their conventional radio stations. In addition to continuing to monitor how new distribution

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<sup>14</sup> In 2014 the CRTC decided that at that time it was not necessary “to require specific minimum levels of musical selections by emerging artists that radio stations must play at this time.” *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, (Ottawa, 28 October 2014), <https://crtc.gc.ca/eng/archive/2014/2014-554.htm>, at 104.

technologies for audio programming are affecting the radio industry, **the Commission also intends to question radio licensees, at licence renewal** and in new licensing and ownership transfer proceedings, **about their plans to employ new distribution platforms to the benefit of the Canadian broadcasting system.**<sup>15</sup>

- 17 As for the presentation of Canadian content, the CRTC’s *Radio Regulations, 1986 (Radio Regulations)* require that Canadian musical selections make up a little more than a third (35%) of the selections broadcast by commercial radio stations during the broadcast week and from 6 am to 6 pm on weekdays.<sup>16</sup> In 2014 the CRTC explained that it “monitors the compliance of radio stations with the Regulations and conditions of licence. These requirements ensure that the stations provide predominantly Canadian, high-quality service to their communities and that they abide by commitments made at the time of licensing.”<sup>17</sup>

### B. Evidentiary gap by CRTC in this licence renewal process

- 18 In publishing the Part 1 renewal applications of Rogers the CRTC has stated what appears to be its preliminary view that their broadcasting undertakings comply with its regulations and, presumably, their conditions of licence: Figure 1 (“Renewal – apparent compliance”, highlighting added).

**Figure 1 CRTC’s “apparent compliance” statement**

<p>CRTC, “All Proceedings Open for Comment”, (19 January 2020), “Subject”, <a href="https://services.crtc.gc.ca/pub/instances-proceedings/Default-Default.aspx?S=O&amp;PA=B&amp;PT=A&amp;PST=A&amp;Lang=eng&amp;_ga=1.255702152.1852701653.1490628182">https://services.crtc.gc.ca/pub/instances-proceedings/Default-Default.aspx?S=O&amp;PA=B&amp;PT=A&amp;PST=A&amp;Lang=eng&amp;_ga=1.255702152.1852701653.1490628182</a></p>
<p>Rogers Media Inc.</p> <p>Radio (commercial)</p> <p>Renewal - apparent compliance</p> <p>Renewal of licence</p> <p>Chilliwack, BC</p> <p>CKSR-FM</p> <p><u>2019-0936-8</u> (<a href="https://services.crtc.gc.ca/pub/DocWebBroker/OpenDocurAppNo=201909368">https://services.crtc.gc.ca/pub/DocWebBroker/OpenDocurAppNo=201909368</a>).</p> <p>Open application for applicant contact information.</p>

<sup>15</sup> In 2014 the CRTC said that it would “monitor developments” with respect to HD radio technology. A *targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, (Ottawa, 28 October 2014), <https://crtc.gc.ca/eng/archive/2014/2014-554.htm>, at para. 53.

<sup>16</sup> *Radio Regulations, 1986* (SOR/86-982), ss. 2.2(8) and (9).

<sup>17</sup> A *targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, (Ottawa, 28 October 2014), <https://crtc.gc.ca/eng/archive/2014/2014-554.htm>, at para. 55.

- 19 The CRTC has not provided the foundation for its statement about “apparent compliance”. For example, the CRTC shows Rogers’ *Application to renew a broadcasting radio licence – Form 310* for CKSR-FM Chilliwack as a link – the underlined 2019-0936-8 at the bottom of Figure 1. This link leads to Rogers’ renewal application for CKSR-FM Chilliwack; it does not lead to any results from CRTC monitoring with respect to the station’s compliance with the *1986 Regulations*, nor to any requests by the CRTC for a radio station self-assessment of its broadcast programming. Short of recording CKSR-FM’s programming for the 126 hours of the broadcast week and attempting to identify all Canadian and non-Canadian musical selections, the public has no way of verifying – for instance – the CRTC’s initial conclusion that the station meets the CRTC’s radio regulations with respect to Canadian content.
- 20 Nor can the public determine the degree to which CKSR-FM is implementing Parliament’s broadcasting policy for Canada: no information is provided by the CRTC about the percentage of musical selections broadcast by CKSR-FM that are Canadian or whether that percentage has increased or decreased since the station’s last renewal in 2013.<sup>18</sup>
- 21 Insofar as news is concerned, a type of programming that the CRTC often describes as being essential to Canadian democracy, the CRTC’s licence renewal forms do not require any information beyond proposed weekly programming hours. Do Canadian radio stations employ reporters? Do they operate news bureaus in the areas they serve? Or do radio stations essentially repeat the news published by other sources? Canadians – and the CRTC – do not know, because the CRTC’s licence renewal applications forms do not ask for this very basic information.
- 22 The absence of evidence – whether from the CRTC or from Rogers – with respect to the applicants’ compliance with the *Broadcasting Act*, the CRTC’s policies, its 2006 *Commercial Radio Policy*, its regulations and individual stations’ conditions of licence is a serious gap. On what evidence is the CRTC relying to grant the renewal applications submitted by Rogers? The Forum respectfully requests that if the CRTC has evidence about the applicants’ compliance it should place this evidence on the public record, and then include it in any subsequent licence renewal decisions. Without this information the CRTC risks making important licensing decisions with so little information as to make the process meaningless.

