



30 January 2014

John Traversy  
Secretary General  
CRTC  
Ottawa, ON K1A 0N2

Dear Mr. Secretary General,

Re: ***Call for comments on the Commission's approach to tangible benefits and determining the value of the transaction***, Broadcasting Notices of Consultation 2013-558 and 2013-558-1 (Ottawa, 21 October 2013 and 4 December 2013)

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 communications, including broadcasting. The Forum supports a strong Canadian broadcasting system and regulation that serves the public interest.
2. We are pleased to participate in the process initiated by Broadcasting Notice of Consultation 2013-572, to review the Commission's commercial radio policy. Our comments on the issues raised in the Commission's notice are attached.
3. We look forward to the opportunity of reviewing other comments submitted in this proceeding.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely yours,

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Executive Director

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## **Canadian radio: In trust, for all the people**

*Call for comments on the Commission's approach to tangible benefits and determining the value of the transaction*, Broadcasting Notices of Consultation 2013-558 and 2013-558-1 (Ottawa, 21 October 2013 and 4 December 2013)

**Comments of the Forum for Research and Policy in Communications**

30 January 2014

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## Executive Summary

### Introduction: achieving Parliament's objectives for Canadian

- 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 communications, including broadcasting.
- 2 The Forum supports a strong Canadian broadcasting system that serves the public interest, and is achieving Parliament's objectives.
- 3 This review of the commercial radio policy enables the CRTC to report to the public on the sector's progress in achieving Parliament's broadcasting policy objectives, and to set out new, enforceable and enforced goals for commercial radio stations.
- 4 The CRTC's review should demonstrate how its current policies are or are not achieving these objectives, and how its new policy will achieve or improve the achievement of Parliament's goals.
- 5 FRPC submits that clear reporting with respect to Parliament's broadcasting objectives is essential to effective oversight by the Commission and accountability to the public.
- 6 Unfortunately BNoC 2013-572's focus on audience data and financial statistics for private radio stations maintains a regulatory smokescreen: ostensibly assuring Canadians that their interests are being protected by competitive licensing applications and rigorous enforcement, it omits to mention that the CRTC does not mandate, publicly evaluate or specifically enforce licensed broadcasters' commitments to local service and audiences.
- 7 FRPC urges the Commission to use the opportunity of this review to increase Canadians' access to Canadian content and local news, and to strengthen private radio broadcasters' achievement of Parliament's objectives for the broadcasting system.
- 8 Specifically, the CRTC should increase Canadian content requirements for popular music, mandate minimum levels of original local news, and streamline its enforcement process to reward broadcasters that not only meet but exceed regulatory requirements.

### Submissions

- 9 The 1991 *Broadcasting Act* requires broadcasting to strengthen Canada's cultural, political, social and economic fabric, and to provide programming that

displays Canadian talent, offers Canadian information and analysis, and yield employment opportunities for Canadians. Canada's private radio stations are subject to the *Broadcasting Act*.

- 10 In opening the CRTC's private radio policy for review, BNoC 2013-572 provides too little information has been provided to enable the public to participate in a meaningful way. It describes private radio stations' financial position as "good", but does not mention that on average, stations owned by Canada's five largest radio groups earn three times the revenues of Canada's remaining private radio stations, and have the capacity to achieve more of Parliament's broadcasting policy objectives.
- 11 BNoC 2013-572 states that conventional radio content is local and likely to be relevant, but provides no specific supporting evidence. It is silent about employment opportunities. BNoC 2013-572 therefore gives the misleading impression that private radio broadcasters are generally achieving Parliament's broadcasting objectives, particularly with respect to local programming.
- 12 In reality, at least 51% of private FM radio stations' programs (excluding ads, which have no Canadian content requirements) are non-Canadian. There are no minimum requirements for original local news, and 'local programming' need not be produced in or about local communities.
- 13 In terms of employment opportunities, in 2010 almost a fifth (116, or 18%) of Canada's private radio stations operated with 5 or fewer staff (seven stations had no staff at all); private radio employment decreased in New Brunswick, Quebec, Manitoba and British Columbia between 2006 and 2012.
- 14 As for the CRTC's approach to enforcing its policies and regulations, BNoC 2013-572 does not mention that CRTC licensing decisions present almost no information about private broadcasters' service to their local communities – putting into question the ostensible purpose of competitive licensing hearings where applicants vie for the privilege of serving this or that audience segment or community. How meaningful is a licensing process in which applicants present audience surveys, financial studies and business plans to support their proposals for specific programming, when later on successful applicants' actual programming achievements are neither reviewed nor evaluated?
- 15 For that matter, why has the CRTC undertaken at least 474 monitoring studies of radio stations from 2006 to 2012, when it does not publish their results online, provide them in consultations about licence renewals, or include them in renewal decisions?

- 16 Our point in raising this information is that the CRTC could and should ensure that the private radio sector achieves Parliament’s objectives for predominantly Canadian programming – but does not. It could and should use its competitive licensing and renewal procedures to implement Parliament’s broadcasting objectives – but does not. It could and should use its renewal process to reward those who surpass its minimum requirements – but does not.
- 17 In addition to responding to the questions raised by BNoC 2013-572, therefore, FRPC is asking the Commission to adopt a streamlined approach to calls for new licences which relies on competition to achieve Parliament’s objectives. We are also urging the Commission to ensure that programs broadcast by the private radio sector are at least 51% Canadian, by raising popular music Canadian content levels from 35% to 40%. Finally, we are asking the CRTC to monitor and enforce implementation of Parliament’s objective related to employment opportunities, to ensure that the broadcasting sector’s contribution to the economy as an industrial sector is fully recognized and strengthened.

**Response to CRTC questions**

<b>CRTC questions</b>	<b>Position of the FRPC</b>
<b>Q1. Should the Commission adopt a common approach to the issuance of a call, irrespective of market size? If not, why?</b>	<p>Yes.</p> <p>The CRTC should streamline its approach by eliminating its pre-call market evaluation process, and relying on the competitive market to maximize applicants’ contributions to achieving Parliament’s broadcasting objectives.</p>
<b>Q2. Is the Commission’s preliminary view on including public consultation in the market assessment process as set out in paragraphs 27 and 28 appropriate?</b>	<p>No.</p> <p>The benefits of adding a public-consultation phase are unclear, while its disadvantages include duplication of work, unfairness to some applicants over others, and delays in the implementation of approved services.</p>
<b>Q3. If the Commission were to hold a public consultation as part of the market assessment process, should the Notice of Consultation contain information on the original application, such as the name of the applicant and the type, nature and technical parameters of the proposed service?</b>	<p>Yes, except that the applicant’s name should not be disclosed until applications are gazetted.</p> <p>FRPC recommends that the CRTC call for applications whenever it receives an application for a new commercial radio station. Apart from the application’s technical parameters, the CRTC’s call should include basic information about the level of local and local news programming being proposed, level of Canadian content in music, and level of Canadian content in spoken word programming. Applicants would bear the full risk of providing the CRTC with evidence about market capacity, thereby reducing the CRTC’s costs.</p> <p>Transparency of a triggering application’s information will enable the competitive marketplace to work properly.</p>
<b>Q4. During the market assessment</b>	It is not clear why claims about spectrum availability require support

CRTC questions	Position of the FRPC
<p>process, should an applicant or intervener be required to provide specific information such as financial or economic data to support claims related to the availability of spectrum? If so, should any of this information be held in confidence by the Commission?</p>	<p>form financial or economic data.</p>
<p><b>Q5. Provided that an applicant does not propose to use one of the last known available frequencies in a given market, would it be appropriate to maintain the exceptions set out in the Broadcasting Public Notice <u>2006-159</u> (listed in paragraph 18 above)? Are there any additional criteria that might warrant an exception to the policy? Please provide supporting rationale and evidence.</b></p>	<p>No.</p> <p>Maintaining the CRTC’s 2006 exemptions confers an unreasonable advantage to incumbent private commercial broadcasters which has not demonstrably advanced Parliament’s objectives for the broadcasting system.</p> <p>That said, the CRTC should exempt public and community radio applications from being the subject of a competitive call.</p>
<p><b>Q6. Currently, if the Commission decides not to issue a call for applications due to unfavourable market conditions, it will generally wait two years before accepting applications for new radio services in that market. Is the two-year wait period still appropriate?</b></p>	<p>No.</p> <p>No evidence and no reasons have been presented to support the two-year pause. In our view, Canada’s private radio broadcasters are well-positioned to assume the risks of applying for licences.</p>
<p><b>Q7. What would be the benefits and risks associated with the establishment of a process whereby a licensee of a low-power station operating on an unprotected frequency must apply for a new licence if it wished to operate its station on a protected frequency? Should such a process apply to all markets (small, medium and large)?</b></p>	<p>The process could benefit broadcasters by enabling applicants to compete on an equal footing with each other for the privilege of holding a valuable public resource.</p> <p>It could benefit the broadcasting system by requiring applicants to achieve minimum levels of Canadian content, local programming and local news, and to report on the level of local employment they provide.</p> <p>Applying the process to large and smaller locations will enable less experienced broadcasters to acquire the knowledge they need to expand their programming service(s).</p>
<p><b>Q8. Would it be appropriate to exempt from licensing all types of commercial low-power stations (e.g., mainstream, specialty, ethnic) in all markets (small, medium and large)? What would be the benefits and the risks of allowing these exemptions?</b></p>	<p>No.</p> <p>All private commercial radio undertakings should be licensed through a competitive process, to reduce the risks of non-competitive licensing.</p>
<p><b>Q9. Are the Commission’s current definitions for local and national</b></p>	<p>FRPC reserves comment on this matter, but notes that revising definitions related to advertising in the absence of clear and up-to-date</p>



<b>CRTC questions</b>	<b>Position of the FRPC</b>
<p>advertising as set out in paragraph 40 still appropriate? If not, explain why these definitions are no longer appropriate and indicate how the current definitions could be revised, including the factors or criteria that should be considered in determining how local and national advertising are defined.</p>	<p>information about local programming and radio stations' websites raises significant concerns.</p>
<p>Q10. Is it necessary for the Commission to develop a definition for regional advertising? If so, describe what factors should be considered in the definition and describe how regional time sales can be clearly differentiated from local and national time sales.</p>	<p>FRPC reserves comment on this matter.</p>
<p>Q11. Is it feasible to deploy HD Radio technology in the Canadian broadcasting system? If so, what would be the potential economic or technical impacts on incumbent stations? Licensees are further requested to comment on their intentions to conduct trials of, or to deploy HD Radio, and to provide their projected timelines.</p>	<p>FRPC reserves comment on this matter.</p>
<p>Q12. To what extent are HD Radio receivers available in Canada? What is the consumer demand (actual and forecasted) for digital radio services in Canada?</p>	<p>FRPC reserves comment on this matter.</p>
<p>Q13. Would HD Radio technology be suitable for mainstream commercial stations, or would it be better suited to niche formats such as ethnic or specialty programming? Please explain why.</p>	<p>FRPC reserves comment on this matter.</p>
<p>Q14. How could HD Radio technology be employed to increase diversity, in light of the FM spectrum congestion?</p>	<p>FRPC reserves comment on this matter.</p>
<p>Q15. Should the Commission consider other digital radio technologies for use in the FM or AM bands? If so, briefly describe these other digital technologies and why they should be deployed in Canada.</p>	<p>FRPC reserves comment on this matter.</p>
<p>Q16. Should digital radio services be exempted from licensing</p>	<p>No. No evidence has been presented to support the necessity of an</p>

<b>CRTC questions</b>	<b>Position of the FRPC</b>
<p>requirements or should the Commission establish a licensing framework for these services?</p>	<p>exception.</p> <p>All radio services – digital or otherwise – should meet minimum requirements to achieve the objectives of Canada’s broadcasting legislation, especially for Canadian content, local service and employment.</p>
<p><b>Q17. If the Commission was to adopt a licensing framework for HD Radio, how similar should it be to the existing policy for SCMO services? What key elements ought to be considered as part of a licensing framework specific to HD Radio technology, and why?</b></p>	<p>The CRTC should not its 25-year SCMO policy to develop a policy for the introduction of HD Radio without evidence about the success of the SCMO policy in achieving Parliament’s objectives for the broadcasting system.</p>
<p><b>Q18. To what extent would the Commission’s proposed additional tools and measures to encourage compliance, as described in paragraph 62, be appropriate and effective?</b></p>	<p>See below.</p>
<ul style="list-style-type: none"> <li>• <b>Requirement to complete a licence renewal application checklist</b></li> </ul>	<p>Yes. This list should be made public and be included in decisions renewing stations’ licences.</p> <p>It should include</p> <ul style="list-style-type: none"> <li>• information on Canadian content in musical and spoken word programming</li> <li>• total and original hours of local programming content</li> <li>• total and original hours of news and information</li> <li>• levels of local employment by employment category, and</li> <li>• evidenced about station’s achievement of any conditions of licence or CRTC expectations.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Publishing annually on the Commission’s website</b></li> </ul>	<p>Publishing information about stations’ achievements of their commitments and regulatory requirements is an inexpensive and efficient accountability tool, and should include stations’</p> <ul style="list-style-type: none"> <li>• callsigns,</li> <li>• location</li> <li>• licensee name</li> <li>• ultimate ownership</li> <li>• date licence expires, and</li> <li>• statistics describing levels of Canadian content, French vocal music, hours of original local programming and hours of original new</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Requirement for licensees in non-compliance to file regular reports</b></li> </ul>	<p>This requirement unnecessarily duplicates requirements of the Annual Return and CCD processes, and does not establish that programming performance has actually improved</p>
<ul style="list-style-type: none"> <li>• <b>Increasing the frequency of compliance monitoring.</b></li> </ul>	<p>Ongoing monitoring is required to evaluate compliance.</p>
<ul style="list-style-type: none"> <li>• <b>Limiting the number of minutes of advertising allowed per hour.</b></li> </ul>	<p>No evidence has been provided to demonstrate that advertising time is linked to regulatory non-compliance.</p>

<b>CRTC questions</b>	<b>Position of the FRPC</b>
<ul style="list-style-type: none"> <li>Increasing regulatory requirements in cases of non-compliance.</li> </ul>	<p>Requiring non-compliant licensees to broadcast more Canadian musical selections perversely transforms Parliament’s central goal for the broadcasting system into a punishment. Worse, Canadian content levels would only increase when stations break the rules, while growing numbers of compliant stations would reduce overall levels of Canadian content.</p> <p>Requiring non-compliant licensees to make mandatory CCD payments introduces fines through a regulatory back door, and creates a two-tier system where larger broadcasters can afford repeated non-compliance, while smaller broadcasters are driven out.</p>
<p><b>Q19. Are increased CCD contributions an appropriate measure to address the harm that occurs in the Canadian broadcasting system as a result of non-compliance?</b></p>	<p>No. Increased CCD contributions will not address the various harms created by regulatory non-compliance.</p>
<p><b>Q20. Are there other reasonable sanctions for different types of non-compliance?</b></p>	<p>Yes. The CRTC should adopt an incentive-based system for renewing licences. Terms should be granted as follows:</p> <p>Full term - for licensees that meet and exceed regulatory requirements</p> <p>Medium term – for licensees that meet regulatory requirements</p> <p>Short term – for licensees that do not meet regulatory requirements</p>
<p><b>Q21. What additional tools, if any, are needed to facilitate a licensee’s compliance with regulatory requirements?</b></p>	<p>FRPC reserves comment on this matter.</p>
<p><b>Q22. Should the Commission proceed with the proposed amendment of sections 8(1)(b) and 8(5) of the Regulations? If not, why?</b></p>	<p>The CRTC should ensure that licensees submit electronic data records, not printed logs.</p> <p>Licensees should retain logs for one year, not eight weeks</p>
<p><b>Q23. How should the Commission, otherwise, amend the Regulations for consistency and to better reflect digital audio technologies?</b></p>	<p>FRPC reserves comment on this matter.</p>
<p><b>Other matters</b></p>	
<p>To ensure that Canada’s commercial radio sector is at least 51% Canadian, the CRTC should raise the level of Canadian content in popular music from 35% to 40%</p>	
<p>To ensure that Parliament’s objectives for employment opportunities is being met, the CRTC should report in greater detail about employment in its annual reports and in renewal decisions</p>	
<p>The CRTC should prohibit simulcasting by commercial radio stations of television content</p>	
<p>The CRTC should convene interested stakeholders to discuss the types of information that should be gathered for the purposes of monitoring implementation of Parliament’s broadcasting objectives</p>	

## **I Introduction: strengthening commercial radio in the public interest**

- 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 communications, including broadcasting.
- 2 As the Forum supports a strong Canadian broadcasting system that serves the public interest, we welcome the CRTC's decision to review its approach to commercial radio.
- 3 We agree with the Commission about the importance of putting "Canadians at the centre of their communication system by considering their needs and interests".<sup>1</sup>
- 4 We respectfully note, however, that the members of the Commission are bound by law to implement Parliament's objectives for the broadcasting system, as set out in the 1991 *Broadcasting Act*: it is not open to the Commission to pick and choose the policy objectives it implements. In reviewing its policies the CRTC should demonstrate how its current policies achieve or do not achieve those objectives, and how its review will correct incorrect approaches or improve the objectives' achievement.

## **A Review's scope and information unnecessarily limited**

- 5 FRPC has serious concerns about this review's unusually narrow scope, the CRTC's failure to provide meaningful information about the degree to which Canada's private radio undertakings are meeting Parliament's policy objectives for Canadian broadcasting, and the absence of discussion about ways in which they can achieve those objectives going forward.
- 6 The review's scope is narrow because it focuses on procedures and technology, issues that appear to address commercial broadcasters' financial concerns. Yet Canadian radio programming is predominantly foreign, and specific requirements for news – critical to democracy and in emergencies – no longer exist.
- 7 The absence of meaningful information in BNoC 2013-572 about the state of private radio broadcasting in Canada limits the public's ability to participate effectively in this proceeding. Considering that the CRTC receives program logs every month from each radio station detailing the level of news, information, local programming and Canadian content that it broadcasts, and has monitored the programming of

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<sup>1</sup> Chairperson, CRTC, *Report on Plans and Priorities 2013-2014*, "Chairman's message"  
<<http://www.crtc.gc.ca/eng/publications/reports/rpps/rpp2013/rpp2013.htm>>.

474 radio stations since 2006, this gap is at best puzzling, and at worst disturbing: barriers to information eradicate accountability.

**B Review offers opportunity to do more**

- 8 The review’s narrow focus and lack of meaningful information might matter less if the CRTC planned to undertake a more thorough review of the radio sector immediately following this review. According to the CRTC’s most recent three-year plan, moreover, BNoC 2013-572 will be the Commission’s only review of commercial radio in 2014, 2015 or 2016.<sup>2</sup>
- 9 The private radio sector owes Canadians more in exchange for its privileged position. Its financial health means that resources are available to restore services that have been cut. Commercial radio could then resume work towards achieving Parliament’s objectives for the broadcasting system – in particular, ensuring that commercial radio stations finally ensure that their services are predominantly Canadian.
- 10 This timely review offers the CRTC a once-in-a-decade chance to set commercial radio on the path to providing Canadians with a service that puts their talent, their stories and their views in the front seat.

**II Canadian radio**

**A Broadcasting legislation**

- 11 Radio was invented by Canadian Reginald Fessenden in the early 1900s.<sup>3</sup> Wildly popular from the beginning, limits on usable radio frequencies, the potential for political favouritism in licensing, concerns over freedom of expression, and fears of American domination led Parliament to enact Canada’s first broadcasting legislation in the early 1930s.
- 12 In defending the *Canadian Radio Broadcasting Act* in 1932, Prime Minister Bennett argued that broadcast spectrum is a natural resource that “the crown holds ... in trust for all the people.”<sup>4</sup>
- 13 Canadian law currently requires broadcasting to strengthen Canada’s “cultural, political, social and economic fabric”, and to provide programming that reflects

<sup>2</sup> CRTC, *Three-Year Plan 2013-2016*, “Create” <<http://www.crtc.gc.ca/eng/backgrnd/plan2013.htm>>.

<sup>3</sup> “An Unsung hero: Reginald Fessenden, then Canadian inventor of radio telephony” <[http://www.ieee.ca/millennium/radio/radio\\_ungung.html](http://www.ieee.ca/millennium/radio/radio_ungung.html)>. Fessenden transmitted voice and music to ships off the US East Coast on 24 December 1906.

<sup>4</sup> *House of Commons Debates* (18 May 1932) at 3035-3036 (Right Hon. R.B. Bennett).

Canadian opinion, displays Canadian talent, offers Canadian information and analysis,<sup>5</sup> and to draw programming from local and other sources.<sup>6</sup> The 1991 *Broadcasting Act* also says that the broadcasting system should also serve Canadians’ needs and interests in employment opportunities,<sup>7</sup> and should readily adapt to changes in science and technology.<sup>8</sup>

- 14 The public, private and community elements of the broadcasting system must each “contribute in an appropriate manner to the creation and presentation of Canadian programming”.<sup>9</sup> In particular, the *Broadcasting Act* requires individual radio stations to use predominantly Canadian resources in the programs they create and present,<sup>10</sup> to contribute significantly to those programs,<sup>11</sup> and to respond to the public’s demands as these change over time.<sup>12</sup>

**B Radio’s performance**

- 15 Radio is unique because its free, over-the-air broadcasts can easily reach the 98% of households in Canada that have one or more radios. Its ubiquity makes it an ideal communications medium during emergencies. With one-tenth the operating costs of television, it provides many large, medium and small communities with an opportunity to hear local, national and international news.

- 16 An interesting aspect of this review is that while radio is frequently described as *the* local medium, up-to-date statistics about the programming it actually broadcasts focus almost exclusively on national program content – specifically, levels of Canadian musical selections – not levels of local programming offered in general, by community, by broadcaster or by station.

