



4 December 2024

Marc Morin  
Secretary General  
CRTC  
Ottawa, ON K1A 0N2

Filed online

Dear Secretary General,

**Re: *Call for comments regarding the Canadian Association of Broadcasters' proposed plan for the operation of a temporary fund supporting local news production by commercial radio stations in smaller markets, Broadcasting Notice of Consultation CRTC 2024-270 (Ottawa, 4 November 2024) – comments by FRPC***

- 1 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established in 2013 to undertake research and policy analysis about communications, including broadcasting. The Forum supports a strong Canadian communications system that serves the public interest as defined by Parliament in the 1991 *Broadcasting Act*.
- 2 The following comments address the plan proposed by the Canadian Association of Broadcasters (CAB) to operate a temporary fund that would support local news production by commercial radio stations. An outline of our comments is set out below:
  - I. **Context of BNoC 2024-288** **2**
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Appendix 1

## I. Context of BNoC 2024-288

- 3 Parliament began to consider amendments to the 1991 *Broadcasting Act* in early November 2020 when the government introduced Bill C-10 to the House of Commons.<sup>1</sup> Bill C-11, the *Online Streaming Act* that proposed amendments to the 1991 *Broadcasting Act*, received Royal Assent on 27 April 2023.<sup>2</sup>
- 4 In the 20 months since Parliament enacted the *Online News Act* the CRTC appears to have undertaken 11 public consultations to implement Parliament’s amendments about which it has rendered 5 decisions:<sup>3</sup> Table 1.<sup>4</sup>

**Table 1 CRTC’s Online Streaming Act Consultations**

Consultation	Date issued	Subject	Public hearing	Public part’n phase ends	Outcome	Decision date
<a href="#">2023-138</a>	12 May 2023	‘Contributions’	20 Nov 2023 – 8 Dec 2023	15 Feb 2024	<a href="#">2024-121</a> <a href="#">2024-121-1</a>	4 Jun 2024
<a href="#">2023-138-1</a>	9 Jun 2023					
<a href="#">2023-138-2</a>	1 Feb 2024					
<a href="#">2023-139</a>	12 May 2023	Exemption regulations	None	12 July 2023	<a href="#">2023-329</a>	29 Sep 2023
<a href="#">2023-140</a>	12 May 2023	Exemption orders and conditions of service	None	12 July 2023	<a href="#">2023-331</a>	29 Sep 2023
<a href="#">2023-280</a>	23 Aug 2023	Fee regulations	None	22 Sep 2023	<a href="#">2024-65</a>	21 Mar 2024
<a href="#">2024-121</a>	4 June 2024	Proposed orders re contributions ¶190		2 July 2024	<a href="#">2024-121-1</a>	29 Aug 2024
		Plan - Indig Music ¶179 by 4 Jun/25				
		Operational plan – temporary television and radio fund, ¶172 by 4 July 2024				
		Temporary news fund to support commercial radio stations’ production of news, ¶173				
[see 2024-270 below]						
<a href="#">2024-121-1</a>	29 Aug 2024	Confidentiality agreement with CAB ¶177 by 28 Oct/24				
	1 Nov 2024	by 28 Nov/24				
<a href="#">2024-137</a>	25 Jun 2024	Online closed captioning	None	<del>18 Sep 2024</del>		

<sup>1</sup> LEGISinfo, *C-10: An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*, 43rd Parl., 2nd Sess.

<sup>2</sup> LEGISinfo, *C-11: An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*, 44th Parl., 1st Sess. (see S.C. 2023, c. 8).

<sup>3</sup> The *Online News Act* amended s. 2 of the *Broadcasting Act* to define “decision” as including “a determination made by the Commission in any form; (décision).

<sup>4</sup> While section 21(1) of the CRTC’s 2010 procedural regulations – *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 – requires the CRTC to publish “a notice of consultation on its website” when the CRTC decides to consider a matter on its “own initiative”, the CRTC at ¶190 of Broadcasting Regulatory Policy CRTC 2024-121 invited comments on the orders its regulatory policy was proposing to make.