## II. Rogers and its applications

- 23 The CRTC’s *2019 Monitoring Report* shows that in 2018 Rogers held licences for 57 reporting radio stations, and earned 15% of commercial radio revenues (\$226 million) in 2018.<sup>19</sup> In the past Rogers has said that its size allows it to strengthen the stations it owns.<sup>20</sup>

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<sup>18</sup> Various commercial radio programming undertakings – Licence renewals, Broadcasting Decision CRTC 2013-644 (Ottawa, 2 December 2013), <https://crtc.gc.ca/eng/archive/2013/2013-644.htm>.

<sup>19</sup> CRTC, *Communications Monitoring Report 2019*, “Radio Sector”, “iv. Commercial radio” <https://crtc.gc.ca/eng/publications/reports/policymonitoring/2019/cmr5.htm#a4>.

<sup>20</sup> In approving Rogers’ acquisition of another radio station in 2018, the CRTC noted Rogers’ statement that it is able to “leverage synergies associated with operating” more than one station in a given location.

24 The 16 radio stations whose licences Rogers seeks to renew serve 11 communities in 3 provinces:

Location and population	Station	Location and population	Station
Vancouver (2,650,005)	CJAX-FM	Victoria (395,523)	CHTT-FM
	CKWX	North Bay (73,585)	CHUR-FM
Toronto (6,341,935)	CFTR		CKAT
		CHFI-FM	Squamish (21,8810)
Kingston (173,450)	CIKR-FM	Whistler (8,713*)	CISW-FM
	CKXC-FM	Medicine Hat (79,294)	CKMH-FM
Ottawa (1,414,399)	CISS-FM	Chilliwack (110,600)	CKSR-FM
	CIWW	Grande Prairie (66,678)	CFGP-FM
Statistics Canada, Population estimates, July 1, by census metropolitan area and census agglomeration, 2016 boundaries – 2018 data			
* 2016 population (Statistics Canada, <i>Census Profile, 2016 Census</i> )			

25 As noted previously, the CRTC stated in its *2006 Commercial Radio Policy* that “[a]ll applicants will be required, in their licence renewal applications ... to address local programming and to describe how the service they provide meets the particular needs and interests of their local communities.” None of Rogers’ Part 1 applications describes how its 16 radio stations serve the particular needs and interests of the 11 communities they serve. In the absence of evidence to the contrary it seems reasonable to assume that the communities themselves have different needs and interests: the population of Toronto, for instance, is 728 times the size of the population in the town of Whistler.

26 Nor do any of Rogers’ Part 1 applications describe or explain their stations’

- airplay and promotion of emerging Canadian artists and their music, either in the current or coming licence terms,
- use of voice-tracking and how this meets the definition of local programming, and
- Their use of new distribution platforms and how these benefit Canada’s broadcasting system.

27 In fact, the only information that Rogers has provided in seeking to renew its radio stations, consists of each station’s current and proposed weekly hours of local programming, and proposed weekly hours of local, national and international news, which is summarized in Table 3, below.

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See *CJCY-FM Medicine Hat – Acquisition of assets*, Broadcasting Decision CRTC 2018-227 (Ottawa, 5 July 2018), <https://crtc.gc.ca/eng/archive/2018/2018-227.htm>, at para. 12: “For its part, Rogers stated that the transaction would allow it to leverage synergies associated with operating two stations in a market to strengthen both CJCY-FM and its existing station CKMH-FM Medicine Hat.”

**Table 3 Rogers: proposed hours per week of local, national and international news in next licence term**

Hours per week				
Location	Callsign	Local and regional news	National news	International news
Vancouver	CJAX-FM	0.37	0.15	0.08
	CKWX	27.00	10.10	23.90
Toronto	CFTR	30.00	11.00	17.00
	CHFI-FM	1.02		
Kingston	CIKR-FM	0.75		
	CKXC-FM	0.67	0.17	0.17
Ottawa	CISS-FM	0.23	0.22	0.22
	CIWW	20.00	15.00	8.00
Grande Prairie	CFGP-FM	0.58	0.42	0.17
Victoria	CHTT-FM	0.30	0.22	0.12
North Bay	CHUR-FM	1.00		
	CKAT	2.42	1.87	0.50
Squamish	CISQ-FM	0.57	0.28	0.03
Whistler	CISW-FM	0.57	0.28	0.03
Medicine Hat	CKMH-FM	0.58	0.42	0.17
Chilliwack	CKSR-FM	0.57	0.28	0.03