- 17 In fact, the limited information that is readily available from the CRTC about commercial radio is financial. BNoC 2013-572 describes the profitability of the radio sector and concludes that “this sector is in good financial health.”<sup>13</sup> This is an understatement, if not misleading: in reality, Canada’s private commercial radio

<sup>5</sup> S. 3(1)(d)(i) and (ii).

<sup>6</sup> S. 3(1)(i)(ii).

<sup>7</sup> S. 3(1)(d)(iii).

<sup>8</sup> S. 3(1)(d)(iv).

<sup>9</sup> S. 3(1)(e).

<sup>10</sup> S. 3(1)(f).

<sup>11</sup> S. 3(1)(s)(i).

<sup>12</sup> S. 3(1)(s)(ii).

<sup>13</sup> *Call for comments on a targeted policy review for the commercial radio sector*, Broadcasting Notice of Consultation CRTC 2013-572 (Ottawa, 30 October 2013), at ¶13 [BNoC 2013-572].

broadcasters enjoyed an operating profit margin in 2011 that was more than twice that obtained by Canada’s industries, combined, and higher than the operating margins achieved in 62 other Canadian industrial sectors, including loan brokers, telecommunications and the oil and gas sector. Indeed, in 2012 Canadian radio had the second highest revenue per capita among eight advanced industrial economies (see Table 1).

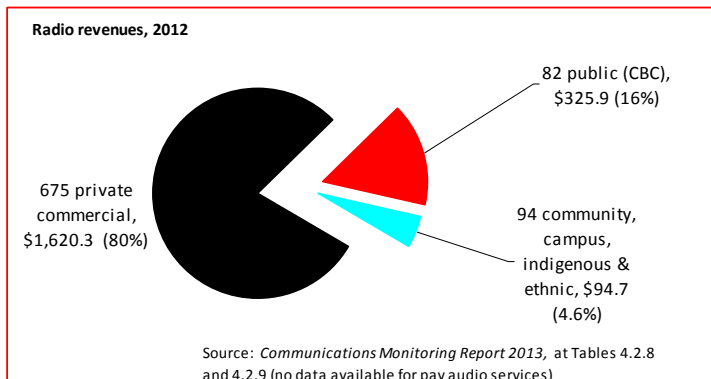
**Table 1: Radio revenue comparison among 8 countries in 2012**

Radio performance indicators for a select number of countries, 2012, sorted by radio revenue/capita					
	GDP/capita 2012 (\$US K)	Total radio industry rev’s (\$ billions)	Radio revenue per capita (\$ annual)	Year-over-year change in radio rev’s (%)	Change in radio rev’s, 2008-2012 (%)
United States	51.7 (3)	19.08	61 (1)	3.6	-2.2 (7)
Canada	52.2 (2)	1.92	56 (2)	3.1	2.0 (1)
Germany	41.9 (5)	4.48	55 (3)	-0.4	0.0 (3)
Australia	67.6 (1)	1.10	50 (4)	0.5	0.5 (2)
United Kingdom	39.1 (7)	1.55	25 (5)	2.9	-0.3 (5)
France	39.8 (6)	1.65	25 (6)	-0.5	-0.2 (4)
Japan	46.7 (4)	1.55	12 (7)	-1.4	-5.4 (8)
Italy	33.1 (8)	0.64	10 (8)	-8.2	-3.8 (6)

CRTC, *Communications Monitoring Report 2013* at 208 (Table 7.1.5, *Radio performance indicators for a select number of countries, 2012*)  
 World Bank, *GDP per capita (current US\$)* < <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD/countries/1W?display=default>>.

**Table 2: Radio revenues in 2012, by element**

18 The commercial element predominates in Canadian radio. The majority (79%) of radio stations are privately owned and operated. In 2012 these stations attracted three-quarters (77%) of all time spent with radio and obtained four-fifths of the sector’s total income.<sup>14</sup>



<sup>14</sup> CRTC, *Communications Monitoring Report 2013*, at 56 (Table 4.2.1 – Number and type of radio and audio services authorized to broadcast in Canada”) and 60 (Figure 4.2.2 – Radio tuning by station type in diary markets).

- 19 The five largest radio owners and their 284 radio stations took in \$1.1 billion in revenues in 2012, leaving \$309 million in revenues for the remaining 391 private radio stations.<sup>15</sup> Average revenues per station were three times higher for the five largest owners (\$3.9 million) than for the remaining owners (\$1.3 million).
- 20 As so few radio stations are locally owned and controlled, the public relies on the CRTC to ensure that commercial radio stations meet the requirements set out in the *Broadcasting Act*. In 1992, for example, the CRTC said that radio programming should
- “be predominantly Canadian”
  - “provide a varied and comprehensive menu of services”
  - “be of high standard”, and should also
  - “provide a strong, vibrant service to local communities.”<sup>16</sup>
- 21 In 1998 the Commission said that radio licensees, especially those owning several stations in a community, must contribute to achieving the *Broadcasting Act’s* cultural objectives.<sup>17</sup> It made commercial radio stations’ prosperity its first priority, “to ensure a strong, well-financed radio industry that is better poised to achieve its obligations under the Act and to meet the challenges of the 21<sup>st</sup> century. ...”<sup>18</sup> Its second priority was to “ensure pride of place for Canadian artists”, which it did by raising Canadian content requirements for popular music from 30% to 35%.<sup>19</sup> The Commission expected that
- ... as stronger, more effective strategic relationships between the radio and music industries develop, the cooperative initiatives and efforts of these industries to promote and support Canadian music will succeed in bringing about a level of Canadian content that reaches 40% in five years.<sup>20</sup>
- 22 The 1998 commercial radio policy’s third objective was to maintain a French-language presence in radio. The CRTC retained its requirement that 65% of popular

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<sup>15</sup> *Ibid.*, at 72 (Table 4.2.8) – the table presents information about six owners, but as Bell has now purchased Astral, its results effectively refer to five ownership groups.

<sup>16</sup> *A Review of the CRTC’s Regulations and Policies for Radio*, Public Notice CRTC 92-72 (Ottawa, 2 November 1992).

<sup>17</sup> *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41 (Ottawa, 30 April 1998), at ¶152 [*Commercial Radio Policy*, 2006].

<sup>18</sup> *Ibid.*, at ¶16.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*, at ¶12.



music broadcast by French-language radio stations be in French, but also required that at least 55% of this music be in French during weekdays.<sup>21</sup>

23 The CRTC's current *Commercial Radio Policy* was issued in 2006, and was designed to "allow the commercial radio sector to contribute more effectively to the achievement of the goals set out the Act, while enabling it to operate effectively in an increasingly competitive environment for the delivery of audio programming."<sup>22</sup>

24 BNoC 2013-572 provides no clear objectives for this 2014 review of the commercial radio policy, saying only that the review will benefit this sector by updating certain regulatory and policy elements.<sup>23</sup>

### III Response to CRTC questions

25 FRPC's responses to the specific questions set out in BNoC 2013-572 are set out below.

#### A Issuance of calls

26 In Canada broadcasting licences are temporary permits to use designated radio frequencies, in designated locations. The CRTC may issue, amend or renew broadcasting licences; licences cannot be transferred or sublet. The CRTC can issue 'new' radio licences in response to applications for licences or changes in ownership.

27 The CRTC's current approach to licensing radio stations is inconsistent, favours incumbents over new entrants, is not competitive and generally ignores its licensees' capacity to strengthen and improve their programming service. The CRTC's radio licensing approach is inconsistent because it treats radio licences differently if they are new or for existing services – it does not invite new proposals to use existing licences when these involve assets being transferred from one owner to another. It favours incumbents because no other applicants are invited to submit competing applications when an incumbent operator applies for a second or third station. It is uncompetitive because the CRTC does not invite competing proposals when it receives a proposal to provide a location's first commercial service. It ignores its licensees' capacity to strengthen service and meet Parliament's objectives for broadcasting, because it does not require any more from large broadcasters, than from smaller ones.

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<sup>21</sup> *Ibid.*, at ¶16.

<sup>22</sup> *Ibid.*, at ¶219.

<sup>23</sup> BNoC 2013-572, Introduction.

Exclusions from requirement to issue call for applications	Year added
Ownership applications	1978 <sup>24</sup>
Low-power radio where frequencies are not scarce	1993 <sup>25</sup>
Low power stations Stations with very little or no commercial potential 1st commercial station 1 <sup>st</sup> commercial station in 2 <sup>nd</sup> official language AM-FM conversion by 1 <sup>st</sup> station owner AM-FM conversion by 2 <sup>nd</sup> station owner 2 <sup>nd</sup> station by 1 <sup>st</sup> station's owner	July 1999 <sup>26</sup>
Low power stations with little or potential commercial impact Locations with population < 250K if CRTC market assessment concludes market unlikely to support new station	December 2006 <sup>27</sup>

- 28 The CRTC has not said how often it has applied its radio-licensing exemption criteria, making it difficult to evaluate their impact. We estimate that in 2013, 107 communities are affected by the CRTC's pro-incumbent approach to calls for radio station applications, because these communities receive radio service from only one station (see Appendix 2),. Twenty of these single-station communities are served by Canada's largest broadcasters.
- 29 BNoC 2013-572 explains that the CRTC also evaluates the capacity of a location to support new stations when only one radio frequency remains, regardless of population size,<sup>28</sup> but does not state which locations are so affected, or its practice is for publishing the results of these evaluations. For example, it is unclear whether the CRTC undertook such evaluations before Quebec,<sup>29</sup> Vancouver<sup>30</sup> and Toronto,<sup>31</sup> which are large cities that in theory fewer usable frequencies because they are already served by a number of radio stations have.

<sup>24</sup> *Proposed CRTC Procedures and Practices Relating to Broadcasting Matters*, Public Announcement (Ottawa, 25 July 1978)/

<sup>25</sup> *A Licensing Policy for Low-Power Radio Broadcasting*, Public Notice CRTC 1993-95 (Ottawa, 28 June 1993).

<sup>26</sup> *The Issuance of Calls for Radio Applications*, Public Notice CRTC 1999-111 (Ottawa, 8 July 1999) at ¶13.

<sup>27</sup> *Revised policy concerning the issuance of calls for radio applications and a new process for applications to serve small markets*, Broadcasting Public Notice CRTC 2006-159 (Ottawa, 15 December 2006).

<sup>28</sup> At ¶122.

<sup>29</sup> *FM Radio Station in Quebec*, Broadcasting Decision CRTC 2010-320 (Ottawa, 28 May 2010).

<sup>30</sup> *Call for applications – Radio stations to serve Vancouver, British Columbia*, Broadcasting Notice of Consultation 2013-149 (Ottawa, 25 March 2013).

<sup>31</sup> *Call for applications – Radio stations to serve Toronto*, Broadcasting Notice of Consultation 2011-625 (Ottawa, 28 September 2011).

- 30 The 2006 policy in which the CRTC will undertake its own market evaluation of locations with populations below 250,000 appears to be applied very rarely. According to Statistics Canada almost five thousand communities had populations below 250,000 in 2011, including 147 municipalities with populations ranging from 20 to 99 thousand people. The CRTC, meanwhile, has issued only three decisions referring to results of its own market evaluations - for Iroquois Falls,<sup>32</sup> Cochrane<sup>33</sup> and Saskatoon.<sup>34</sup>
- 31 BNoC 2013-572 notes that the CRTC does not currently invite public comment on whether to call for applications to serve individual locations, although it may undertake informal consultations.<sup>35</sup> It is unclear how long it takes for the CRTC's to issue decisions in given matters: while individual CRTC decisions report the dates on which applications are filed, the CRTC's summary statistics on broadcasting applications are calculated from the close of record of its proceedings, not from the dates when it received individual applications.<sup>36</sup>
- 32 The absence of transparency about the time between an application's filing and an approval granted, hides the actual length of the radio licensing process. The Banff Centre, for example, filed an uncontested and popular application for a commercial radio station to serve Banff in mid-November 2012; the decision was issued nine months later.<sup>37</sup>
- 33 The Commission is now proposing to consult the public about whether to issue radio station licence applications.<sup>38</sup> Presumably this consultation, described as part of the CRTC's market assessment process,<sup>39</sup> would take place before any application is

<sup>32</sup> *Commission's findings following its call for comments on the capacity of the radio markets of Iroquois Falls, and Cochrane, Ontario to support the licencing of new commercial radio stations*, Broadcasting Decision CRTC 2009-185 (Ottawa, 8 April 2009).

<sup>33</sup> *Ibid.*

<sup>34</sup> *Commission's findings following its call for comments on the capacity of the Saskatoon radio market to support the licensing of new commercial radio stations*, Broadcasting Decision CRTC 2013-606 (Ottawa, 13 November 2013).

<sup>35</sup> BNoC 2013-572, at ¶127: "Presently, the Commission does not *formally* consult the public ...." [italics added].

<sup>36</sup> See e.g. CRTC, *Service objectives for the processing of certain types of broadcasting applications - 1 April 2012 to 31 March 2013*, <http://www.crtc.gc.ca/eng/publications/reports/standards2012.htm> ['CoR' means 'close of record']

<sup>37</sup> *English-language FM radio station in Banff*, Broadcasting Decision CRTC 2013-368 (Ottawa, 6 August 2013).

<sup>38</sup> BNoC 2013-572, at ¶128.

<sup>39</sup> See question 2 – "Q2. Is the Commission's preliminary view on including public consultation in the market assessment process as set out in paragraphs 27 and 28 appropriate?"

gazetted – in other words, a pre-gazetting consultation. The commercial radio application process would therefore be as follows:

Current process	Proposed process
1. Submit application to CRTC	1. Submit application to CRTC
	2. CRTC calls for comments on whether it should undertake a market evaluation
2. If sole incumbent, no call for applications, and licence issued	3. If sole incumbent, no call for applications, and licence issued
3. If less than 250,000 population to be served, or scarce frequency, CRTC may evaluate market	4. Depending on comments, CRTC may or may not evaluate market
4. If CRTC evaluates market it may return application or call for other application	5. If CRTC evaluates market it may return application or call for other application
5. If call for application issued, CRTC gazettes applications and invites public comment	6. CRTC gazettes all applications and invites public comment
6. CRTC approves or denies application	7. CRTC approves or denies application

**Q1. Should the Commission adopt a common approach to the issuance of a call, irrespective of market size? If not, why?**

- 34 Yes, provided the approach is transparent and does not favour one class of applicant over others.
- 35 The CRTC’s current approach to commercial radio licensing is seriously flawed. It lacks transparency (only its decisions about its evaluations are published, not the evaluations themselves), favours existing licensees over new entrants and is not linked to achieving Parliament’s objectives for the broadcasting system. Worse, while the *Act* requires the CRTC to grant or deny the applications it receives through a public process, the CRTC’s current approach places it in the position of second-guessing business decisions through market evaluations undertaken in private and without public consultation.
- 36 The CRTC should adopt a common approach to the radio application process that is streamlined, transparent, that treats applicants fairly and that serves the public interest. Specifically, the CRTC should terminate its practice of evaluating markets before evaluating applications, and of favouring incumbents over new applicants. It

should invite others to apply whenever it receives an application for a new commercial radio station, and provide sufficient information about the application's contributions to achieving Parliament's objectives for broadcasting to enable other applicants to meet or exceed those contributions.

- 37 A common approach as described above will rely to a greater degree on, and increase competition in, Canadian radio.

**Q2. Is the Commission's preliminary view on including public consultation in the market assessment process as set out in paragraphs 27 and 28 appropriate?**

- 38 No.

- 39 Paragraphs 27 and 28 address the issue of "Public consultation during the market assessment process", and propose that the CRTC should call for comments before deciding whether to call for additional applications:

27. Presently, the Commission does not formally consult the public when conducting the initial market assessment that could lead to the issuance of a call for radio applications in a given market. However, the Commission considers that it may be beneficial to receive and take into account comments from listeners and other interested persons when it is assessing whether an application to serve a given market should trigger a call.

28. In light of this, the Commission proposes to initiate a public consultation to seek comments on whether it should issue a call for radio applications in a given market. This public consultation could also gauge whether there is interest by other broadcasters to serve that market, or to serve another market using technical parameters that may be incompatible with the proposal; the ability of the market to support a new station; and the availability of other frequencies that could be used to serve that market.

- 40 The Commission has not clearly explained its rationale for introducing a pre-gazetting public consultation phase before deciding whether an application it has received should trigger a call for other applications. BNoC 2013-572 simply states that the Commission thinks this consultation "may be beneficial".
- 41 Something more than 'may be beneficial' is needed to justify a public consultation phase because the CRTC's calls for applications already include a public consultation phase through the intervention process. The CRTC's proposal would therefore duplicate the existing public consultation phase, possibly doubling the time already required by the CRTC's staff to review comments from the public about new applications.
- 42 Adding a public consultation phase will give incumbent broadcasters yet another unfair advantage. They will be able to use their existing radio and/or television programming services to persuade the public to intervene in the pre-application consultation phase either to support their own applications or to oppose others.

Incumbents' influence could be especially strong in the almost 5,000 smaller communities with populations under 50,000 people, where single-operator situations tend to be the norm.

- 43 Creating a two-stage public consultation process will also impose additional costs on non-incumbent applicants, to the disadvantage of smaller or prospective broadcasters that may lack the resources required to engage public support twice, rather than once.
- 44 Requiring two rounds of public consultation will also delay consideration of radio stations applications by the Commission, and in turn, the stations' launch of service, which is contrary to the public interest.
- 45 FRPC instead urges the Commission to discontinue its current practice of evaluating locations for their ability to support another radio station. First, the CRTC has not provided any evidence to establish why such market evaluations are necessary or whether they are effective. Second, the absence of details and information in these evaluations means they are not transparent, raising fears about the influence of subjective evaluation criteria in CRTC decision-making. Third, the lack of transparency in the evaluation process means they are not readily subject to appeal.

**Q3. If the Commission were to hold a public consultation as part of the market assessment process, should the Notice of Consultation contain information on the original application, such as the name of the applicant and the type, nature and technical parameters of the proposed service?**

- 46 FRPC strongly opposes the pre-application consultation process suggested by the Commission. Its disadvantages significantly outweigh any advantages it may offer.
- 47 We agree, however, that the CRTC should identify the type, nature and technical parameters of all proposed commercial services.
- 48 In fact, we recommend that the CRTC call for applications whenever it receives an application for a new commercial radio station, and include in the call the elementary information about applicants' proposals which is directly relevant to Parliament's objectives for broadcasting:
- the area and size of population to be served (s. 3(1)(s)(ii))
  - total local and original local radio programming hours being proposed (ss. 3(1)(d)(i) and 3(1)(i)(ii))
  - total hours of news, original news, local news and original local news (ss. 3(1)(d)(ii), and 3(1)(i)(ii))
  - level of Canadian content in music (ss. 3(1)(d), (e) and (f), and 3(1)(s)(i))

- level of Canadian content in spoken word content (ss. 3(1)(f), 3(1)(i)(i), and 3(1)(s)(i)),
- number of full-time and part-time employees that the station expects to create in the area to be served, by function (programming, technical, sales, administration) (ss. 3(1)(d)(i) and (iii)) and the
- nature and technical parameters of the service being proposed.

- 49 The CRTC's call for applications should identify applicants if they are applying to provide another radio station to a community they are already licensed to serve, to enable other applicants to address concerns related to the diversity of voices and information in the location. Otherwise, the call should not identify applicants; their identities will become known when the Commission gazettes the applications and invites the public to intervene.
- 50 Providing relevant information in an open call for applications will enable all applicants to know the minimum public-interest requirements they must meet from the CRTC's commercial radio policy and radio regulations – and parties that submit competing applications may choose to surpass the original applicant's public-interest requirements, encouraging competition in a way that serves the public interest and Parliament's broadcast policy objectives.
- 51 Eliminating CRTC market evaluations will reduce the CRTC's costs and encourage competition in the commercial radio sector, and transparency in the application process will encourage innovation and competition in the commercial radio sector.
- 52 The CRTC should continue to evaluate applicants' financial plans as part of its public process, however, and would be free to deny applications that lacked the evidentiary support required by the CRTC's *Rules of Procedure*. Applicants – not the CRTC – should bear the costs of market evaluations, as well as the risks of their proposals.
- 53 Adopting a more competitive and transparent approach to licensing commercial radio stations will provide existing and prospective private broadcasters with a fair and reasonable opportunity to develop and present radio licence proposals, and will establish a framework that enables competition to strengthen private radio stations' achievement of Parliament's objectives for the broadcasting.
- 54 This streamlined and competitive approach to the commercial radio sector should not apply to applications for public or community radio stations. These stations are governed by different regulatory approaches, tend to operate (except for the CBC) in areas that commercial radio broadcasters have been unwilling to serve, and in the

case of areas with more than one commercial radio station, should be given precedence.<sup>40</sup>

**Q4. During the market assessment process, should an applicant or intervener be required to provide specific information such as financial or economic data to support claims related to the availability of spectrum? If so, should any of this information be held in confidence by the Commission?**

**55** This question is unclear because it links claims about spectrum availability to financial or economic data. To our knowledge, financial and economic data are rarely used to support claims about spectrum availability. Those claims are generally supported by engineering reports, and Industry Canada's analysis of such reports, all of which have been part of the public record for new radio station applications.

**56** Engineering and Industry Canada analyses about spectrum availability should continue to be available to the public. The availability of this information enables interested parties to evaluate the potential reach and impact of new stations, if these are licensed, and to identify any technical issues that may degrade the quality of existing radio stations' service to the public.

**Q5(a) Provided that an applicant does not propose to use one of the last known available frequencies in a given market, would it be appropriate to maintain the exceptions set out in the Broadcasting Public Notice 2006-159 (listed in paragraph 18 above)?**

**57** No.

**58** Maintaining the CRTC's 2006 exemptions confers an unreasonable advantage to incumbent private commercial broadcasters, which has not been demonstrated to have advanced Parliament's objectives for the broadcasting system.

**Q5(b) Are there any additional criteria that might warrant an exception to the policy? Please provide supporting rationale and evidence.**

**59** Yes.

**60** The CRTC should add public and community radio applications to the 2006 exemption criteria, in locations where more than one usable radio frequency remains.