Consultation	Date issued	Subject	Public hearing	Public part'n phase ends	Outcome	Decision date
<a href="#">2024-137-1</a>	10 Sep 2024			<del>13 Dec 2024</del>		
<a href="#">2024-137-2</a>	18 Nov 2024			29 Jan 2025		
<a href="#">2024-138</a>	25 Jun 2024	Described video	None	<del>25 Sep 2024</del>		
<a href="#">2024-138-1</a>	19 Sep 2024			20 Dec 2024		
<a href="#">2024-164</a>	23 Jul 2024	Independent Local News Fund	None	23 Sept 2024		
<a href="#">2024-202</a>	9 Sept 2024	OLMCs	None	18 Nov 2024		
<a href="#">2024-270</a>	4 Nov 2024	Temp local news fund	None	19 Dec 2024		
<a href="#">2024-288</a>	15 Nov 2024	Defining audiovisual Canadian program	31 March 2025	Not shown		
<a href="#">2024-290</a>	15 Nov 2024	Radio processes	None	4 Feb 2025		

- 5 The CRTC also approved the concept of a temporary fund to support local commercial radio station news in its June 2024 Broadcasting Regulatory Policy CRTC 2024-121.<sup>5</sup> It explained that “[u]ntil the Commission holds its consultation regarding news programming”, this fund would support commercial radio stations in communities other than “Montréal, Toronto, Vancouver, Calgary, Edmonton and Ottawa-Gatineau, as audiences in these larger markets typically benefit from a greater variety of local news outlets”.<sup>6</sup>
- 6 The CRTC first announced the “consultation regarding news programming” mentioned in BRP 2024-121 when it issued its *Regulatory Plan to modernize Canada’s broadcasting system* on 8 May 2023: Figure 1. The Commission said it might hold a consultation that “would evaluate .... News ....” in Winter 2023-2024. The CRTC’s 6 May 2024 version of its plan subsequently described this as a “[c]onsultation on news programming”. The CRTC’s plan dropped the news consultation on 15 November 2024, however (see Appendix 1).<sup>7</sup>

<sup>5</sup> *The Path Forward – Supporting Canadian and Indigenous content through base contributions*, [Broadcasting Regulatory Policy CRTC 2024-121](#) (Ottawa, 4 June 2024), at ¶170.

<sup>6</sup> *The Path Forward – Supporting Canadian and Indigenous content through base contributions*, [Broadcasting Regulatory Policy CRTC 2024-121](#) (Ottawa, 4 June 2024), at ¶171.

<sup>7</sup> The CRTC’s consultation “on establishing a new fund to provide financial support for participation in CRTC proceedings by persons and groups representing the public interest” which was then tentatively set for Spring 2023 by its 8 May 2023 *Regulatory plan*, moved to Fall 2024 in the 6 May 2024 version of the plan and to Winter 2025 in the 15 May 2024 version.)

Figure 1 News and local news consultations as scheduled by the CRTC since 8 May 2023