- 28 The CRTC's 2016 *Commercial Radio Policy* stated that local programming must incorporate local news, and Application Form 310 refers to "news" as including "local, regional, national and international events of the day". Three of Rogers' radio stations do not propose to broadcast any national or international news in the coming licence term: CHFI-FM Toronto, CHUR-FM North Bay and CIKR-FM Kingston.
- 29 The figures shown in Table 3 were then divided by 7 and multiplied by 60 to show the average minutes per day of news that communities served by Rogers' radio stations might hear from Rogers' stations: Table 4.

**Table 4 Rogers - proposed average minutes per day of news in next licence term**

Average minutes per day				
Location	Callsign	Local and regional news	National news	International news
Vancouver	CJAX-FM	3.14	1.29	0.71
	CKWX	231.43	86.57	204.86
Toronto	CFTR	257.14	94.29	145.71
	CHFI-FM	8.71		
Kingston	CIKR-FM	6.43		
	CKXC-FM	5.71	1.43	1.43
Ottawa	CISS-FM	2.00	1.86	1.86

Average minutes per day				
Location	Callsign	Local and regional news	National news	International news
	CIWW	171.43	128.57	68.57
Grande Prairie	CFGP-FM	5.00	3.57	1.43
Victoria	CHTT-FM	2.57	1.86	1.00
North Bay	CHUR-FM	8.57		
	CKAT	20.71	16.00	4.29
Squamish	CISQ-FM	4.86	2.43	<b>0.29</b>
Whistler	CISW-FM	4.86	2.43	<b>0.29</b>
Medicine Hat	CKMH-FM	5.00	3.57	1.43
Chilliwack	CKSR-FM	4.86	2.43	<b>0.29</b>

30 Three other stations operated by Rogers propose to carry international news, but very little: less than half a minute per day. CHTT-FM, in the capital of British Columbia, may carry twice as much international news per day – a minute.

31 Rogers has not explained why these seven stations intend to carry little or no international news and has not provided any evidence that these communities do not want international news. Nor has Rogers argued or provided evidence that would show that it lacks the financial capacity to provide such news.

### III. Summary of recommendations

32 The CRTC's *Rules* state that it "must not dismiss an application ... by reason solely of a defect in form."<sup>21</sup> It may instead admit "a document as evidence",<sup>22</sup> such as additional information.

33 The Forum recommends that the CRTC ask Rogers

- a. for evidence establishing the needs and interest of the individual communities served by its radio stations
- b. for evidence justifying the lack or near-lack of international news proposed for
  - CHFI-FM Toronto
  - CIKR-FM Kingston
  - CHUR-FM North Bay
  - CISQ-FM Squamish
  - CISW-FM Whistler, and
  - CKSR-FM Chilliwack.

<sup>21</sup> *Rules*, s. 9.

<sup>22</sup> *Rules*, s. 10(c).

- c. for its plans for airplay and promotion of the works of emerging Canadian artists and their music
- d. about its use of online distribution platforms to complementing its conventional radio stations, including the degree to which this programming is strengthening the programming provided by the stations.

#### IV. Request for information

34 Rogers has provided the following text in the sections of the licence renewal application form dealing with Employment Equity:

The licensee is subject to the Employment Equity Act (applicable to federally-regulated employers with 100 or more employees). The licensee keeps a record of the total number and percentage of on-air employees (full-time, part-time and temporary), including voice-overs, from each designated group, as well as the total number of all on-air employees who were employed in the last year. A copy of this record is available upon request.<sup>23</sup>

35 The Forum is requesting a copy of this record for each of the stations that are the subject of this Part 1 proceeding. Specifically, the Forum requests from Rogers, both in aggregate and for the individual stations being renewed, a copy of the record of the total number and percentage of on-air employees (full-time, part-time and temporary), including voice-overs, from each designated group, as well as the total number of all on-air employees who were employed in the last year.

36 We are also requesting information on the number of reporters employed by Rogers to produce local coverage – preferably for the individual stations for which Rogers is seeking licence renewal in this proceeding, but if necessary (for reasons of demonstrated confidentiality) for the total of these stations. As the Commission is keenly aware, local newspapers have reduced their expenditures on news or have closed completely in many communities: knowing the number of staff who actually gather news in individual communities will enable the CRTC to understand the impact of its policies on commercial radio, local programming and local news.

\* \* \* End of intervention \* \* \*

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<sup>23</sup> DM#3693411, Application by Rogers to renew CISQ-FM, at 5 of 8, s. 3 (“Employment equity / On-air presence”).