**61** Exempting public and community radio stations from the licence-call process will permit these stations to focus their energies and efforts on planning and launching

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<sup>40</sup> In *A Licensing Policy for Low-Power Radio Broadcasting*, Public Notice CRTC 1993-95 (Ottawa, 28 June 1993) such stations were given precedence.



new radio services that will increase the diversity of programming available to local communities. Strengthening the public and community sectors of the Canadian radio system is in the public interest because these programming services are required to provide higher levels of Canadian and local programming content.

**Q6. Currently, if the Commission decides not to issue a call for applications due to unfavourable market conditions, it will generally wait two years before accepting applications for new radio services in that market. Is the two-year wait period still appropriate?**

62 No.

63 The CRTC has not provided reasons to justify a two-year limit. Moreover, while disappointed applicants might consider appealing the CRTC's decision, the appellate process itself could take two years.

64 The CRTC should permit private commercial broadcasters to assume the risks of unfavourable market conditions.

#### **B Low-power radio stations**

65 Over 90% of Canada's low-power radio stations operate using a niche format, and have limited commercial impact.<sup>41</sup> The CRTC notes that since 2007, interveners have argued in 17 proceedings that applicants asking to convert low-power commercial FM radio stations to protected status are circumventing the Commission's "normal competitive entry process".<sup>42</sup>

66 The CRTC has therefore proposed to deal with low-power FM conversions either through more transparent licensing, or by exempting these stations from calls for applications.<sup>43</sup>

**Q7(a) What would be the benefits and risks associated with the establishment of a process whereby a licensee of a low-power station operating on an unprotected frequency must apply for a new licence if it wished to operate its station on a protected frequency?**

67 The benefit of the proposed process for broadcasters is that all applicants will have an opportunity to apply for protected frequencies.

68 The benefit of the proposed approach for the broadcasting system is that the CRTC could require applicants to achieve minimum levels of Canadian content, local

<sup>41</sup> BNoC 2013-572, at ¶31.

<sup>42</sup> *Ibid.*, at ¶¶35-36.

<sup>43</sup> *Ibid.*, at ¶38.

programming and local news, and to report on the level of local employment they provide.

**Q7(b) Should such a process apply to all markets (small, medium and large)?**

69 Yes.

70 In smaller markets the process may provide inexperienced (or new) radio broadcasters with the opportunity to acquire the knowledge they need to expand their programming service.

**Q8(a) Would it be appropriate to exempt from licensing all types of commercial low-power stations (e.g., mainstream, specialty, ethnic) in all markets (small, medium and large)?**

71 No.

72 All mainstream – *ie*, private, commercial radio – LP undertakings should be processed through a competitive licensing process.

**Q8(b) What would be the benefits and the risks of allowing these exemptions?**

73 The risk of allowing more exemptions is the increase in workload for the CRTC to monitor enforcement with the requirements to which even exempted radio undertakings are subject.

74 Allowing more exemptions may benefit the broadcasting system and serve the public interest, however, if smaller programming services are able to launch more quickly because they are exempted from lengthy licensing procedures.

## **C Local, regional and national advertising**

75 Although Parliament empowered the CRTC to regulate advertising time and its “character”, to enable the *Act’s* objectives for the broadcasting system to be achieved,<sup>44</sup> the CRTC’s radio regulations neither define nor limit advertising time.

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<sup>44</sup>

S. 9(1)(e):

10. (1) The Commission may, in furtherance of its objects, make regulations

(d) respecting the character of advertising and the amount of broadcasting time that may be devoted to advertising;

(e) respecting the proportion of time that may be devoted to the broadcasting of programs, including advertisements or announcements, of a partisan political character and the assignment of that time on an equitable basis to political parties and candidates;

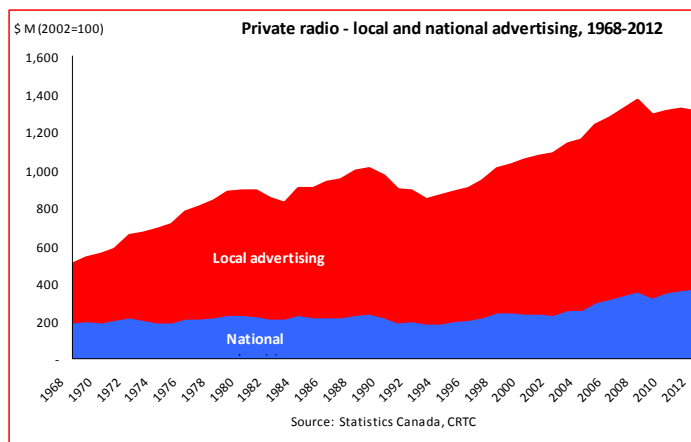
The CRTC instead defines local and national advertising in its *Data Collection-Broadcasting Glossary*:<sup>45</sup>

Local time sales: Revenue from the sale of air time by local sales representatives, net of advertising agency commissions and trade discounts. Local time sales include the fair market value of bartered contracts, sponsorship, or any other non-monetary transactions. This does not include revenue from infomercials.

National time sales: Revenue for national advertising, net of any advertising agency commissions and trade discounts. National sales are usually commissionable to the station's national sales representative. This does not include revenue from infomercials.<sup>46</sup>

**Figure 1: Local and national private radio advertising, 1968-2012**

76 Local advertising has always generated the majority of private radio stations' revenues. In 2012 local ads represented 71% of their advertising sales income (see Figure 1). The income they currently receive through the internet is unknown.



77 BNoC 2013-572 asks whether the CRTC's current definitions for local and national advertising should be revised, and whether regional advertising should be defined. It explains that broadcasters' inconsistent interpretation of its existing "guidelines could be detrimental to the comparability of financial information related to revenues collected as part of the annual returns process."<sup>47</sup>

78 BNoC 2013-572 says that its focus on local and national advertising makes it difficult to "to categorize advertising purchases from businesses and organizations that are 'regional' in scope and for which advertising reach and relevance extend

<sup>45</sup> BNoC 2013-572, at ¶40.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*, at ¶44.

beyond local markets.”<sup>48</sup> It says this difficulty “is of particular concern in the context of enforcing policies and conditions of licence that relate to advertising.”<sup>49</sup>

- 79 BNoC 2013-572 explains that definitions of local, regional and national advertising are “of particular concern in the context of enforcing policies and conditions of licence that relate to advertising.”
- 80 The main policy involving local advertising concerns local programming. Until 1993, private FM radio broadcasters were required to file promises of performance detailing their programming commitments to local communities. These became as conditions of licences. In 1993 the CRTC replaced the PoP regime with a local advertising *quid pro quo*: FM stations could not solicit local advertising unless a third of their programming is local.<sup>50</sup>
- 81 The local advertising policy does not apply to AM stations.<sup>51</sup>
- 82 While BNoC 2013-572 expresses concerns about the way in which local advertising is defined, it does not address any concerns about local radio programming.
- 83 In fact, however, while BNoC 2013-572 says that conventional radio stations’ “content is local and hence more likely to be relevant”<sup>52</sup> no evidence published by the CRTC supports this claim. The current *Commercial Radio Policy* does not require radio stations to provide any local programming; it says instead that FM stations must provide some local programming if they want local advertising revenues, while AM stations ought to mention how they will serve local communities.
- 84 The CRTC’s 2006 radio policy also defines local programming so broadly that it is not limited to programming about local communities. Local programming must include spoken word content “of direct and particular relevance to the community served”<sup>53</sup> as well as local news, local weather, local sports, and promotions of local events or

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<sup>48</sup> *Ibid.*, at ¶42.

<sup>49</sup> *Ibid.*, at ¶43.

<sup>50</sup> *Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2006-158 at ¶182.

<sup>51</sup> AM stations are “asked to make commitments in their licence renewal applications to a minimum level of local programming, and to describe how they will provide sufficient service to their local communities”, but these commitments are not conditions of their licences. *Ibid.*, at ¶184.

<sup>52</sup> BNoC 2013-572, at ¶13.

<sup>53</sup> *Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2006-158 at ¶183.

activities<sup>54</sup> -- but can also include network or syndicated programming if produced by the station or in the local community by arrangement with the station.<sup>55</sup>

85 The real effect of the CRTC's local programming policies is that a private radio station can claim to provide an entire week of local programming, while only be producing a few hours of this content in and for the local community it serves. Under the 2006 *Commercial Radi*

86 *o Policy* local programming can originate from outside the local community if produced separately and exclusively for individual radio stations.<sup>56</sup> As live local programming is desirable, but not mandatory,<sup>57</sup> local programming can also be almost entirely pre-recorded.<sup>58</sup>

... The Commission considers that programming produced using voice tracking qualifies as local programming when it fulfils the definition of local programming set out above. Broadcasting Regulatory Policy CRTC 2006-158 at ¶208.

87 The CRTC's expansive definition of local programming as including programming pre-recorded outside of local communities may explain why the number of private radio stations without any staff began to increase after 2006 (see Figure 2).

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<sup>54</sup> *Ibid.* See also *CHRC Québec - Acquisition of assets*, Broadcasting Decision CRTC 2008-128 (Ottawa, 26 June 2008).

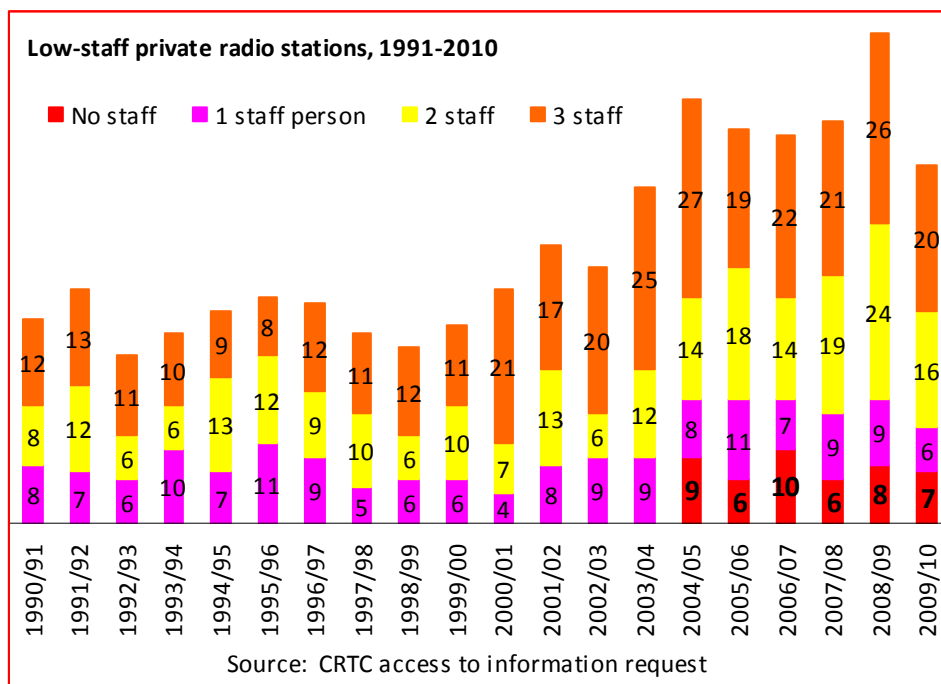
<sup>55</sup> *Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2006-158 at ¶183.

<sup>56</sup> *Ibid.*.

<sup>57</sup> Broadcasting Decision CRTC 2008-128, *supra* note 54: 30. Given that live local programming generally reflects the community being served, the Commission encourages the applicant to broadcast as many hours of live local programming as possible during each broadcast week.

<sup>58</sup> *Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2006-158 at ¶208.

Figure 2: Commercial radio stations with 0 to 3 staff, 1991-2010



- 88 The CRTC should use more precise elements to define local programming, to distinguish between local origination, local program production and programming produced for local communities.
- 89 Based on CRTC decisions – not the 2006 *Commercial Radio Policy* – local news is “essential” to radio stations’ responsibilities<sup>59</sup> and must be made available.<sup>60</sup> Local news need not “adhere to any particular style, format or schedule” – but news stories that merely identify communities are not local: “some level of analysis or background must be included to make a locally relevant news story a local news item of direct and particular relevance to the community”.<sup>61</sup> In 2012 the CRTC

<sup>59</sup> *CHNO-FM Sudbury -Licence renewal*, Broadcasting Decision CRTC 2005-22, 31 January 2005: One of the objectives of the broadcasting policy for Canada, as set out in the Broadcasting Act, is that the programming provided by the Canadian broadcasting system should offer a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern. The broadcast of news programming by commercial radio licensees, especially local news, is an essential aspect of their responsibility to ensure the provision of this diversity of views.

<sup>60</sup> *CKEY-FM Fort Erie and its transmitter CKEY-FM-1 St. Catharines - Licence renewal*, Broadcasting Decision CRTC 2005-29 (Ottawa, 31 January 2005).

<sup>61</sup> *CKEY-FM Fort Erie and its transmitter CKEY-FM-1 St. Catharines - Licence renewal*, Broadcasting Decision CRTC 2007-195 (Ottawa, 20 June 2007).

defined local news to be the events that occur in or are directly linked to each station's BBM central area or FM 3mV/m contour.<sup>62</sup>

- 90 It is unclear whether local news must be original or live; in 2008 the CRTC described the absence of any original news programming in a proposed radio schedule as "somewhat alarming", but did not make original news a condition of licence.<sup>63</sup>
- 91 Considering the importance typically ascribed to local programming in radio,<sup>64</sup> it is surprising that the CRTC provides broadcasters with so much information about their financial performance, but gives the public so little information about their local programming. In 2012, for example, it published 89 spreadsheets, tables and graphs describing private radio stations' advertising (see Appendix 4). Four paragraphs in BNoC 2013-572 describe the commercial radio sector's financial performance in detail, addressing its "healthy profitability" and PBIT margins.<sup>65</sup>
- 92 Meanwhile the CRTC publishes no comparable information – or information of any kind – about the level of local programming by commercial radio stations. It commented in 2005 that it requires a minimum of 3 hours per week of news,<sup>66</sup> but provided no statistics to support this statement, nor any assessment.

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<sup>62</sup> CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton and CKAV-FM-9 Ottawa – Licence renewals, Broadcasting Decision CRTC 2012-653 (Ottawa, 29 November 2012) <http://www.crtc.gc.ca/eng/archive/2012/2012-653.htm>:

For the purposes of this condition, "distinct local news stories" are those that incorporate spoken word material of direct and particular relevance to the Aboriginal community within the market served. Therefore, the event discussed in the story must occur in or be directly linked to the station's market according to the definition of a "market" set out in the Radio Regulations, 1986, which is the FM 3 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM), whichever is smaller.

<sup>63</sup> Broadcasting Decision CRTC 2008-128, *supra* note 54, at ¶136:

Given the concerns over the Montréalization of the airwaves, the Commission considers the applicant's failure to propose any original news programming to be somewhat alarming. Furthermore, the Commission notes that several interveners expressed concern over the loss of CHRC's journalism, to the detriment of Québec area residents, and over the loss of a news source, particularly in the wake of the elimination of several journalist positions in the various media within the region

<sup>64</sup> The 2006 *Commercial Radio Policy* said that the "key challenge facing the radio industry is to keep radio relevant and local in an environment of rapidly changing technology and consumer behaviour." (¶21).

<sup>65</sup> BNoC 2013-572, at ¶¶9-12.

<sup>66</sup> Broadcasting Decision CRTC 2005-29, *supra* note 60.

**Table 3: CRTC decisions on radio and local programming hours, 2010-2013**

93 The CRTC’s renewal decisions similarly offer few or no details about the news or other local programming of the stations whose licences are being renewed. From 2010 to 2013 only 11% of the CRTC’s radio renew decisions even mentioned the words “local” and “news” in the same announcement (Table 3). Its decisions address complaints about local programming issues inconsistently.<sup>67</sup>

CRTC decisions on radio and local programming hours, 2010-2013			
Year	"Renews"	"Renews" & "local" & "hours"	%
2010	113	8	7.1%
2011	64	5	7.8%
2012	63	8	12.7%
2013	157	22	14.0%
Total	397	43	10.8%

94 In fact, compared to the decisions issued by the Commission in the 1980s, today’s decisions provide the public with no information whatsoever about the manner in which private radio stations serve their communities (see Appendix 7). It is perhaps indicative of the commission’s concerns that in its language it seems primarily interested in “markets” and not in people, communities, audiences, and other human domains, which are terms that featured more prominently in the Commission’s earlier days.

95 Revising definitions of advertising raises significant concerns, because these definitions matter in evaluations of broadcasters’ compliance with the CRTC’s . local advertising and programming policy

**Q9. Are the Commission’s current definitions for local and national advertising as set out in paragraph 40 still appropriate? If not, explain why these definitions are no longer appropriate and indicate how the current definitions could be revised, including the factors or criteria that should be considered in determining how local and national advertising are defined.**

96 FRPC reserves comment on this question until it has had the opportunity to review the proposals being made by commercial radio broadcasters.

**Q10. Is it necessary for the Commission to develop a definition for regional advertising? If so, describe what factors should be considered in the definition and describe how regional time sales can be clearly differentiated from local and national time sales.**

<sup>67</sup> See, for example, the CRTC’s letter of 4 March 2011 about local programming non-compliance by CKDK-FM Woodstock and CING-FM Hamilton, owned by Corus, available at <http://www.crtc.gc.ca/eng/archive/2004/lb040311.htm>.

The CRTC was concerned that the stations were targeting London and Toronto, rather than Woodstock and Hamilton. Neither renewal decision involving the stations referred to the issue: see *CING-FM Hamilton – Licence renewal*, Broadcasting Decision CRTC 2006-251 (Ottawa, 22 June 2006) and *Licence renewals*, Broadcasting Decision CRTC 2010-890 (Ottawa, 30 November 2010).



97 FRPC reserves comment on this question until it has had the opportunity to review the proposals being made by commercial radio broadcasters.

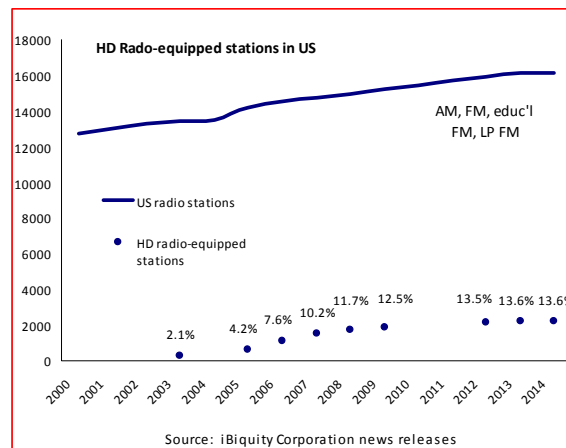
**D Digital terrestrial technologies**

98 BNoC 2013-572 explains that HD radio technology has the potential to mitigate the spectrum scarcity issue,<sup>68</sup> thereby enabling many more radio stations to launch in Canada, and providing new sources of revenue.

99 HD Radio technology – not to be confused with high-definition television – is currently owned and controlled by iBiquity Digital Corporation, which is based in the United States. According to iBiquity, its HD radio technology “is transforming AM and FM broadcasting with vastly increased numbers of channels, drastically improved sound quality and an array of new data services.”<sup>69</sup> iBiquity has suggested that Canadian radio stations would benefit from its technology because they could offer “one programming stream without the need for more or different spectrum”.<sup>70</sup>

100 While iBiquity says that over 2100 radio stations in the United States now use HD Radio,<sup>71</sup> its statistics and data from the Federal Communications Commission about the total numbers of radio stations in that country indicate that uptake of HD Radio has not increased since 2012.

101 Growth of HD Radio in the US may be limited by technical issues: in 2009 it told the FCC that without power increases, HD Radio-equipped stations could not “replicate the analog coverage of their stations, and the digital signal would continue to have difficulty penetrating buildings.”<sup>72</sup> Results



<sup>68</sup> BNoC 2013-572, at ¶150: “HD Radio technology increase the number of audio distribution channels without requiring use of additional spectrum bands.”

<sup>69</sup> iBiquity Digital Corporation, “Digital AM and FM Radio”, <<http://ibiquity.com/>>.

<sup>70</sup> iBiquity Digital Corporation, “Commission’s Ruling Opens the Door for HD Radio™ Broadcasting in Canada” News release (Columbia, Maryland, 26 December 2006” <[http://www.ibiquity.com/press\\_room/news\\_releases/2006/401](http://www.ibiquity.com/press_room/news_releases/2006/401)>.

<sup>71</sup> iBiquity Digital Corporation: “Today, there are more than 2,100 stations serving local markets across the country with HD Radio Broadcast Technology.”

<sup>72</sup> Albert Shuldiner, Senior Vice President and General Counsel, iBiquity Digital Corporation, *Comments in the Matter of Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service*, MM Docket No. 99-325 (Columbia, Maryland, 6 July 2009) <<http://www.ibiquity.com/i/ibiquity%20Comments.pdf>> at 3.

from the more Canadian tests of this equipment also indicate concerns about interference with stations on adjacent frequencies and inside buildings.<sup>73</sup>

**Q11. Is it feasible to deploy HD Radio technology in the Canadian broadcasting system? If so, what would be the potential economic or technical impacts on incumbent stations? Licensees are further requested to comment on their intentions to conduct trials of, or to deploy HD Radio, and to provide their projected timelines.**

102 FRPC reserves comment on this question.

**Q12. To what extent are HD Radio receivers available in Canada? What is the consumer demand (actual and forecasted) for digital radio services in Canada?**

103 FRPC reserves comment on this question.

**Q13. Would HD Radio technology be suitable for mainstream commercial stations, or would it be better suited to niche formats such as ethnic or specialty programming? Please explain why.**

104 FRPC reserves comment on this question.

**Q14. How could HD Radio technology be employed to increase diversity, in light of the FM spectrum congestion?**

105 FRPC reserves comment on this question.

**Q15. Should the Commission consider other digital radio technologies for use in the FM or AM bands? If so, briefly describe these other digital technologies and why they should be deployed in Canada.**

106 FRPC reserves comment on this question.

**Q16. Should digital radio services be exempted from licensing requirements or should the Commission establish a licensing framework for these services?**

107 The CRTC should require all radio services – digital or otherwise – to adhere to bare-bones requirements for meeting the objectives of Canada’s broadcasting legislation: Canadian content, local service and employment.

108 FRPC does not support the exemption of digital radio services from licensing because no evidence has been presented about the necessity for an exemption.

109 If the CRTC were to consider exempting digital radio services from licensing, it should do so through a separate notice of consultation, which should address questions regarding the duration of an exemption and the information that

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<sup>73</sup> Corus, *Corus CING-HD Testing Hamilton - Initial Report: December 14, 2012-April 2013*, at 3 (“... Mr. Kirk still feels some impairment exists when CING-HD runs the higher -14dB injection level”, and at 9 (“In Toronto: Reception at -20 was limited to exterior perimeter of building. – 14 allowed you to get deeper into building, but did not match analog penetration.”))

exempted services would have to submit to enable a review of the exemption's impact.

**Q17. If the Commission was to adopt a licensing framework for HD Radio, how similar should it be to the existing policy for SCMO services? What key elements ought to be considered as part of a licensing framework specific to HD Radio technology, and why?**

110 The key elements of any radio policy framework issued by the CRTC should include Canadian and local content, as well as employment.

111 FRPC does not support the use of the CRTC's 25-year SCMO policy to develop a policy for the introduction of HD Radio, because evidence about the success of the SCMO policy in achieving Parliament's objectives for the broadcasting system has not been made available. We note, for example, that the CRTC's *Communications Monitoring Report 2013* does not even mention the phrase, 'SCMO'.

## **E Compliance mechanisms**

112 Laws are generally enforced to obtain or discourage certain behaviours. The sanctions used to penalize lawbreakers may be designed to discourage continued misbehaviour, to deter others from misbehaving, and/or to make lawbreakers' victims whole. Transparent reporting in the application of the law ensures accountability and policies that achieve Parliament's objectives.

113 Parliament has set out its expectations for broadcasters, and sanctions for non-compliance. It expects all programming in the broadcasting system to be "of high standard",<sup>74</sup> and has given the CRTC a number of tools to enforce radio licensees' compliance with the terms and conditions of their licences. These include

- calls to public hearing s. 12|(2), (3)
  - denial of licence amendment requests s. 9(1)(c)
  - conditions of licence s. 9(1)(b)
  - short-term licence renewal s. 9(1)(d)
  - calls to public inquiry s. 12(1)
  - mandatory orders s. 12(2)
  - licence suspension s. 9(1)(e)
  - prosecution ss. 32 and 33
  - licence non-renewal s. 9(1)(d)
- and
- licence revocation s. 9(1)(e)

<sup>74</sup> S. 3(1)(g).

- 114 The CRTC is not now authorized to fine broadcasters that breach its regulations or the terms of their licences. It has lobbied for this authority, however, which it now has to a limited degree in telecommunications, where it may fine those who violate the CRTC's rules for unsolicited telecommunications.<sup>75</sup>
- 115 The Commission should consider splitting the broadcasting license into two parts: a licence to broadcast programming, and a licence to broadcast advertising. Suspending the licence to broadcast advertising, while the station must otherwise continue its programming may be an effective way to punish a deviant broadcaster, without depriving the community of a broadcast service.
- 116 The CRTC's current approach to the enforcement of broadcasting legislation and regulation in the private radio sector also lacks transparency and is not achieving Parliament's policy objectives for broadcasting.
- 117 While the CRTC's radio regulations require radio stations to submit information to enable the CRTC to evaluate their programming and financial performance, none of this information is made public for individual stations, and no information is published about private radio broadcast performance.
- 118 The lack of information about broadcast performance is perplexing, because regulated radio stations must submit copies of their program logs to the CRTC every month, and audio recordings of programming when asked.
- 119 In fact, the CRTC has reviewed the programming of almost five hundred stations. According to its website its staff monitored the programming of 474 private, public and community radio stations between 2006 and 2012(see Appendix 8). They monitored three stations each three times,<sup>76</sup> 52 stations twice, and 361 stations once (Appendix 9). The CRTC's website does not indicate whether or when it evaluates program logs.
- 120 The CRTC provides no information about its monitoring results online, and the CRTC's monitoring results are not included in the CRTC's licensing decisions. Of the nine reports listed by the CRTC online for three stations, only four were mentioned in decisions about the stations. They provided limited information about regulatory breaches, but no other information that the CRTC's monitoring analysts may have evaluated.

<sup>75</sup> The *Telecommunications Act*, S.C. 1993, c. 38 permits the CRTC to levy administrative monetary penalties:

72.01 Every contravention of a prohibition or requirement of the Commission under section 41 constitutes a violation and the person who commits the violation is liable

(a) in the case of an individual, to an administrative monetary penalty of up to \$1,500; or

(b) in the case of a corporation, to an administrative monetary penalty of up to \$15,000.

<sup>76</sup> Corus' CFNY-FM Brampton, Cogeco's CKOI-FM Montréal and Vancouver Co-operative Radio's CFRO-FM Vancouver.

- 121 In general, therefore, it is unclear how the almost five hundred monitoring studies affect regulatory outcomes.
- 122 As for the CRTC’s renewal decisions, they contain little or no information describing stations’ performance in achieving Parliament’s broadcasting objectives, or success in overcoming previous instances of non-compliance. In 2005, for example, the CRTC found that CKAC had broadcast “abusive, contemptuous and disparaging remarks about Black persons”, contravening the *Act*’s high-standard requirement, and said it would raise the issue when the station’s licence was renewed.<sup>77</sup> The CRTC renewed the licence for a full term in 2009, and did not mention the non-compliance issue.<sup>78</sup>
- 123 The absence of this information makes it impossible for the public to evaluate individual licensees’ performance, or the performance of the commercial radio sector in general.
- 124 The CRTC now proposes to change its enforcement approach by
- Requiring licensees to complete a checklist at licence renewal time summarizing stations’ results in terms of evaluation criteria
  - Publishing lists on the CRTC’s website of stations that are or are not meeting regulatory requirements
  - Requiring non-compliant licensees to file reports on their compliance with regulatory requirements
  - Monitoring compliance more frequently
  - Limiting advertising minutes per hour
  - Using music programming requirements and CCD contributions “to address the harm” that non-compliance causes to the broadcasting system

**Q18. To what extent would the Commission’s proposed additional tools and measures to encourage compliance, as described in paragraph 62, be appropriate and effective?**

- **Requirement to complete a licence renewal application checklist**
- **Publishing annually on the Commission’s website**
- **Requirement for licensees in non-compliance to file regular reports**
- **Increasing the frequency of compliance monitoring.**

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<sup>77</sup> At ¶129-31.

<sup>78</sup> *Various radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2009-525 (Ottawa, 27 August 2009).

- **Limiting the number of minutes of advertising allowed per hour.**
- **Increasing regulatory requirements in cases of non-compliance.**

125 FRPC supports enforcement implemented to achieve Parliament’s objectives for the broadcasting system. The CRTC’s proposed additional tools and measures for encouraging compliance are appropriate and should be implemented, but are inadequate for ensuring the implementation of the section 3 objectives for commercial radio.

126 Our comments about the specific elements proposed by the CRTC are as follows:

- *Stations should complete a licence renewal application checklist that would be provided on the Commission’s website as a tool for licensees and would be incorporated into the application process. The checklist would summarize all criteria evaluated during the licence renewal process, including all required elements. The application would not be accepted until the “check-off” process is complete.*

FRPC supports this proposal. To enable the public to evaluate commercial radio stations performance, the list must include information on Canadian content in musical and spoken word programming, total and original hours of local programming content, total and original hours of news and information, and levels of local employment by employment category. The checklist must also include a statement about a station’s achievement of the terms of any conditions of licence or CRTC expectations. Finally, information about a station’s previous licence renewal should also be included (ie, whether compliant and if not, in what areas); this information is not currently provided in the CRTC’s licensing decisions.<sup>79</sup>

The information provided in the checklist should also be provided in the CRTC’s renewal decisions, as these generally now contain little or no information describing stations’ performance in achieving Parliament’s broadcasting objectives. The absence of this information makes it impossible for the public to evaluate individual licensees’ performance, or the performance of the commercial radio sector in general.

<sup>79</sup> In 2010, for example, the CRTC renewed CHOZ-FM for a short term because 34.2% of its popular music selections were Canadian (not 35%); the CRTC’s subsequent 2013 renewal provides no information about its Canadian content levels since 2010. See *CHOZ-FM St. John’s and its transmitters - Licence renewal*, Broadcasting Decision CRTC 2010-436 (Ottawa, 30 June 2010); and *CHOZ-FM St. John’s and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2013-712 (Ottawa, 18 December 2013).

Finally, the CRTC should require completion of this checklist even if it is simply renewing stations administratively for short terms.

- *Publishing annually on the Commission's website lists of stations operating in compliance and in non-compliance.*

FRPC strongly supports this proposal. Publishing information about stations' achievements of their commitments and regulatory requirements is an inexpensive and efficient accountability tool – provided the proposed lists do more than simply describe stations as 'compliant' or 'non-compliant.'

To be meaningful such lists must at least include stations' callsigns, location, licensee name, ultimate ownership, date licence expires, and statistics describing levels of Canadian content, French vocal music, hours of original local programming and hours of original news.

The CRTC should also include these lists in its annual communications monitoring reports, and replicate the information for individual stations in their licence renewal decisions.

- *Requirement for licensees in non-compliance to file regular reports that indicate improvements in areas of non-compliance. For example, for failing to submit annual returns, financial statements or CCD proof of payment on time, the licensee could be required to submit audited financial statements, annual summaries of all CCD contributions with proof of payment, etc.*

FRPC opposes this proposal because it unnecessarily duplicates requirements of the Annual Return process, and does not establish that programming performance has actually improved.

- *Increasing the frequency of compliance monitoring.*

Ongoing monitoring of compliance provides objective measurements of the progress of the commercial radio sector in achieving Parliament's objectives for broadcasting.

- *Limiting the number of minutes of advertising allowed per hour.*

FRPC recommends that the Commission consider separating the programming and advertising elements of each broadcast licence.

- *Increasing regulatory requirements in cases of non-compliance. The Commission could take measures to address the harm caused to the broadcasting system in cases of non-compliance with, for example, music programming requirements and CCD contributions.*

FRPC strongly supports the use of the CRTC's regulatory powers to deter non-compliance – but opposes the use of Canadian content levels or CCD payments to sanction non-compliance. Indeed, some stations might think the penalty well worth the non-compliance.

Requiring non-compliant licensees to broadcast more Canadian musical selections perversely transforms Parliament's central goal for the broadcasting system into a punishment. Its success would be equally perverse: Canadian content levels would only increase when stations break the rules, while growing numbers of compliant stations would reduce overall levels of Canadian content.

Although imposing additional CCD payments as a penalty for regulatory non-compliance is superficially appealing, no clear link exists between CTD/CCD payments and Parliament's objectives for the broadcasting system. Despite millions of dollars in CCD payments over the last twenty years, the level of Canadian content in music has only increased because of CRTC regulations.

Requiring non-compliant licensees to make mandatory CCD payments also introduces fines through a regulatory back door. If Parliament had intended to give the CRTC the power to impose fines, it would have done so – but has not. As a result, the Commission's first attempts to impose this sanction may wind up before the Federal Court of Appeal on the ground that mandatory CCD payments are *ultra vires*, or outside the CRTC's legal jurisdiction.

Finally, mandatory CCD penalty payments create a two-tier system in which large broadcasters can afford to offend and re-offend, while smaller broadcasters may have to reduce programming or other expenditures to pay the penalty of matters unrelated to their broadcast performance – filing their annual returns late, for example.

**Q19. Are increased CCD contributions an appropriate measure to address the harm that occurs in the Canadian broadcasting system as a result of non-compliance?**

127 No.

128 Private commercial radio stations that do not meet the requirements of the *Broadcasting Act*, the CRTC's radio regulations, its policies or the terms and conditions of their licences create several types of harms.

129 One harm – administrative – occurs when stations are late in filing annual returns. The resulting harm could be inaccurate statistics about the financial and employment performance of commercial radio stations. The inaccuracy is likely to be very minor, however, unless a few very large radio stations or a significant number of smaller stations fail to file. This administrative harm has little impact on the public interest.



- 130 Another harm – audience based – occurs when stations do not meet the programming requirements of the *Broadcasting Act*, the CRTC’s radio regulations, its policies or the terms and conditions of their licences. The size and impact of this harm is difficult to estimate, as it depends on the importance of the programming to the audience. Presumably, for example, a station’s decision to automate programming after 6 pm weeknights and/or on weekends will be very harmful to people in individual communities if it therefore fails to warn them of imminent emergencies. This audience-based harm has the potential to seriously harm the public interest.
- 131 Stations that offer very little news and information are also harmful, especially during elections when Canadians rely on the broadcast media to learn about the views and platforms of those standing for elected office. The public interest is not served when radio stations limit their coverage of elections to snippets and soundbites.
- 132 Broadcasters’ failures to provide predominantly or even minimum required Canadian content levels are also harmful, as they are effectively challenging Parliament’s authority over their activities. This type of harm brings the administration of law and justice in Canada into disrepute, and causes harm to the integrity of our political system which may be irreparable the longer it continues.
- 133 Ironically, while the CRTC often approves ownership applications to ensure continued broadcast service, it also generally renews broadcasters that are underperforming – effectively denying audiences the high-quality service promised when stations were first licensed.
- 134 Mandatory CCD payments will not ‘address’ any of these harms: enforceable and enforced policies and regulations that implement Parliament’s broadcasting policy for Canada will address these harms.

**Q20. Are there other reasonable sanctions for different types of non-compliance?**

- 135 Yes.
- 136 We note that the CRTC rarely uses the tools designed by Parliament to enforce the requirements of the *Broadcasting Act*.<sup>80</sup> It has not prosecuted broadcasters since

<sup>80</sup> In 1971 the Federal Court described the CRTC’s powers over programming as being limited to revocation, suspension or non-renewals:

Reading the Act as a whole and in particular the sections to which I have referred, I find it difficult to conclude that Parliament intended to or did give the Commission the authority to act as a censor of programmes to be broadcast or televised. If this had been intended, surely provision would have been made somewhere in the Act giving the Commission authority to order an individual station or a network, as the case may be, to make

1990 for regulatory non-compliance, for example (see Appendix 3). It has also suspended one private radio licensee,<sup>81</sup> denied 18 licence renewal applications (5 campus and 13 private) and revoked 3 licences (2 campus and 1 private) (see Appendix 10).

- 137 The CRTC relies instead on short-term renewals and conditions of licence to enforce the *Broadcasting Act* and its regulations. The Commission says that it evaluates “each instance of non-compliance in context and in light of factors such as the quantity, recurrence and the severity of the non-compliance as well as the measures the licensee is taking to rectify the situation.”<sup>82</sup> It describes this as a “progressive” approach to enforcement, with sanctions “generally focused on improving future performance and ensuring that the licensee understands that enforcement action will be taken if improvements do not occur.”<sup>83</sup>
- 138 Reviewing 756 CRTC licensing decisions since 1968 shows that the average licence term issued despite non-compliance has increased from under two years in the 1970s and 1980s, to over five years since 2012.

changes in a programme deemed by the Commission, after an inquiry, to be offensive or to refrain from broadcasting same. Instead of that, it appears that its only control over the nature of programmes is by use of its power to revoke, suspend or fail to renew the licence of the offending station.

*National Indian Brotherhood v. Juneau et al.* (No. 3), [1971] F.C. 498 (FC TD).

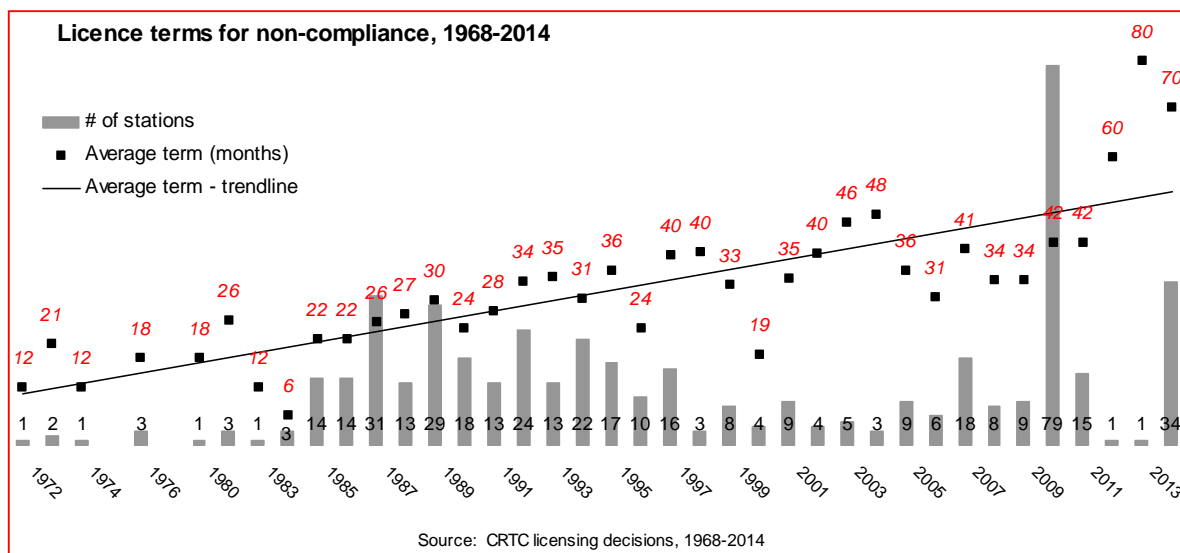
<sup>81</sup> *Determination on the Matter of the Show Cause Hearing Held in the National Capital Region on 13 July 1988 Concerning the Possible Suspension of the Broadcasting Licence of CKFM-FM Toronto*, Broadcasting Decision CRTC 88-512 (Ottawa, 25 August 1988):

Accordingly, pursuant to paragraphs 17(1)(d) and 24(1)(b) of the Broadcasting Act, the Commission suspends the licence of CKFM-FM for a period of three consecutive weekdays, excluding Saturday and Sunday, during the month of September 1988, with respect to the station's authorization to broadcast commercial announcements, promotional contests and sponsorship mentions (programming subcategories 82, 83, 84, 85 as defined in the regulations respecting FM radio).

<sup>82</sup> BNoC 2013-572, at ¶158.

<sup>83</sup> *Ibid.*, at ¶158.

Figure 3: Average licence terms for non-compliant radio stations, 1968-2014



- 139 Average licence terms for non-compliance may be increasing because the CRTC’s progressive-enforcement approach forgives regulatory breaches committed in a station’s first licence term. In one recent case, for instance, a station not only failed to make a required \$16,700 CTD payment, but also broadcast “a detailed discussion of the sexual act of fellatio” at 4:17 pm, when “children could be expected to be listening”: the CRTC granted the station an 80-month renewal – from 2013 to 2020.<sup>84</sup> Meanwhile, a station that was late in filing an annual return and in making \$42,022 in CCD payments received a 32-month renewal.<sup>85</sup>
- 140 Reviewing the CRTC’s licensing decisions shows that compliance is generally the exception, not the norm. As BNoC 2013-572 notes, “a large number of licensees remain in non-compliance on an annual basis”.<sup>86</sup> From 1968 to 2005, 81% of Canada’s private radio stations breached their regulatory requirements at least once.<sup>87</sup>
- 141 The CRTC’s progressive enforcement approach has also had limited success in deterring stations from reoffending. From 1968 to 2005 half the radio stations that

<sup>84</sup> CIRR-FM Toronto – Licence renewal and complaint concerning explicit programming, Broadcasting Decision CRTC 2013-458, (Ottawa, 29 August 2013), at ¶15.

<sup>85</sup> CKDG-FM and CKIN-FM Montréal - Licence renewals, Broadcasting Decision CRTC 2013-691 (Ottawa, 13 December 2013).

<sup>86</sup> BNoC 2013-572, at ¶160.

<sup>87</sup> See M.L. Auer, *The CRTC’s Enforcement of Canada’s Broadcasting Legislation: “Concern”, “Serious Concern”, and “Grave Concern”*, Vol 5:3 *Canadian Journal of Law and Technology* (November 2006) at 123-125.

were non-compliant breached their regulatory requirements on two or more occasions.<sup>88</sup> In other words, the CRTC's progressive approach to enforcement approach has been effective for only half of non-compliant radio stations.

- 142 FRPC therefore recommends that the Commission adopt an incentive-based system for commercial licence renewals. It should reward private stations that do not merely comply with their regulatory requirements, but meet or surpass Parliament's broadcasting objectives. The current practice, of granting the same renewal terms to stations whether they merely meet or exceed regulatory requirements makes overachievement irrational. Recognizing stations that surpass expectations with long-term licensing stability introduces rationality to the licensing system and will encourage other private broadcasters to copy this behaviour to obtain licensing certainty.
- 143 Full, seven-year renewals should therefore only be granted to radio undertakings that are compliant and that broadcast more than minimum requirements for Canadian content, local programming and news and information, as well as the reflection of Canada's Indigenous cultures. While rare, some broadcasters have committed to exceed their promises of performance,<sup>89</sup> and their achievements should be recognized and rewarded with stability and certainty in their licences.
- 144 The Commission should give mid-range renewals – three to four years – to undertakings that are compliant but do not exceed minimum requirements for Canadian content, local programming and news and information (four years), or have breached their annual return and/or CCD requirements (three years).
- 145 Finally, the CRTC should grant short terms of 24 months or less to undertakings that are not compliant with respect to Canadian content, local programming and news and news and information.

**Q21. What additional tools, if any, are needed to facilitate a licensee's compliance with regulatory requirements?**

- 146 FRPC reserves comment on this question.

<sup>88</sup> *Ibid.*, at 123-125.

<sup>89</sup> Acadia Broadcasting Limited, *Supplementary Brief: New FM Bridgewater, NS*, Application 2008-1251-2, at 2: "Acadia is prepared to stand by the promise of performance as outlined in the following pages, and will attempt to surpass those promises should this application be approved."

## **F Regulatory amendments**

- 147 Radio stations must now keep their program logs for one year and recordings of their programs for four weeks; the CRTC may also ask the station to keep the recordings for up to eight weeks after broadcast.
- 148 The CRTC is proposing to shorten the log-retention requirement and extend the recording-retention requirement. Licensees would have to retain their program logs and program recordings for eight weeks.
- 149 The Commission is also proposing to change the language used in the regulations, by replacing “machine readable record” with “record”, and “tape recording” with “recording”.

**Q22. Should the Commission proceed with the proposed amendment of sections 8(1)(b) and 8(5) of the Regulations? If not, why?**

- 150 Yes – and no.
- 151 Our main concern is that broadcasters’ have a long history of recording equipment that happens to fail, unfortunately, just when the CRTC happens to ask for recordings of specific dates. The CRTC should therefore ask Industry Canada to undertake this monitoring on a continuing basis.
- 152 The CRTC should change the terms used in its regulations, but should ensure that its definitions of terms establish that licensees must submit electronic data records, not printed logs. Electronic data records can be analyzed immediately with computers; the time and effort required to input paper-based data make computer-based analysis impractical, if not impossible.
- 153 FRPC is also concerned that the CRTC’s proposal to reduce the log retention timeframe from one year, to eight weeks, could inadvertently frustrate the Commission’s ability to retrieve logs, if these should be required. An example could be the loss by the CRTC of logs that had previously been submitted by a licensee – the CRTC could now obtain this information provided no more than twelve months had passed; it will not be able to do so if the proposed amendment is adopted.

**Q23. How should the Commission, otherwise, amend the Regulations for consistency and to better reflect digital audio technologies?**

- 154 FRPC reserves comment on this question.

**G Other matters**

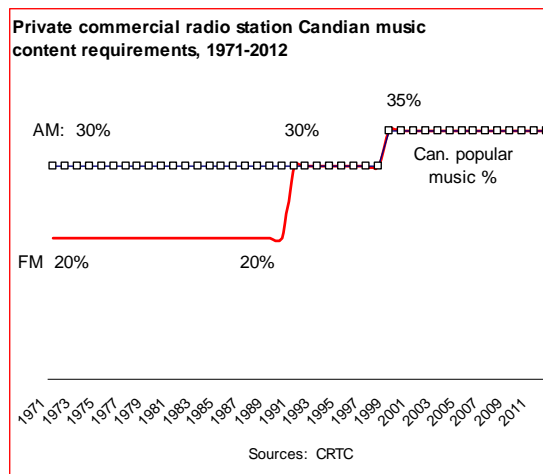
155 FRPC acknowledges and appreciates the CRTC’s openness “to considering other issues and concerns related to the commercial radio sector and falling within its jurisdiction and powers under the Act.”<sup>90</sup>

**1 Give Canadians more Canadian music**

156 Two-thirds or more of the programming broadcast by Canada’s commercial radio stations consists of music.<sup>91</sup> The choice and scheduling of music is integral to every station.<sup>92</sup>

**Figure 4: Canadian content requirements for private radio**

157 The central objective of the *Broadcasting Act* is to ensure that Canada’s broadcasting system offers a wide range of predominantly Canadian programming. The CRTC does not regulate Canadian content levels in spoken word programming, but sets minimum levels in music. Parliament requires each radio station to make predominant use of Canadian resources in the programs it presents.<sup>93</sup>



<sup>90</sup> BNoC 2013-572 at ¶176.

<sup>91</sup> Studies conducted for copyright tariff purposes found that music made up 67.2% to 69% of all programming (broadcast content excluding advertising) in 1987. Copyright Board of Canada, *STATEMENT OF ROYALTIES TO BE COLLECTED BY SOCAN AND NRCC IN RESPECT OF COMMERCIAL RADIO FOR THE YEARS 2003 TO 2007*, (14 October 2005) at 5.

<sup>92</sup> *Ibid.*, at 12 (footnotes omitted):  
 ... The arrangement of musical selections is crucial even to services that provide uninterrupted music. Playing random selections is not an option.  
 Programming a radio station is at once art and science. In this regard, the testimony of CAB’s Radio Programming Panel is very enlightening. Programming a music station involves several stages. You decide first what kind of music the station will play. You then determine how the music will flow, how it will be scheduled and presented. Music is central to these first two stages. After this, other components are built in: the on-air talent, the announcers, news content, and the amount and type of community involvement desired. Production values are injected to ensure that the station has entertaining elements to keep the audience listening to it. Commercials are finally factored in, which involves designing the “hot clock” for the station. ...

<sup>93</sup> S. 3(1)(f):  
 ... [E]ach broadcasting undertaking 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 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; ...

- 
- 158 The CRTC has increased the level of Canadian content required from private commercial radio stations twice: from 20% to 30% in 1991, and from 30% to 35% in 1999. (The 1991 increase applied to FM radio stations, as AM radio stations' music was already required to be 30% Canadian.)
- 159 The CRTC justified the increase in terms of FM stations' strength and parity: "in light of the growth of the Canadian music industry and the FM broadcasting sector, the Commission considers that FM stations should no longer have lower Canadian music requirements than AM stations in the popular music categories."<sup>94</sup>
- 160 In 1998 the CRTC said that "playing Canadian music is a vital contribution that radio makes toward fulfilling the cultural goals set out in the Act."<sup>95</sup> It noted that "playing Canadian music is a contribution to the Act's objectives that radio can make, even in times of economic difficulty," and observed that increasing Canadian content requirements in 1991 "had no apparent inhibiting effect on the growth of listening to FM stations."<sup>96</sup> After considering the Canadian radio industry's maturity, it concluded that "an immediate increase in the level of Canadian content from 30% to 35% is both manageable and appropriate".<sup>97</sup>
- 161 In 2006, however, the CRTC denied requests that it increase Canadian content requirements for popular music because it found that sales of Canadian music recordings did not establish demand for Canadian music. It feared that private radio stations would repeat Canadian musical selections, and that more Canadian music would be inappropriate because the industry was responding to new, unregulated audio programming sources.<sup>98</sup>
- 162 The CRTC's 2006 policy did not explain how sales of Canadian recordings are relevant to its implementation of Parliament's objectives of the *Broadcasting Act*. It did not offer a foundation for its predictions about Canadian radio stations' decisions about airplay, and did not explain why the existence of unregulated music sources made it inappropriate to require more Canadian programming.
- 163 The main result of the CRTC's policies for commercial radio is that 108 years after a Canadian invented radio, and 47 years after the CRTC was established to implement pro-Canadian broadcasting legislation, the programming aired by Canada's commercial radio stations is at best 49% Canadian.

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<sup>94</sup> *An FM Policy for the Nineties*, Public Notice CRTC 1990-111 (Ottawa, 17 December 1990).

<sup>95</sup> *Proposed Regulations Amending the Radio Regulations, 1986 - Commercial Radio Programming*, Public Notice CRTC 1998-41 (Ottawa, 30 July 1998), at ¶91.

<sup>96</sup> *Ibid.*, at ¶93.

<sup>97</sup> *Ibid.*, at ¶94.

<sup>98</sup> Public Notice CRTC 2006-158, at ¶84.

164 In fact, non-Canadian content levels could be higher, as the 51% figure assumes that all spoken word programming is Canadian, which is not the case.

165 The basis of our estimate is shown below:

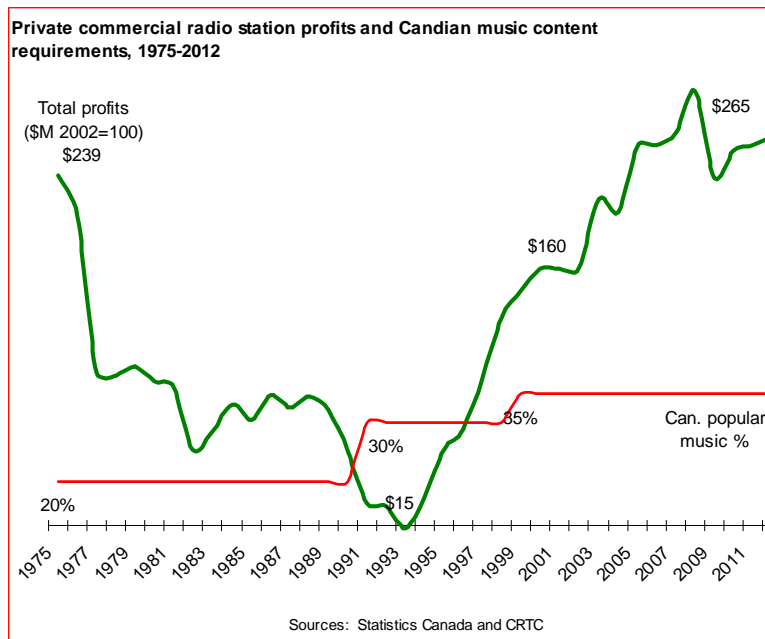
Canadian content on private commercial radio stations	With ads		Without ads	
	Hours/wk	Hours/wk	% of wk	
Based on 126-hour regulated week				
Canadian music (35% of music)	28.7	28.7	27%	
Non-Canadian music (65% of music)	53.2	53.2	51%	
All music (assumes 65% music)	81.9	81.9	78%	
Spoken word (assumes 100% Canadian)	23.1	23.1	22%	
Ads (assumes 10 mins/hour)	21			
Total hours	126	105	100%	
Total Canadian	51.8	49%		

(Note that if, in fact, 20% of spoken word content is non-Canadian, total Canadian content slips to 45%.)

166 The predominance of foreign content on private radio stations is contrary to Parliament’s objectives for the broadcasting, and the public interest.

Figure 5: Profits and Canadian content, 1975-2012

167 As Figure 5 shows, increases in Canadian content have had no impact on private radio stations’ profits – the two are unrelated. Even if profits and Canadian content levels were related, it is clear that Canada’s private radio stations are thriving even with higher Canadian content requirements than in the 1970s and 1980s.



168 Moreover, Canadians support higher content



levels. In 2008, meanwhile, Decima found that 89% of Canadians agreed that “it is important for Canadians to have access to music by Canadian artists”, while 90% “felt that the quality of music by Canadian artists was better or equal to that of foreign artists.”<sup>99</sup>

169 FRPC therefore urges the Commission to raise required levels of Canadian content in music by 5 percentage points in 2014 – to 40%. This minor increase – changing the origin of several selections throughout the day – would finally make a majority of the programming of most private commercial radio stations Canadian.

Private radio program content	Hours per week	% of hours
Canadian music (assumes 40% of all music)	32.8	31%
Spoken word (assumes 100% Canadian)	23.1	22%
<b>Total Canadian content</b>	<b>55.9</b>	<b>53%</b>
Non-Canadian music (60% of music)	49.1	47%
Total program content	105.0	100%

170 This small change would also meet Parliament’s requirement that the private element of Canada’s broadcasting system contribute in an appropriate manner to the presentation of Canadian programming.<sup>100</sup> As noted previously, Canada’s private radio stations obtain the lion’s share of radio revenues, and are highly profitable.

171 Since Parliament clearly expected more from financially stronger broadcasters, the CRTC should require even higher levels of Canadian content from the five largest radio broadcasters in the country. As the CRTC recognized when it first stepped on the path to concentrated media ownership, the advantages of holding more than one broadcasting licence should benefit the public, as much as licensees.<sup>101</sup>

172 The commercial radio policy that results from BNoC 2013-572 should therefore raise Canadian content levels for private radio stations in general from 35% to 40%, and for the radio stations controlled by Canada’s five largest broadcasters, from 35% to 45%.

<sup>99</sup> Canadian Heritage, *The Canadian Music Industry: 2008 Economic Profile*, Cat. No. CH41-11/2008E-PDF (Ottawa, 2010) at 21

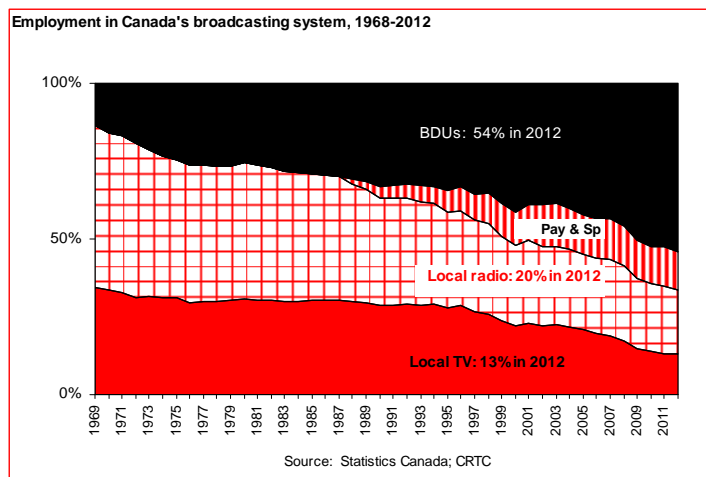
<sup>100</sup> S. 3(1)(e): “[E]ach element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming; ...”

<sup>101</sup> For example, in 1983 the CRTC required those holding AM and FM licences to provide more diverse and enriched programming: see *Proposed Amendment to the Radio (FM) Broadcasting Regulations – Increase in Commercial Limits for FM stations Operated by Holders of Joint FM Licences*, Public Notice CRTC 1983-215 (Ottawa, 20 September 1983) at 1.

**2 Report on employment opportunities**

173 Another important objective set out by Parliament involves employment. The *Broadcasting Act* requires Canada’s broadcasting system to provide opportunities for employment to Canadian men and women.<sup>102</sup> If implemented this objective not only increases the use of Canadian resources by Canadian broadcasters, but also ensures that Canada’s broadcasting system plays a role in the nation’s industrial policy.

**Figure 6: Broadcast employment, 1969-2012**



174 For many years local radio stations generated the majority of employment opportunities in Canadian broadcasting. This has not been true since 1972, when cable companies began to expand.

175 Private commercial radio now generates approximately 20% of employment in the broadcasting system, or just over ten thousand (10,051) jobs or full-time equivalents. Since the CRTC issued the 2006 *Commercial Radio Policy* private radio employment has grown by just under 300 jobs. The CRTC no longer publishes radio employment by province, but adding city and small market data suggests that private radio employment has increased in five provinces, and decreased in four:

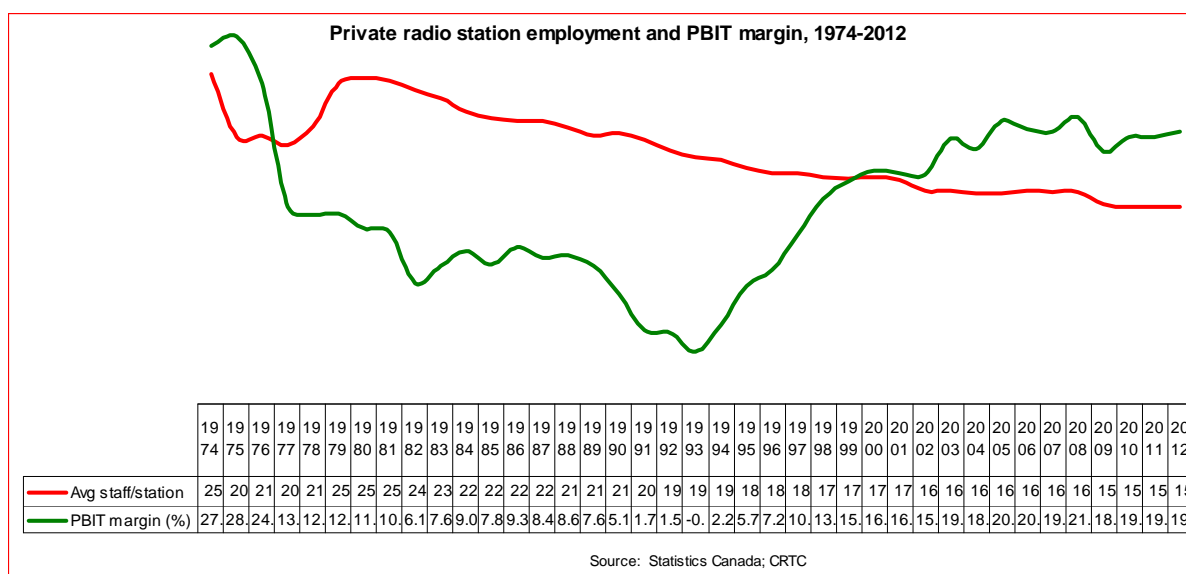
**Table 4: Private radio station employment by province, 2006 and 2012**

Province	2006	2012	Difference	% change
NS - total	295.5	384.5	88.99	30.1%
NL & PEI - small markets	220.1	235.5	15.40	7.0%
NB - small markets	304.9	287.8	-17.08	-5.6%
Quebec - total	1,693.6	1,618.3	-75.31	-4.4%
Ontario - total	3,140.9	3,200.1	59.19	1.9%
MB - total	477.0	469.3	-7.73	-1.6%
SK - small markets	559.5	647.8	88.28	15.8%
AB - total	1,298.2	1,565.6	267.43	20.6%
BC - total	1,498.0	1,367.7	-130.28	-8.7%
Total	9,487.7	9,776.6	288.89	3.0%

<sup>102</sup> S. 3(1)(d)(iii): “the Canadian broadcasting system should ... through ... 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 ....”

176 Since the 2006 *Commercial Radio Policy* total private radio employment has increased by just under 300 full-time or equivalent jobs, or 3%. Average employment levels have steadily fallen, from 25 when the first FM policy was introduced, to 19 when the policy was streamlined in the early 1990s, to 15 in 2012.<sup>103</sup> Changes in employment levels are not related to station profitability, however (see Figure 7).

Figure 7: Private radio station employment and PBIT margins, 1974-2012



177 Little is known about employment in Canadian private radio, apart from overall employment levels. The CRTC collects but does not report information about programming, technical, sales and administration staffing at individual radio stations. Its licensing decisions sometimes discuss applicants’ plans to hire staff, but subsequent renewal decisions neither track these commitments nor report on the

<sup>103</sup> Ironically, however, the CRTC’s insistence on timely annual returns may have created a boomlet in auditors’ employment by private radio stations. Since 2011, for example, 4 broadcasters have hired accounting firms, accountants and bookkeepers to manage their financial records: CKDG-FM 2011 “hired a full-time certified accounting firm to oversee its financial and administrative area relating to its regulatory reporting.” Broadcasting Decision CRTC 2011-449, at ¶17; CIAJ-FM “hired a bookkeeper to keep track of its financial records” Broadcasting Decision CRTC 2013-696 at ¶18; CJTW-FM “hired two part-time staffers to assist its bookkeeper” Broadcasting Decision CRTC 2013-706, at ¶14; and CHIM-FM hired “a bookkeeper to keep the station’s affairs in order ....” Broadcasting Decision CRTC 2011-552 at ¶17.

employment opportunities that local radio stations actually provide to the communities they are licensed to serve.

- 178 The CRTC also collects no data on stations' use of automation or voicetracking. It cannot tell Parliament, therefore, how well private radio stations are doing in terms of using creative programming resources, as the Act requires, or the capacity of local radio stations to warn their audiences of impending or actual emergencies.
- 179 The absence of regularly published information about the types of employment in Canadian private radio, and the CRTC's silence about the employment opportunities created by individual radio stations suggests that the employment objective of the *Broadcasting Act* need not be enforced. This is contrary to the public interest.
- 180 The CRTC can easily and should address employment issues in the commercial radio policy that results from this proceeding, by explaining the importance of local employment to the broadcasting system and to local communities in The CRTC should also include staffing levels by function in its annual *Financial and Statistical Summaries* for radio (and other broadcast media). Finally, the CRTC should review the employment opportunities of individual radio stations in its licence renewal decisions.

### 3 ***Prohibit radio-TV simulcasting***

- 181 In 1989 the CRTC discovered that CJON-TV St. John's was simulcasting a radio program every weekday morning, accompanied by "footage of rural Newfoundland filmed by the licensee and repeated as often as four times per month".<sup>104</sup> The CRTC was unimpressed:

The meager resources allocated by the licensee to "Jigs Breakfast", and its place within the NTV schedule, give further substance to the Commission's concern regarding the strength of NTV's commitment to produce quality [television] programming of relevance and interest to its viewers or to broadcast such programs at times convenient for more than only a handful of viewers.<sup>105</sup>

<sup>104</sup> *Newfoundland Broadcasting Company Limited*, Broadcasting Decision CRTC 89-269 (Ottawa, 17 May 1989) <http://www.crtc.gc.ca/eng/archive/1989/DB89-269.htm>.

<sup>105</sup> *Ibid.*

- 182 Several years later the CRTC denied a CAB request to permit AM-FM simulcasting in the same locations during the broadcast day, because it was “not convinced that increased simulcasting is an effective use of publicly-owned frequencies”<sup>106</sup>
- 183 Since 1996, however, the CRTC has allowed broadcasters to simulcast up to 42 hours/week of the programming carried on their AM and FM radio stations.<sup>107</sup>
- 184 Some radio stations are now simulcasting their owners’ television programming. CFRA Ottawa, for example, carries 14 hours per week of CTV’s television news:<sup>108</sup>



- 185 Simulcasting radio and television programming is as inefficient a use of the broadcast spectrum in 2014, as it was in 1988. It is contrary to the public interest because it hinders the implementation of Parliament’s broadcasting objectives, reducing the level of original programming content available to Canadian audiences

<sup>106</sup> A Review of the CRTC's Regulations and Policies for Radio, Public Notice CRTC 1992-72 (Ottawa, 2 November 1992).

<sup>107</sup> Radio Regulations, 1986, s. 14.

<sup>108</sup> CFRA, “CTV News”, online: <http://www.cfra.com/Shows/Shows/CTV-News> (downloaded 25 January 2014).

and the requirement for radio stations to hire employees to create and produce programming.

- 186 The CRTC should prohibit this practice in the commercial radio policy that results from BNoC 2013-572.

#### IV Summary of recommendations

- 187 FRPC appreciates the CRTC's decision to initiate a proceeding to review its commercial radio policy, especially in light of broadcasters' financial well-being. The strength of private radio broadcasters means that more resources are now be available to strengthen content.<sup>109</sup>

For unto whomsoever much is given of him shall be much required: and to whom men have committed much of him they will ask the more.  
*King James Version, Luke 12:48*

##### 1 ***Airplay above all else: increase Canadians' access to Canadian radio content***

- 188 Raising the level of Canadian musical selections broadcast by Canadian radio stations from 35% to 40% will bring Canadian private radio stations close to achieving Parliament's objective of a predominantly Canadian broadcasting system. The radio stations controlled by Canada's five largest broadcasters should set an example, and use the advantages of the resources available to them, to provide Canadians with music that is 45% Canadian.

##### 2 ***Reward full compliance and achievement of Act's objectives with full licence terms***

- 189 The CRTC should terminate its current and perverse practice of granting full licence renewals to broadcasters that breach the *Broadcasting Act*, its regulations, its policies or the terms and conditions of their licences.
- 190 The CRTC should only grant broadcasters the privilege of a full or long-term renewal if they do not breach regulatory requirements AND if they demonstrate that their stations are meeting Parliament's objectives for broadcasting by surpassing regulatory minima.

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<sup>109</sup> In *CKBT-FM Kitchener, Ontario and CJZZ-FM Winnipeg, Manitoba - Acquisition of assets*, Decision CRTC 2007-215 (Ottawa, 6 July 2007) at ¶14, for example, the CRTC noted Corus' "vast experience in radio broadcasting, the resources available to it" and the benefits from the synergies available from other radio stations operated by the company.

**3** *Maximize efficient use of publicly owned spectrum by banning radio-TV simulcasting*

191 The CRTC should prohibit broadcasters from simulcasting programming on commonly-owned radio and television programming services.

**4** *Invite interested stakeholders to discuss data collection system*

192 In 2013 the Canadian Industry Music Association pleaded for more data:

Canada's independent music industry also enjoys remarkable crossover with its fellow creative industries. The sector forms an integral part of Canada's celebrated arts, film, television and digital media (and video game) industries, in its capacity as a supplier of original and licensed musical works.

While there is a growing recognition that Canada's independent music industry is a source of industry growth and employment, the information and data available to the Canadian Independent Music Association (and to policymakers) on its structure and economic contribution is limited and somewhat misleading. As such, there is a clear need for the independent music industry to supplement the deficiencies in the national statistics generated by Statistics Canada, especially in light of the fact that several years that have passed since the last profiling initiatives. It is also clear that to be effective, the profile should be based on the collection of primary data from independent producers.<sup>110</sup>

193 Reliable and valid data are essential to public policy making that serves the public interest.

194 FRPC calls on the CRTC to convene interested stakeholders to discuss their requirements for objective evidence about Canada's broadcasting system.

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<sup>110</sup> Canadian Independent Music Association, *Sound Analysis: An examination of the Canadian Independent Music Industry*, (February 2013) Prepared by Nordicity, at I ("Executive Summary")

## Appendices

Appendix 1: Operating profit margins, by industry in 2011

Appendix 2: Locations with a single radio station in 2013, by station ownership

Appendix 3: Prosecutions for regulatory offences, 1968-1990

Appendix 4: CRTC reports on private radio station advertising revenue and local programming in 2012

Appendix 5: Staffing levels at commercial radio stations, 1991 to 2010

Appendix 6: List of 81 CRTC financial summaries for commercial radio in 2012

Appendix 7: *Westcom Radio Group Ltd.*, Decision CRTC 87-670 (Ottawa, 26 August 1987)

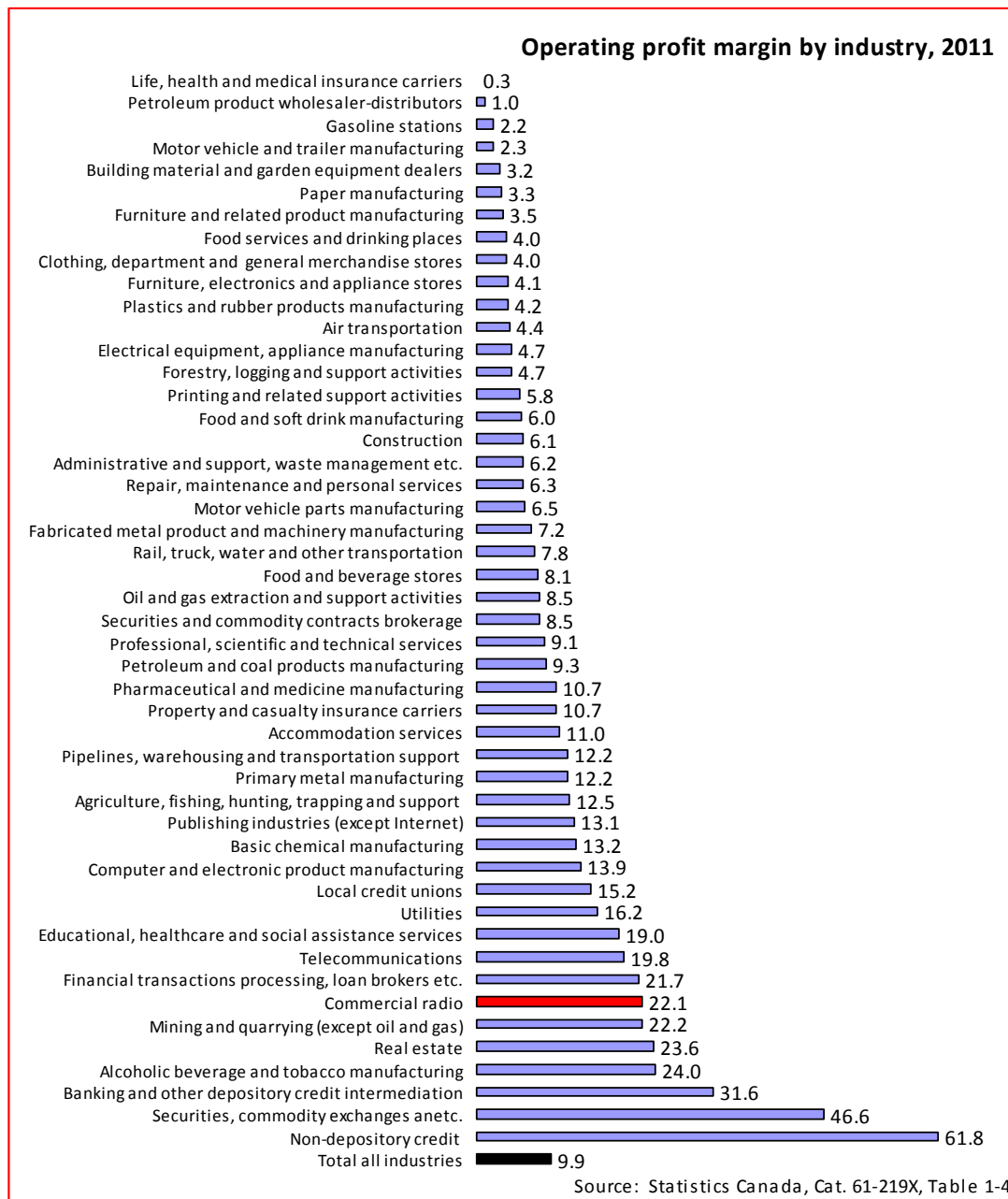
Appendix 8: Numbers and types of stations monitored by the CRTC, 2006-2012

Appendix 9: Radio stations monitored by the CRTC, 2006-2012

Appendix 10: Radio stations whose licences were not renewed or were revoked by the CRTC due to non-compliance



Appendix 1: Operating profit margins, by industry in 2011



**Appendix 2: Locations with a single radio station in 2013, by station ownership**

<b>Ownership</b>	<b># of communities</b>
Steele (Newcap)	19
Bell	14
Rogers	6
Gourd (Radio Nord)	4
Hildebrand family (Golden West)	4
Irving family	4
Pace RL (Maritime Broadcasting System)	4
Simard, Guy	4
Audet family (Cogeco)	3
Shaw family (Shaw/Corus)	3
Connelly, Clifford	2
Dougall	2
Labbe family (Radio Victoriaville)	2
Larche, Paul	2
McBride, Matthew	2
O'Brien	2
Pattison	2
Speer, Richard	2
Armstrong, Ann	1
Azoulay family	1
Babiy family (Peace River)	1
Bell family	1
Blackburn family (London Free Press)	1
Brunet, Robert	1
Cooper & McCarthy	1
Dignard family	1
Evanov family	1
Freeman DB (Hector Broadcasting)	1
Gade, William Jens	1
Gendron-Drouin, Marie-Paule	1
Hepp family	1
Hopkins, Robert	1
Landry-Lebouthillier	1
MacEachern family	1
MacLeod James	1
Maillard family	1
Martel, Jean-Pierre	1
Nadeau, Emilie	1
O'Brien family (Arctic Radio)	1
Rawlinson	1
Shareholders (9171-8130 Quebec Inc.)	1
Shareholders (Atlantic Broadcasters)	1
Shareholders (Radio Témiscamingue)	1
<b>Total: 43 owners</b>	<b>106 communities with one radio station</b>

**Appendix 3: Prosecutions for regulatory offences, 1968-1990**

Year	Description
1968	<i>R. v. Radio Saguenay Ltée.</i> (Que. Sess of the Peace) (2 December 1968) Licensee of CKRS-TV Jonquiere prosecuted for 3 breaches of s. 8 of <i>TV Regulations</i> (excess of commercials) and one of s. 4 (mislogging) Accused found guilty of 2 breaches of s. 8 and fined \$25 for each offence; other charges dismissed
1972	<i>R. v. Maple Leaf Broadcasting Co. Ltd.</i> (1972) (Ont. County Ct) CHML Hamilton broadcast partisan announcement in relation to be held to referendum held in Hamilton the next day, contrary to s. 28(1) of <i>Act</i> . Bennett Prov. Ct. J. dismissed charge on basis that the question on the ballot was not a referendum, since the result was not binding on city Council On appeal, Warrender C.C.J. held question was a referendum, and convicted accused. Intent of s. 28 of the <i>Act</i> was to permit broadcasters to use their influence to sway electors on a question being put to them, whether or not the council had to act on the opinion expressed, only up to the day directly preceding the election day, but not to allow them to use their influence in a partisan matter on such preceding day.
1973	<i>Re C.F.R.B. Ltd. and A.-G Canada</i> , [1973] 3 O.R. 819, 38 D.L.R. (3d) 335, aff'g [1973] 1 O.R. 79, 30 D.L.R. (3d) 279 (Ont CA) <u>Charged</u> with broadcasting a partisan (political) comment one day before the 21 October 1971 Ontario provincial election, contravening s. 28(1) of the <i>Broadcasting Act</i> ; on 31 May 1972 CFRB Limited filed notice of application for judicial review; and on 31 October 1972 Mr. Justice Campbell Grant dismissed the motion with costs <i>Re. C.F.R.B. Ltd. and A.-G. Canada (No. 1)</i> , [1973] 1 O.R. 57, 9 C.C.C. (2d) 320; CFRB Limited filed notice of appeal on 14 November 1972 arguing that CRTC's jurisdiction extended only to physical means of communication, and not program content Kelly JA dismissed the appeal: "It would be flying in the face of all practical considerations and logic to charge Parliament with the control over what is the only reason for the existence of the carrier system, i.e., the transmission and reception of intellectual material." In implementing the broadcasting policy in the <i>Act</i> , franchises are granted conferring on the older the exclusive right Nor did s. 28 contravene the rights of the station to equality before the law and freedom of speech as assured by the Canadian Bill of Rights, ss. 1(b) and 2. No restriction on freedom of speech that offended the provisions of the Canadian Bill of Rights was thereby placed on the holders of broadcasting licences, nor was there any discrimination against such licensees of the type enjoined by s. 1 of the Canadian Bill of Rights. The prohibition applied without distinction to every broadcaster and every licensee of a broadcasting receiving undertaking. Ontario Provincial Court of Judicial District of York finds CFRB <u>guilty</u> on 29 March 1974; CFRB fined maximum fine of \$5000 On 17 April 1974, CFRB appeals this conviction (to the County Court of the District of York); this <u>appeal dismissed</u>
1973	<i>R. v. Acadian Cable T.V. Ltd. Et al.</i> (NB Prov. Ct, 12 July and August 14 1973, per Rice P.C.J.) Convicted of operating unlicensed broadcast receiving undertaking fined \$5,450 (\$1000 for April 27, 1971, and \$25 per day from April 28 to October 21, 1971)
1974	On 29 March 1974 the Ontario Provincial Court of Judicial District of York convicts CFRB Ltd. of broadcasting a partisan comment 1 day before the October 1971 Ontario provincial election Court imposes maximum fine of \$5000 CFRB appealed the conviction to the County Court of the Judicial District of York on 17 April 1974 – by 31 March 1975, appeal had not been heard

Year	Description
	<p>CJTR Radio Trois-Rivières Ltée <u>charged</u> in April with four counts of broadcasting advertising content in excess of the limits of s. 7(1) of the <i>Radio (A.M.) Broadcasting Regulations</i>            CJTR pled <u>guilty</u> to the charges on 5 June 1974            Fined \$745 by the Court of the Sessions of the Peace in Trois-Rivières</p>
	<p>CJMT Ltée, licensee of CJMT Chicoutimi <u>charged</u> with 7 counts of broadcasting excessive ads, contrary to s. 7(1) of the <i>Radio (A.M.) Broadcasting Regulations</i>            CJMT pleads <u>guilty</u> in the Court of the Session of the Peace in Chicoutimi            Fined \$1200 on 17 June 1974</p>
	<p>CHAM (Rogers Broadcasting Ltd.) <u>pled guilty</u> to improper logging of names of sponsors; other charges withdrawn (case decided 10 January 1974)            Fined \$500</p>
	<p>In April 1974 before the Court of the Sessions of the Peace in Trois-Rivières, CJTR Radio-Trois Rivières Ltée pled guilty to 4 counts of broadcasting advertising in excess of the limit in s. 7(1) of the <i>Radio (A.M.) Broadcasting Regulations</i>            Fined \$745</p>
	<p>In April 1974 before the Court of the Sessions of the Peace in Chicoutimi, CJMT Ltée pleads guilty to 7 counts of broadcasting advertising content in excess of the limit in s. 7(1) of the <i>Radio (A.M.) Broadcasting Regulations</i>            Fined \$1200 on 17 June 1974</p>
	<p>On 10 June 1974 County Court overturned Ontario Provincial Court's 29 November 1973 dismissal of charges against Communicorp Data Ltd. for carrying on a broadcasting undertaking without a licence contrary to s. 29(3) of the <i>Broadcasting Act</i></p>
	<p>On 2 December 1974 Vannini J. of the District Court of the District of Algoma heard an appeal by way of trial <i>de novo</i> of the conviction by Greco J. in the Provincial Court of Algoma, that Teleprompter Cable Communications Corp. and Ralph Maahs (general manager) were guilty on joint charges (filed in 1972) of carrying on a broadcasting undertaking without a licence, contrary to s. 29(3) of the <i>Broadcasting Act</i>; Vannini J. found the <i>Broadcasting Act</i> was <i>intra vires</i> Parliament and the defendants were guilty as charged; on 14 January 1975 Teleprompter discontinued its action in the F.C. T.D. for a declaration that its Sault Ste. Marie operations did not constitute a broadcasting undertaking within the meaning of the <i>Act</i>.            Teleprompter Cable Communications Corp. <u>charged</u> with carrying on a broadcasting receiving undertaking without a valid licence, contrary to s. 29(3) of the <i>Broadcasting Act</i> -- cases were not heard by March 1973<sup>111</sup></p>

<sup>111</sup> CRTC, '72-'73 annual report, at 49 ['72-'73 annual report].

Year	Description
1975	<p><i>Regina v. C.H.L.T. Radio Sherbrooke Ltée</i>. 29 April 1975 (Que. Sess. Of the Peace) Peloquin J.C.P.          In June CHLT is <u>charged</u> with broadcasting abusive comments and profane language, and with improperly logging commercials, contrary to ss. 5(1)(b),(c) and 4(1)(e) of the <i>Radio (A.M.) Broadcasting Regulations</i>, station argued its 'time-delay' equipment malfunctioned          station convicted and fined \$300          Broadcasters have obligation to take necessary steps to ensure that time delay equipment is functioning when dealing with open-line programs where one knows ahead of time that some people are argumentative and may begin to swear, blaspheme, or utter obscenities or indecent things          Offensive content occurred during sixty minutes, and station should have given the announcer authority to stop program and substitute music, where time delay device unavailable          Fine would have been more severe, except that conviction is considerable penalty in itself for a public institution.</p>
1976	<p><i>CRTC v. Multiple Access Ltd.</i>          Charged in March 1976, CFCF pled guilty to failure to provide logger tapes; 3 other counts on same charge withdrawn          Fined \$500 and costs (CRTC '76-'77 Annual Report at 20)</p> <p><i>CRTC v. Radio Ste-Agathe Inc.</i>          CJSA charged with 2 counts of failing to provide logger tapes per the <i>Regulations</i>          Station pled guilty to first count; 2<sup>nd</sup> dropped by request of both parties          Licensee fined \$300          (CRTC, '76-'77 Annual Report at 20)</p> <p><i>CRTC v. Moffat Communications Ltd.</i>          In February 1976 CKY Winnipeg charged with failing twice to provide air-check tapes per the regs          On 14 June 1976, Moffat pled guilty to both charges          Fines of \$500 and costs on first offence, and \$1,000 and costs on the second offence          (CRTC '76-'77 Annual Report at 20)</p> <p><i>CRTC v. Shoreacres Broadcasting Co. Ltd.</i>          In September 1976 CKEY pled guilty to failing to provide logger tapes          Fined \$25 on 6 January 1977 (CRTC '76-'77 Annual Report at 20)</p> <p><i>Regina v. C.F.R.B. Ltd.</i>, (1976), 30 C.C.C. (2d) 386, 31 C.P.R. (2d) 13 (Ont. C.A.), aff'g Ont. Cty. Ct. Dist. of York (29 April 1975) (Couture J.), aff'g Ont. Prov. Ct (29 March 1974)          Licensee for CFRB Toronto charged with broadcasting partisan political character on day before the provincial election, contrary to s. 28(1) of <i>Act</i>          Licensee convicted at trial, fined \$5,000 and appealed          Appeal dismissed (per Arnup J.A.) because the broadcast was partisan, even in the absence of a sponsor or connection between the program speaker and any political party</p>
1976/77	<p><i>CRTC v. Radio Futura Ltée</i>          CKVL charged with failing to provide logger tapes per the <i>Regulations</i>          Station pled guilty (explaining that labor dispute led to breach)          Fined \$1000          (CRTC, '76-'77 Annual Report at 20)</p> <p>Kawartha Broadcasting Company Limited, licensee of CHEX-TV Peterborough <u>prosecuted</u> for Canadian content violations during the 1976-77 year          Convicted and fined \$2,000<sup>112</sup></p>

<sup>112</sup> Clifford study, at para. 336.

Year	Description
1976	<p><i>Regina v. Radio NW Ltd.</i>, (Provincial Court of British Columbia) (Shaw P.C.J.)            CKNW New Westminster charged with broadcasting partisan program the day of a provincial by-election in Vancouver East, when program host Garry Bannerman invited calls about federal politics            Held at trial: licensee convicted of offence; Bannerman's good intentions were not a defence to the charge            On June 22 1977, station fined \$750            (sa CRTC, '76-'77 Annual Report at 20)</p> <p><i>CRTC v. CHTK Radio Ltd.</i>            CHTK Prince Rupert charged with failing to provide logger tapes under s. 4(5) of <i>Radio (AM) Broadcasting Regulations</i>            Station pled guilty (7 March 1977) to one count            Fined \$100 (CRTC '76-'77 Annual Report at 20)</p>
1978	<p>In the unreported decision of <i>R v. Newfoundland Broadcasting Co. Ltd.</i>, (Prov. Ct. Nfld) (3 August 1978) (Luther PCJ) is prosecuted for CJON-TV St. John's 's violating TV regulation s. 6(a)(i) regarding Canadian content in the 1976/77 broadcast year – but the charges are <u>dismissed</u> for “non-substantive reasons” as the information did not state where the offence was alleged to have occurred<sup>113</sup></p> <p>Radio Niagara Ltd. CJRN failed to maintain and furnish logger tapes, contrary to the AM Regulations            Pled <u>guilty</u> and fined \$500 on first offence, \$1000 on second offence            Decided 14 June 1976</p> <p><i>Regina v. Entreprises Télé-Capitale Limitée</i> (Que Sess of the Peace, Fortin JSP, Aug 10 1978)            Licensee charged with broadcasting on CFCM-TV an excessive amount of non-Canadian programs, contrary to the regulations (42.7% non-Canadian from 1 October 1976 to 30 September 1977)            Licensee pled guilty and argued for light fine (less than \$300) while Crown argued for a fine ranging between \$3,000 and \$5,000            Held: <u>conviction</u> and fine of \$1,500 (“The wrong that should be suppressed is not therefore widespread but I statutory interpretation appropriate by an adequate sentence to suppress the present offence and to demonstrate to radio and television licensee’s the CRTC’s firm determination to have the laws and regulations respected.”)</p> <p><i>Regina v. Buffalo Broadcasting Co. Ltd.</i>, unreported, reversing (1977), 36 C.P.R. (2d) 170 (Sask CA) (10 November 1978)            CRTC received a complaint after CKRM broadcast an offensive comment, contrary to s. 5(1)(b) of the <i>Radio (AM) Broadcasting Regulations</i>            Court held the program was abusive; but dismissed the charge on the basis that the CRTC had no authority to enact the regulation given that the CRTC did not have the right to act as censor of the comments            On appeal to the Sask CA, held that trial judge erred in law in holding that s. 5(1)(b) was <i>ultra vires</i> the CRTC            Order of acquittal set aside and <u>conviction</u> entered</p>
1977/ 78	<p>CKCO-TV Prosecuted and pleads <u>guilty</u> to violating Canadian content regulations for prime-time and the full broadcast day during the 1977/78 broadcast year</p>

<sup>113</sup>

*Ibid.*, at para. 361.

Year	Description
	<p><i>CKOY Limited v. Her Majesty, The Queen</i>, [1979] 1 S.C.R. 2, 90 D.L.R. (3d) 1          Licensee charged with breaching s. 5(1)(contract) of the <i>Radio (A.M.) Broadcasting Regulations</i> prohibiting the broadcasting of any telephone interview unless the interviewee had called the station to participate in the broadcast or had consented to the interview's broadcast          In August <u>information laid against</u> for airing telephone conversation without consent on two occasions          Judge R. B. Hutton finds consent on one occasion and dismisses other charge on ground that, 'however desirable', the regulation was <i>ultra vires</i> the CRTC's authority as set out in s. 16 of the Broadcasting Act          CRTC appealed          Judge Reid reserved his decision          At trial and on appeal by stated case, <u>charge dismissed</u> as regulation held to be <i>ultra vires</i> the CRTC under the Act          On appeal to the Ontario CA, <u>conviction upheld</u>; Court held 2-1 that the regulation was properly within CRTC's jurisdiction to enact: although the courts have jurisdiction to determine whether an impugned regulation, viewed objectively, can be fairly brought within the power conferred upon the Commission by the Act, it is not the Court's function to determine whether the regulation will promote the policies and attain the objects entrusted to the CRTC or evaluate the various competing factors that a particular regulation may involve          SCC dismissed the appeal of the CA decision 6-3</p>
1979	<p><i>Regina v. Thunder Bay Electronics Limited</i> (Prov Mag Crts) (Sargent PCJ) (5 April 1979)  <u>Prosecuted</u> for CKPR-TV's Canadian content violations during the 1976-77 year  <u>Convicted</u> in an unreported decision (on 5 April 1979) by Judge F.A. Sargent (found to be a public welfare offence of strict liability per <i>Sault Ste. Marie</i>, in which prosecution need not prove <i>mens rea</i>)          Fined \$3000</p> <p><i>Regina v. Four Seasons Radio Ltd.</i> (BC County Court of Yale, Dohm CCJ, April 12 1979)          On 8 August 1974 <u>information laid against</u> Four Seasons Radio Ltd., licensee of CKIQ Kelowna, for having picked up and rebroadcast a portion of a program without the written consent of the CRTC, contrary to s. 14 of the <i>Radio (A.M.) Regulations</i>          Licensee of CKIQ Kelowna charged with breaching s. 14 of the Radio (AM) Broadcasting Regulations) which prohibited program rebroadcasts          At provincial Court, charge dismissed on the basis that s. 14 was <i>ultra vires</i> the CRTC          On appeal to the County Court, the licensee should be <u>convicted</u>          The CRTC's power to enact regulations to promote high standards of programs had been upheld by the SCC in <i>CKOY</i></p> <p>CITY-TV Toronto is prosecuted for violating Canadian content regulations (during the 1976/77 broadcast year, it carried 56.49% Canadian content, a shortfall of 3.51% or 76.65 hours)<sup>114</sup>          Improper adjournments lead to a loss of jurisdiction and results in the charge being dismissed. An appeal of the case is subsequently withdrawn following decisions by the SCC in <i>R. v. Krannenberg</i> (1980), 31 N.R. 206, and <i>R. v. Thompson</i> (1981), 34 N.R. 271.</p>

114

*Ibid.*, at para. 392.

Year	Description
	<p><i>Regina v. Western Manitoba Broadcasters Limited</i> (Manitoba Provincial Judges Court (Criminal Division), Mykle PCJ) (31 March 1980)</p> <p>Licensee of CKX-TV Brandon charged with breaching s. 6A(1) of the <i>Television Broadcasting Regulations</i> for carrying in excess of 40% (41.3%) non-Canadian content between October 1977 and September 1978</p> <p><i>Held:</i> accused should be <u>convicted</u>; offence was strict liability; accused failed to establish that it exercised reasonable care to meet the Cancon regulations; Court felt high standards imposed on broadcasting undertakings was justified: "Broadcasting is not a simple business. Aside from the production and technical problems which are peculiar to that field, individual stations must conform not only to a host of regulations, but also to a philosophy of national interest contained in the <i>Broadcasting Act</i>. It is not only a matter of selling advertising and running films indiscriminately; it is also a matter of satisfying public taste, providing public service, education and entertainment. Under the government <i>Act</i>, higher standards of performance are demanded of broadcasting entities than of corporations in other fields of endeavour. Broadcasting touches every citizen in a unique and intimate way, in a way no manufacturing or other enterprise can achieve. Broadcasting is not a simple business. But then perhaps that is how it should be."</p>
1981	<p><i>Regina v. Cambrian Broadcasting Limited</i> (1981) (Ont Prov Court, Crim Div) (10 December 1981)</p> <p>Licensee for CICI-TV Sudbury station prosecuted for contravening Canadian content requirement in s. 8(1)(a) of <i>Television Broadcasting Regulations</i></p> <p>Defence made motion of nonsuit on grounds that the prosecution had led no evidence that the defendant was a "network or station" as defined in the <i>Regulations</i> to mean "any television station licensed under the <i>Radio Act</i>)</p> <p><i>Held:</i> Motion granted and charges dismissed, since licensee was licensed under the <i>Broadcasting Act</i> and no evidence that licensed under the <i>Radio Act</i> and therefore no proof that defendant was station within meaning of the regulations</p> <p>Four television stations had been charged with carrying excessive foreign content, contrary to the <i>Television Regulations</i>: CHSJ-TV, CICI-TV Sudbury, CKWS-TV Kingston, CJON-TV St. John's</p> <p>CHSJ-TV found <u>not guilty</u> on <u>24 April 1981</u></p> <p>CICI-TV's <u>charge dismissed</u> on 10 December 1981 because the regulation refers to stations licensed under the <i>Radio Act</i>, not the <i>Broadcasting Act</i></p> <p>CRTC therefore decides not to proceed with charges against CKWS-TV and CJON-TV, and not to appeal the CICI-TV decision</p> <p>CRTC decides to amend the regulation</p> <hr/> <p><i>R. v. Newfoundland Broadcasting Co. Ltd.</i> (NFLD CA), leave to appeal to SCC refused, (1981) 39 N.R. 594</p> <p>CRTC prosecuted licensee of CJON-TV ST. John's for broadcasting political advertisements on September 24, 1979, day before municipal by-election, contrary to s. 28(1) of <i>Act</i>; convicted at trial, licensee appealed to CA, in part on ground that trial judge erred in finding the offence to be one of absolute liability under <i>Sault Ste. Marie</i></p> <p>Appeal dismissed; offence was absolute rather than strict because defendant was in the business of broadcasting and should find it easy to become aware of any regulations or statutes governing it; any mitigating factors could be applied to the sentence imposed; the appeal Court was not prepared to interfere with these conclusions</p> <p>Fined \$500</p>



Year	Description
1984	<p><i>CJMF-FM Ltée v. Canadian Radio-television and Telecommunications Commission</i>, [1984] F.C.J. No. 244 (Appeal No. A-398-84) (FCA)</p> <p>Licensee of CJFM-FM appealed to FCA after CRTC refused to renew the station’s licence on the grounds that it had not lived up to its promise of performance</p> <p><i>Held</i>: appeal should be dismissed (per Pratte J.)“Applicant’s second argument, based on freedom of expression ... must also be dismissed. Applicant had obtained the licence some years earlier because it promised to broadcast certain types of musical program. It did not keep this promise, and the Commission concluded had made no effort to do so. In these circumstances, it appears to the Court that the Commission could base its refusal to renewal applicant’s licence on the latter’s conduct without infringing the freedom of expression of applicant or contravening the Charter.”</p> <hr/> <p><i>Re New Brunswick Broadcasting Co. and Canadian Radio-t5vn and Telecommunications Commission</i> (1984), 13 D.L.R. (4<sup>th</sup>) 77, [1984] 2 F.C. 410 (FCA), leave to appeal to SCC granted (3 December 1984) – but appeal later dismissed on consent without costs when Direction to the CRTC revoked by OIC P.C. 1985-1735 (30 May 1985, SOR/85-492)</p> <p>The freedom guaranteed by the Charter is a freedom to express and communicate ideas without restraint, whether orally or in print or by other means of communication. It is not a freedom to use someone else's property to do so. It does not give anyone the right to use the radio frequencies which, before the enactment of the Charter, had been declared by Parliament to be and had become public property subject to the licensing provisions of the Broadcasting Act. The appellant's freedom to broadcast what it wishes to communicate would not be denied by the refusal of a licence: it would have the same freedom as anyone else to air its information by purchasing time on a licensed station. Nor does the Charter confer on the rest of the public a right to a broadcasting service to be provided by the appellant. Moreover, since the freedom guaranteed by paragraph 2(b) does not include a right for anyone to use the property of another or a public property, the use of which is governed by statute, there is no need to resort to the limitation clause in section 1 of the Charter to justify the licensing system established by the Act.</p>
1988	<p><i>Proposed Guidelines for Open Line Programs</i>, Public Notice CRTC 1988-121 Ottawa, 29 July 1988</p> <p>“Recently, Fundy Broadcasting Co. Limited pleaded guilty to charges laid against it for contravening paragraph 3(b) of the <u>Radio Regulations, 1986</u> concerning abusive comments relating to Jews and Blacks aired by radio station CFBC, Saint John, New Brunswick on 6 November 1987. These comments were made during a guest appearance by Mr. Terry Long of the Aryan Nation group on a CFBC open line program.”</p>

**Appendix 4: CRTC reports on private radio station advertising revenue and local programming in 2012**

Advertising revenues	Local programming
<p><i>Communications Monitoring Report, 2013:</i></p> <p>Table 4.2.6 <i>Revenues and number of undertakings reporting financial results for private commercial radio stations – English- and French-language, and Ethnic</i></p> <p>Figure 4.2.7 <i>Revenues – Private commercial radio stations</i></p> <p>Figure 4.2.8 <i>Average annual revenues and PBIT per station – Private commercial radio stations</i></p> <p>Figure 4.2.10 <i>Revenues – English-language private commercial radio stations</i></p> <p>Figure 4.2.11 <i>Average annual revenues and PBIT per station – English-language private commercial radio stations</i></p> <p>Figure 4.2.13 <i>Revenues – French-language private commercial radio stations</i></p> <p>Figure 4.2.14 <i>Average annual revenues and PBIT per station – French-language private commercial radio stations</i></p> <p>Table 4.2.8 <i>English-language and French-language radio revenues and number of undertakings reporting for the largest radio operators in Canada</i></p>	0
<p><i>Commercial Radio: Financial and statistical summaries, 2008-2012</i></p> <p>81 spreadsheets (see Appendix 6)</p>	0
<p>Total : 89 tables, figures and spreadsheets with information about advertising revenues</p>	0

**Appendix 5: Staffing levels at commercial radio stations, 1991 to 2010**

YEAR	COMMERCIAL RADIO STATIONS										Stations	%	
	STAFF											0 to 3	0 to 5
	0	1	2	3	0 to 3	4	5	0 to 5	6 TO 15	16 +			
1990/91	0	8	8	12	28	10	7	45	122	323	490	5.7%	9.2%
1991/92	0	7	12	13	32	9	4	45	139	297	481	6.7%	9.4%
1992/93	0	6	6	11	23	11	5	39	161	279	479	4.8%	8.1%
1993/94	0	10	6	10	26	8	6	40	176	265	481	5.4%	8.3%
1994/95	0	7	13	9	29	10	11	50	186	247	483	6.0%	10.4%
1995/96	0	11	12	8	31	18	6	55	193	228	476	6.5%	11.6%
1996/97	0	9	9	12	30	14	10	54	184	234	472	6.4%	11.4%
1997/98	0	5	10	11	26	12	7	45	184	236	465	5.6%	9.7%
1998/99	0	6	6	12	24	11	10	45	184	232	461	5.2%	9.8%
1999/00	0	6	10	11	27	17	10	54	190	233	477	5.7%	11.3%
2000/01	0	4	7	21	32	16	12	60	207	231	498	6.4%	12.0%
2001/02	0	8	13	17	38	14	19	71	226	216	513	7.4%	13.8%
2002/03	0	9	6	20	35	17	22	74	220	226	520	6.7%	14.2%
2003/04	0	9	12	25	46	11	15	72	233	236	541	8.5%	13.3%
2004/05	9	8	14	27	58	19	17	94	225	246	565	10.3%	16.6%
2005/06	6	11	18	19	54	30	24	108	223	265	596	9.1%	18.1%
2006/07	10	7	14	22	53	33	13	99	258	258	615	8.6%	16.1%
2007/08	6	9	19	21	55	28	23	106	258	267	631	8.7%	16.8%
2008/09	8	9	24	26	67	34	20	121	264	261	646	10.4%	18.7%
2009/10	7	6	16	20	49	39	28	116	287	251	654	7.5%	17.7%

Source: CRTC response to access to information request, using Database System, as reported by commercial stations in annual returns

**Appendix 6: List of 81 CRTC financial summaries for commercial radio in 2012**

<b>COMMERCIAL RADIO STATISTICAL AND FINANCIAL SUMMARIES (National Statistics, Canadian Broadcasting Corporation, Radio Markets), 2008-2012</b>			<b>Page #</b>
CANADA	RADIO AM / FM - All languages	_____	1
CANADA	RADIO AM / FM - English	_____	2
CANADA	RADIO AM / FM - French	_____	3
CANADA	RADIO AM - All languages	_____	5
CANADA	RADIO AM - English	_____	6
CANADA	RADIO AM - French	_____	7
CANADA	RADIO FM - All languages	_____	9
CANADA	RADIO FM - English	_____	10
CANADA	RADIO FM - French	_____	11
Montréal	All	_____	21
Montréal	- AM	_____	22
Montréal	- AM - English/Ethnic	_____	23
Montréal	- AM - French	_____	24
Montréal	- FM	_____	25
Montréal	- FM - English/Ethnic	_____	26
Montréal	- FM - French	_____	27
Montréal	- English/Ethnic	_____	28
Montréal	- French	_____	29
Toronto	All	_____	30
Toronto	- AM	_____	31
Toronto	- FM	_____	32
Vancouver	All	_____	33
Vancouver	- AM	_____	34
Vancouver	- FM	_____	35
Calgary	All	_____	36
Calgary	- AM	_____	37
Calgary	- FM	_____	38
Edmonton	All	_____	39
Edmonton	- AM	_____	40
Edmonton	- FM	_____	41
Hamilton	All	_____	42
Ottawa-Gatineau	FM	_____	43
Ottawa-Gatineau	FM - English/Ethnic	_____	44
Ottawa-Gatineau	FM - French	_____	45
Québec City	FM	_____	46
Winnipeg	All	_____	47
Winnipeg	- AM	_____	48
Winnipeg	- FM	_____	49
Halifax	All	_____	50
Kitchener/Waterloo	All	_____	51
London	All	_____	52
Ste-Catharines/Niagara	All	_____	53
Victoria	All	_____	54

Other Medium Markets (Oshawa/Windsor) - Aggregate	All	55
Small Markets	All	56
Small Markets	- AM	57
Small Markets	- FM	58
Small Markets	- English	59
Small Markets	- French	60
Small Markets	- Newfoundland and Prince Edward Island	61
Small Markets	- Nova Scotia	62
Small Markets	- New Brunswick	63
Small Markets	- New Brunswick - AM	64
Small Markets	- New Brunswick - FM	65
Small Markets	- Québec	66
Small Markets	- Ontario	67
Small Markets	- Ontario - AM	68
Small Markets	- Ontario - FM	69
Small Markets	- Manitoba	70
Small Markets	- Manitoba - AM	71
Small Markets	- Manitoba - FM	72
Small Markets	- Saskatchewan	73
Small Markets	- Saskatchewan - AM	74
Small Markets	- Saskatchewan - FM	75
Small Markets	- Alberta	76
Small Markets	- Alberta - AM	77
Small Markets	- Alberta - FM	78
Small Markets	- British Columbia and Territories	79
Small Markets	- British Columbia and Territories - AM	80
Small Markets	- British Columbia and Territories - FM	81

**Appendix 7: Westcom Radio Group Ltd., Decision CRTC 87-670 (Ottawa, 26 August 1987)**

Westcom Radio Group Ltd., Decision CRTC 87-670 (Ottawa, 26 August 1987)

Following a Public Hearing in Toronto on 28 April 1987, the Commission renews the broadcasting licence for CILQ-FM Toronto from 1 October 1987 to 31 August 1990, subject to the conditions specified in this decision and in the licence to be issued. This term will enable the Commission to consider the renewal of this licence at the same time as that of other FM stations in the region.

The Commission notes that the licensee proposed no significant changes to the Promise of Performance and that the station will continue to be operated in the Group II music format.

In Decision CRTC 85-1147 dated 14 November 1985, the Commission approved the application by Westcom Radio Group Ltd. (Westcom), the licensee of a number of radio stations in Ontario and Western Canada, to acquire CILQ-FM's assets from Slight Communications Inc. (Slight) and for a licence to continue the operation of the station. The decision noted Westcom's plans to increase the quality of CILQ-FM's service, maintaining its existing Promise of Performance commitments, and to bring "significant public advantages" to creative artists and to its audience. It also highlighted the commitments Westcom had made to achieve its aims, specifically in the areas of Canadian talent development, production facilities and news programming.

At the April 1987 hearing, the Commission reviewed with the licensee its progress in implementing these commitments, as well as CILQ-FM's overall performance during the licence term. Based on all of the information available, it is satisfied with Westcom's efforts to fulfill its commitments and the steps taken to address certain programming concerns, discussed later in the decision.

In particular, the Commission commends CILQ-FM for its exemplary contribution to the support and development of Canadian talent. It considers that CILQ-FM has played a leadership role in this very important area, especially with respect to the variety and innovative nature of its activities.

The Commission notes that Westcom has fulfilled its commitment to increase CILQ-FM's Canadian talent development budget from \$40,000 to a minimum of \$135,000 per year, primarily to give national scope to the Toronto-based "Homegrown" project. In this regard, Westcom confirmed at the hearing that arrangements for a national contest, to be held in the fall, have been made with the magazine *Rock Express*. Although it has not realized its plans for an annual nationally-televised special featuring "Homegrown" contest finalists and involving CHAN-TV Vancouver and the CTV network, the licensee informed the Commission that the finals would be filmed for television later this year. The Commission expects the licensee to make every effort to ensure that this proposal is, in fact, implemented within the next year.

The Commission notes that Westcom has also initiated an annual playwriting contest as proposed, and has recently finalized arrangements for a weekly 30-minute children's program, to be produced in conjunction with *OWL Magazine*.

As summarized at the hearing, the licensee's other Canadian talent activities have included the broadcast of some thirty live concerts by Canadian artists over the current licence term; a Canadian poetry show and weekly countdown of top Canadian albums; and the nationally-syndicated six-hour history of Canadian music which it co-produced with *Telemedia*. Westcom also contributes \$10,000 per year to *FACTOR/CTL* and has recently established annual Toronto Music Awards, in recognition of the great pool of talent in the city. In this regard, the licensee noted that this year's "Homegrown" contest had drawn some 750 tapes from aspiring Toronto artists.

With regard to production facilities, Westcom had made a commitment to invest \$75,000 in a new state-of-the-art production studio to be used to produce CILQ-FM's proposed children's program and to improve the quality of its foreground format presentations, community access programs and public service announcements. At the hearing, the licensee stated that it had exceeded this commitment, having invested \$200,000 in a new on-air studio and a new production studio.

In terms of news programming, Westcom had promised "to increase significantly the exchange of news and information programming across the country" by expanding the Western Information Network (WIN) and hiring special political reporters in Toronto and Ottawa. At the hearing, it confirmed that the political correspondents were in place and that their reports were being made available on a daily basis, via satellite, to affiliates of WIN.

After Westcom became the licensee of CILQ-FM, the Commission carried out two analyses of the station's programming. The first analysis, of the programming broadcast on 5 March 1986, indicated a foreground level of 8%, whereas CILQ-FM's Promise of Performance commitment was 20%. A subsequent analysis of the programming of 26, 29 and 30 November 1986 found an improvement in the level of foreground (11.8%), although the Commission's requirement for compliance at that time was 15%. The analyses also revealed slight shortfalls in news.

The Commission notes that the shortfalls in the level of foreground programming were primarily the result of insufficient enrichment material and that the licensee's self-assessments of the related broadcast weeks claimed substantial compliance with CILQ-FM's 20% Promise of Performance commitment. Differences in interpretation which produced the divergent results were clarified in subsequent discussions between Commission staff and the licensee. Following the discussions of the November results, the licensee submitted for Commission analysis tapes of three foreground presentations. These programs confirmed that positive steps had been taken to correct the deficiencies in CILQ-FM's foreground programming. The results of the programming analyses and the steps taken by the licensee to come into compliance were discussed at the hearing, where the licensee assured the Commission that the necessary safeguards were in place to ensure compliance with its foreground commitments in the future.

Notwithstanding the deficiencies noted above, the Commission notes that many of CILQ-FM's foreground programming concepts were creative and provided a diversity consistent with the FM policy's objectives for such programming. These presentations were also evenly distributed throughout the broadcast day and week.

In its new Promise of Performance Westcom has maintained CILQ-FM's current weekly foreground commitment of 20%, which exceeds the minimum 15% requirement for joint licensees as set out in the Radio Regulations, 1986. The Commission wishes to remind the licensee that the provision of high quality foreground programming is an integral part of the FM policy and that the level of such programming set out in a licensee's Promise of Performance is to be maintained at all times. Accordingly, the Commission strongly expects the licensee to ensure that the programs scheduled to meet its 20% commitment fully satisfy the Commission's criteria for foreground presentations.

The Commission also reminds the licensee that news is an important element of its Promise of Performance commitments and that one of the objectives of the FM policy is a broader and deeper treatment of news beyond basic informational purposes. Given the commitments outlined in Decision CRTC 85-1147 and the resources at Westcom's disposal, the Commission considers that it can make an important contribution in this regard. Accordingly, the Commission expects the licensee to strengthen its efforts to fulfill its weekly commitment to news and encourages Westcom to continue to enhance its news programming through the exchange of information among western and eastern affiliates of the Western Information Network.

The Commission notes that the licensee has achieved a minimum Canadian content level for category 5 (Music - General) selections of 30%, a level which is well over the Commission's 20% minimum guideline for Group II stations and that it indicated at the hearing that "it is not that difficult" to fulfill this commitment. The Commission notes further that Canadian musical selections were evenly distributed throughout the broadcast day and commends the licensee's performance in this regard. In CILQ-FM's new Promise of Performance, Westcom proposes to maintain 30% as its minimum Canadian content commitment.

The Commission notes that the commitment to broadcast 54 minutes per week of category 6 (Music - Traditional and Special Interest) music also remains unchanged.

It is a condition of licence that the licensee adhere to the CAB self-regulatory guidelines on sex-role stereotyping, as amended from time to time and accepted by the Commission.

The Commission has taken into account the intervention from the Canadian Independent Record Production Association (CIRPA), which noted "with satisfaction" CILQ-FM's continued commitment to 30% Canadian content and its "significant" contribution to the development of Canadian talent. In a more general sense, CIRPA expressed concern that no attempt has been made to study the impact of Canadian content regulation by comparing the level of Canadian content broadcast by stations with their audience levels. To this end, it has arrived at a preliminary assessment/ monitoring formula which it discussed with the Commission at the public hearing.

The Commission also acknowledges the interventions from Randy Sharrard of WEA Music of Canada, Ltd. and Lesley Soldat of MCA Records Canada in support of this application.

Fernand Bélisle

Secretary General



**Appendix 8: Numbers and types of stations monitored by the CRTC, 2006-2012**

Element and type of station	2006	2007	2008	2009	2010	2011	2012	Total	% of total
<b>Community</b>									
Campus	1	5						6	1.3%
Christian			2					2	0.4%
Community		6	3	1	1	5		16	3.4%
Ethnic		5						5	1.1%
Native					5		5	10	2.1%
Community Total	1	16	5	1	6	5	5	39	8.2%
As % of total	2.1%	20.5%	14.3%	1.6%	5.8%	5.1%	10.2%	8.2%	
<b>Private</b>									
Commercial - Religious		4						4	0.8%
Commercial	46	31	30	57	96	65	33	358	75.5%
Satellite						24		24	5.1%
Specialty				1		4	10	15	3.2%
Tourist							1	1	0.2%
Private Total	46	35	30	58	96	93	44	402	84.8%
As % of total	97.9%	44.9%	85.7%	92.1%	92.3%	94.9%	89.8%	84.8%	
<b>Public</b>									
Public		27						27	5.7%
Religious				4	2			6	1.3%
Public Total		27		4	2			33	7.0%
As % of total	0.0%	34.6%	0.0%	6.3%	1.9%	0.0%	0.0%	7.0%	
<b>Total</b>	<b>47</b>	<b>78</b>	<b>35</b>	<b>63</b>	<b>104</b>	<b>98</b>	<b>49</b>	<b>474</b>	<b>100.0%</b>

**Appendix 9: Radio stations monitored by the CRTC, 2006-2012**

Location	Call letters	2006	2007	2008	2009	2010	2011	2012	Total
100 Mile House	CKBX					1			1
Ajax	CJKX-FM				1				1
Alma	CKYK-FM				1				1
Antigonish	CJFX-FM				1				1
Asbestos	CJAN-FM		1						1
Athabasca	CKBA					1			1
Barrie	CFJB-FM					1			1
	CIQB-FM	1							1
Belleville	CHCQ-FM	1							1
	CJBQ				1		1		2
	CKJJ-FM				1			1	2
Blackville	CJFY-FM					1		1	
Bonnyville	CJEG-FM						1	1	
Bracebridge	CFBG-FM					1		1	
Brampton	CFNY-FM	1				1		1	3
	CIAO		1						1
Brandon	CKLF-FM	1							1
	CKLQ			1					1
	CKXA-FM			1					1
Brantford	CKPC					1			1
	CKPC-FM					1			1
Bridgewater	CKBW-FM			1				1	
Brockville	CFJR-FM				1				1
	CJPT-FM						1		1
Brooks	CIBQ					1			1
	CIXF-FM					1			1
Burns Lake	CFLD					1		1	
Calgary	CBR		1						1
	CFGQ-FM					1			1
	CIBK-FM						1		1
	CJAY-FM					1	1		2
	CJSI-FM							1	1
	CKAV-FM-03					1		1	2
	CKRY-FM			1					1
Campbellford	CKOL-FM		1				1	2	
Camrose	CFCW					1			1
	CFCW-FM					1			1
Canada	Air musique						1		1
	ATN – Asian radio						1		1
	Bande à part						1		1
	Calendrier sportif						1		1
	Canada 360						1		1
	Énergie 2						1		1
	Hardcore						1		1
	Home ice						1		1
	Home ice info						1		1
	Home plate info						1		1
	Iceberg						1		1
	Laugh attack						1		1
	Première +						1		1
Quoi de neuf?						1		1	

Location	Call letters	2006	2007	2008	2009	2010	2011	2012	Total
	Radio 3						1		1
	Radio one						1		1
	Radio parallèle						1		1
	RCI +						1		1
	Rock velours						1		1
	Sport extra						1		1
	Sur la route						1		1
	The verge						1		1
	Weather						1		1
	XM scoreboard						1		1
Castlegar	CKQR-FM						1		1
Chandler	CFMV-FM					1			1
Charlottetown	CHTN-FM						1		1
Chatham	CFCO					1			1
	CKSY-FM					1			1
Chibougameau	CKXO-FM						1		1
Chicoutimi	CBJ-FM		1						1
	CFIX-FM						1	1	2
	CKRS-FM				1			1	2
Chilliwack	CFUN-FM					1	1	2	
Clarenceville	CKVO				1			1	
Cobourg	CKSG-FM		1					1	
Cochrane	CHPB-FM				1		1	2	
Corner Brook	CFCB				1			1	
Cornwall	CFLG-FM						1	1	
Courtenay	CFCP-FM						1	1	
Cranbrook	CHDR-FM			1				1	
Dégelis	CFVD-FM					1		1	
Dolbeau	CHVD-FM			1				1	
Donnacona	CHXX-FM						1	1	
Downsview	CHRY-FM		1					1	
Drayton Valley	CIBW-FM		1					1	
Drumheller	CKDQ					1		1	
Drummondville	CJDM-FM	1						1	2
Dryden	CJIV-FM						1	1	2
	CKDR-FM						1		1
Duncan	CJSU-FM	1						1	
Edmonton	CHBN-FM					1			1
	CHDI-FM					1			1
	CHMC-FM					1			1
	CIRK-FM					1			1
	CJCA					1			1
	CJRY-FM				1			1	2
	CKAV-FM-04					1		1	2
CKRA-FM					1			1	
Edmundston	CJEM-FM						1	1	
Estevan	CHSN-FM		1					1	
Fernie	CJDR-FM			1				1	
Flin Flon	CFAR			1		1		2	
Fort Erie	CKEY-FM	1			1			2	
Fort Frances	CFOB-FM			1				1	
Fort St. John	CKFU-FM				1			1	2
	CKNL-FM				1				1
Fredericton	CIXN-FM		1					1	

Location	Call letters	2006	2007	2008	2009	2010	2011	2012	Total
Gander	CKGA				1				1
Granby	CFXM-FM	1		1					2
Grand Centre (Cold Lake)	CJXK-FM					1			1
Grand Falls	CKCM				1				1
	CKXG-FM						1		1
Grande Prairie	CFGP-FM	1							1
	CJXX-FM					1			1
Guelph	CJOY	1							1
Haliburton	CFZN-FM						1		1
Halifax	CBHA-FM		1						1
	CHNS-FM						1		1
	CJNI-FM						1		1
Hamilton	CFMU-FM		1						1
	CING-FM	1							1
High Level	CKHL-FM					1			1
	CKKX-FM					1			1
High Prairie	CKVH					1			1
High River	CFXO-FM						1		1
	CHRB					1			1
Hinton	CFXH-FM					1			1
Hope	CFSR-FM		1						1
Huntsville	CFBK-FM					1			1
Joliette	CJLM-FM	1							1
Kaministiquia	CFQK-FM						1		1
Kamloops	CHNL					1			1
	CIFM-FM					1			1
	CKBZ-FM		1						1
	CKRV-FM					1			1
Kapuskasing	CKAP-FM		1				1		2
Kelowna	CILK-FM			1				1	2
Kenora	CJRL-FM					1			1
Kentville	CKWM-FM			1					1
Kindersley	CFYM				1				1
Kingston	CFFX	1							1
	CFLY-FM						1		1
	CIKR-FM	1							1
	CKLC				1				1
	CKVI-FM		1						1
Kitchener	CFCA-FM					1			1
	CHYM-FM					1			1
	CIKZ-FM				1				1
	CJTW-FM				1			1	2
	CKKW					1			1
	CKWR-FM			1					1
Kitimat	CKTK-FM				1				1
La Tuque	CFLM					1			1
Lac la Biche	CILB-FM						1		1
Lac Megantic	CJIT-FM		1						1
Lacombe	CJUV-FM						1		1
Laval	CFAV				1				1
	CFGL-FM	1							1
Leamington	CHYR-FM		1						1
Lethbridge	CHLB-FM		1						1

Location	Call letters	2006	2007	2008	2009	2010	2011	2012	Total
	CJTS-FM		1						1
Lévis	CFOM-FM	1			1				2
Lindsay	CKLY-FM					1			1
Lloydminster	CKSA-FM				1				1
London	CFPL-FM					1			1
	CIQM-FM						1		1
Longueuil	CHMP-FM	1							1
Maniwaki	CHGA-FM			1					1
Marathon	CFNO-FM			1			1		2
Matane	CHRM-FM	1							1
Medicine Hat	CFMY-FM					1			1
	CHAT-FM						1		1
	CJLT-FM				1			1	2
Melfort	CJVR-FM			1					1
Merritt	CJNL					1			1
Midland	CICZ-FM		1						1
Miramichi	CFAN-FM			1					1
Moncton	CBAF-FM		1						1
	CIOK-FM						1		1
	CKOE-FM						1		1
Mont-Laurier	CFLO-FM			1					1
Montréal	CBF-FM		1						1
	CBME-FM		1						1
	CFMB		1						1
	CFQR-FM	1							1
	CHOM-FM	1							1
	CJAD	1							1
	CKGM	1							1
	CKMF-FM	1							1
	Espace Musique		1						1
	Première Chaîne		1						1
	CFQR-FM					1			1
	CJPX-FM					1			1
	CKLX-FM				1			1	2
	CKMF-FM							1	1
	CKOI-FM						2	1	3
Moose Jaw	CILG-FM	1							1
	CJAW-FM						1		1
Mount Pearl	VOAR			1					1
Nanaimo	CHWF-FM		1						1
	CKWV-FM	1					1		2
New Carlisle	CHNC			1		1			2
New Westminster	CFMI-FM	1							1
Newmarket	CKDX-FM					1			1
Niagara Falls	CJRN						1	1	2
Nipawin	CIOT-FM					1			1
	CJNE-FM			1					1
North Battleford	CJCQ-FM						1		1
North Bay	CHUR-FM						1		1
North York	CILQ-FM	1							1
Oakville	CJYE	1							1
Orangeville	CIDC-FM					1			1
Orillia	CICX-FM					1			1
Oshawa	CKGE-FM	1							1

Location	Call letters	2006	2007	2008	2009	2010	2011	2012	Total
Ottawa/Gatineau	CBOF-FM		1						1
	CBO-FM		1						1
	CFTX-FM						1		1
	CHLX-FM			1					1
	CIHT-FM						1		1
	CILV-FM						1		1
	CIMF-FM						1		1
	CISS-FM				1				1
	CJRC-FM				1				1
	CKAV-FM-09					1		1	2
	CKKL-FM						1		1
CKTF-FM						1	1	2	
Owen Sound	CFOS					1			1
	CIXK-FM					1			1
	CKYC-FM		1						1
Parry Sound	CKLP-FM					1		1	
Peace River	CKYL					1		1	
Pembroke	CIMY-FM						1	1	
Peterborough	CFFF-FM		1						1
	CKQM-FM					1			1
	CKWF-FM	1							1
Plessisville	CKYQ-FM					1		1	
Pokémouche	CKRO-FM		1				1	2	
Port Cartier	CIPC-FM						1	1	
Port Elgin	CFPS-FM						1	1	
Port Hardy	CFNI					1		1	
Portage la Prairie	CJPG-FM					1		1	
Powell River	CHQB	1							1
Prince Albert	CFMM-FM				1				1
	CKBI				1				1
Prince George	CIRX-FM					1			1
	CJCI-FM				1			1	2
	CKDV-FM				1			1	2
	CKKN-FM					1			1
Québec	CBV-FM		1						1
	CHIK-FM	1						1	2
	CITF-FM					1			1
	CJEC-FM						1		1
	CJMF-FM				1				1
	CKIA-FM		1						1
Quesnel	CKCQ-FM					1		1	
Red Deer	CFDV-FM					1			1
	CHUB-FM					1			1
	CKGY-FM		1						1
Regina	CBK		1						1
	CBKF-FM		1						1
	CFWF-FM			1					1
	CHMX-FM						1		1
	CJME			1					1
	CJTR-FM		1						1
	CKCK-FM			1					1
	CKRM							1	1
Renfrew	CHMY-FM					1		1	
Revelstoke	CKCR			1		1		2	

Location	Call letters	2006	2007	2008	2009	2010	2011	2012	Total
Rimouski	CJOI-FM							1	1
	CKMN-FM				1				1
Rimouski/Mont-Joli	CKMN-FM						2		2
Rivière-du-Loup	CIEL-FM			1					1
Roberval	CHRL-FM			1					1
Rocky Mountain House	CHBW-FM						1		1
Rouyn-Noranda	CHIC-FM		1						1
Sackville	CHMA-FM		1						1
Saguenay	CFIX-FM						1		1
	CJAB-FM					1		1	2
Saint John	CFMH-FM	1							1
	CHSJ-FM					1			1
	CHWV-FM						1		1
	CJEF-FM				1				1
	CJRP-FM							1	1
Saint-Constant	CJMS			1					1
Sainte-Marie	CHEQ-FM							1	1
Saint-Georges	CHJM-FM			1					1
Saint-Hyacinthe	CFEI-FM							1	1
Saint-Jean-Iberville	CFZZ-FM	1							1
Saint-Pamphile	CJDS-FM		1						1
Sarnia	CFGX-FM					1			1
	CHKS-FM					1			1
Saskatoon	CFMC-FM				1				1
	CFQC-FM		1						1
	CJDJ-FM				1				1
	CJMK-FM	1							1
	CJWW		1						1
Sechelt	CKAY-FM						1		1
Sept-Îles	KCCN-FM				1			1	2
Sherbrooke	CFGE-FM				1				1
	CFLX-FM		1						1
	CHLT-FM				1				1
	CIGR-FM				1				1
	CITE-FM-1					1			1
	CKOY-FM							1	1
Simcoe	CHCD-FM		1						1
Smith Falls	CJET-FM						1		1
Smithers	CFBV					1			1
Sorel Tracy	CJSO-FM					1			1
St. Catharines	CFBU-FM		1						1
	CHRE-FM					1	1		2
	CHSC					1			1
St. John's	CBN		1						1
	CHOZ-FM				1			1	2
	CJYQ					1			1
	CKIX-FM				1				1
	CKSJ-FM				1			1	2
	VOWR			1			1		2
St. Paul	CHLW					1			1
St. Stephen	CHTD-FM						1		1
St. John's	VOCM-FM				1				1
Steinbach	CILT-FM						1		1
Stephenville	CFSX				1				1

Location	Call letters	2006	2007	2008	2009	2010	2011	2012	Total
Stettler	CKSQ					1			1
St-Hilarion	CIHO-FM				1				1
Stratford	CHGK-FM				1			1	2
	CJCS					1			1
Sturgeon Falls	CFSF-FM							1	1
Sudbury	CBCS-FM		1						1
	CBON-FM		1						1
	CHNO-FM			1					1
	CJTK-FM		1						1
Swan River	CJSB-FM						1	1	
Swift Current	CIMG-FM				1				1
	CKSW				1				1
Sydney	CHER					1		1	
Taber	CJBZ-FM		1						1
Tagish	CFET-FM				1				1
The Pas	CJAR						1		1
Thetford Mines	CFJO-FM				1				1
	CKLD-FM				1				1
Thompson	CHTM			1					1
Thunder Bay	CJUK-FM		1						1
Tillsonburg	CJDL-FM						2		2
	CKOT-FM					1			1
Timmins	CHIM-FM						1	1	2
	CHMT-FM		1				1		2
	CJQQ-FM			1					1
	CKGB-FM		1						1
Toronto	CBLA-FM		1						1
	CBL-FM		1						1
	CFMJ	1							1
	CFMZ-FM					1			1
	CHBM-FM							1	1
	CHFI-FM	1							1
	CHIN		1						1
	CHIN-FM		1						1
	CHUM	1							1
	CHUM-FM	1							1
	CJAQ-FM	1							1
	CJBC		1						1
	CKAV-FM					1		1	2
	CKFM-FM	1							1
	CKIS-FM					1			1
	Radio one			1					1
Radio Two			1					1	
Trois-Pistoles	CIEL-FM4							1	1
Trois-Rivières	CHLN-FM				1				1
	CJEB-FM				1				1
	CKOB-FM							1	1
Truro	CINU-FM							1	1
	CKTY-FM		1						1
Val D'Or	CJMV-FM						1	1	
Valleyfield	CKOD-FM	1			1				2
Vancouver	CBU		1						1
	CBUF-FM		1						1
	CFBT-FM		1						1



Location	Call letters	2006	2007	2008	2009	2010	2011	2012	Total
	CFOX-FM						1		1
	CFRO-FM			1		1	1		3
	CFUN	1							1
	CHMB		1						1
	CHMJ				1				1
	CHQM-FM	1							1
	CKAV-FM-02					1		1	2
	CKWX	1							1
Vermillion Bay	CKQV-FM					1			1
Vernon	CICF-FM			1				1	2
	CKIZ-FM		1						1
Victoria	CBCV-FM		1						1
	CKKQ-FM	1							1
Ville-Marie	CKVM-FM		1		1				2
Wainwright	CKKY					1			1
Waiwright	CKWY-FM					1			1
Welland	CIXL-FM					1			1
Westlock	CFOK					1			1
Wetaskiwin	CKJR					1			1
Weyburn	CKRC-FM						1		1
Whitehorse	CFWH		1						1
	CKRW		1						1
Williams Lake	CFFM-FM		1						1
Windsor	CIDR-FM					1			1
	CIMX-FM		1						1
	CKWW					1			1
Wingham	CIBU-FM						1		1
	CKNX					1			1
	CKNX-FM					1			1
Winnipeg	CBW		1						1
	CFEQ-FM				1			1	2
	CFJL-FM							1	1
	CHNK-FM				1				1
	CKY-FM				1				1
Woodstock	CIHR-FM						1		1
	CJCJ-FM		1						1
Yellowknife	CFYK		1						1
	CJCD-FM					1			1
Yorkton	CFGW-FM	1							1
	CJGX				1				1
	CJJC-FM						1		1
	CKRM				1				1
Total: 416 stations		47	78	35	63	104	98	49	474

Source: CRTC, Broadcasting Reports and Publications,  
<http://www.crtc.gc.ca/eng/publications2.htm> (“Radio Program Monitoring”)

**Appendix 10: Radio stations whose licences were not renewed or were revoked by the CRTC due to non-compliance**

**Non-renewals**

1.	CHIM-FM	Timmins	Commercial (specialty)	2012-589
2.	CJRN-FM	Niagara Falls	Commercial (tourist)	2012-550
3.	CIMI-FM	Charlesbourg	Community	2012-476
4.	CHSC	St. Catharines	Commercial	2010-533
5.	CHOI-FM	Quebec City	Commercial	2004-271
6.	CFOU-FM	Sainte-Therese	Community	87-949
7.	CFIN-FM	Coaticook	Community	87-756
8.	CION-FM	Riviere-du-Loup	Community	87-754
9.	CKLE-FM	Rimouski	Community	87-753
10.	CFCQ-FM	Trois-Rivieres	Community	87-192
11.	CJMF-FM	Quebec City	Commercial	84-209
12.	CHNL-FM	Kamloops	Commercial	81-894
13.	CFMX-FM	Cobourg	Commercial	81-695
14.	CHUC-FM	Cobourg	Commercial	<i>na</i>
15.	CFBC-FM	Saint John	Commercial	77-418
16.	CJLX	Thunder Bay	Commercial	73-19
17.	CHIN	Toronto	Commercial	70-72
18.	CJLS	Yarmouth	Commercial	68-44

**Revocations**

19.	CKLN-FM	Toronto	Campus	2011-56
20.	CJWV-FM	Winnipeg	Campus	2008-146
21.	CFVO-TV	Hull	Commercial	77-368

**\* \* \* End of document \* \* \***