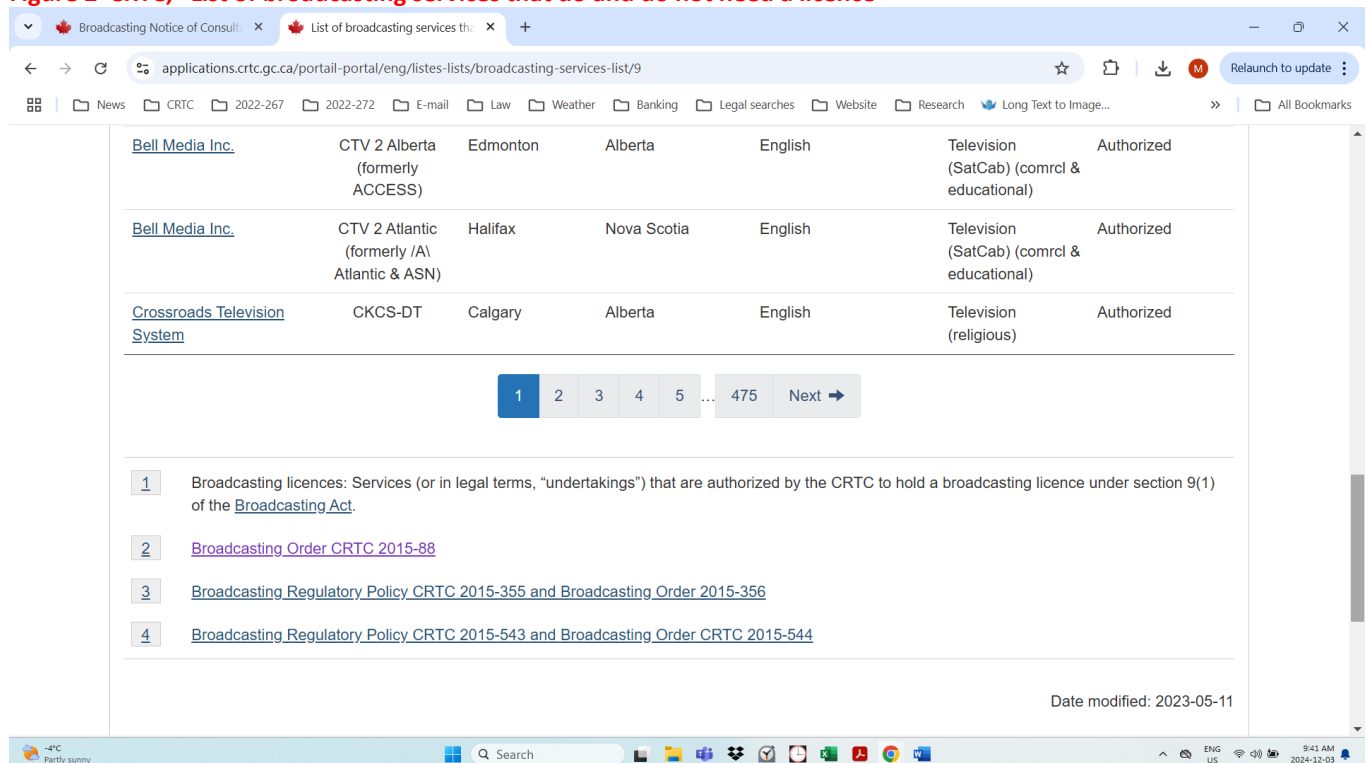
<p><b>○ Winter 2023-2024</b></p> <p><b>Public consultations may include</b></p> <ul style="list-style-type: none"><li>○ Consultation on definitions of Canadian and Indigenous content: This consultation would review the definition of Canadian content and examine possible changes.</li><li>○ Consultation on tools to support Canadian music and other audio content: This consultation would assess tools to support Canadian audio content.</li><li>○ Consultation on programming and supports for video content: This consultation would assess tools to develop, support, and promote Canadian and Indigenous content on all platforms.</li><li>○ Consultation on local markets access and competition: <b>This consultation would evaluate</b> market access, <b>news</b> and local programming, and competitive behaviours.</li><li>○ Consultation on protecting Canadian consumers: This consultation would review ways to protect consumers and include broadcaster codes of conduct and mechanisms for complaints.</li></ul>
<p>(Ottawa, 8 May 2023)</p>
<p><b>⋮ Spring 2025</b></p> <ul style="list-style-type: none"><li>• <b>Consultation on definitions of Canadian audiovisual content</b> This consultation will examine the CRTC's definition of Canadian content for television and online programming.  A public hearing will follow.</li><li>• <b>Consultation on audio content</b> This consultation will look at all aspects of radio and audio streaming services in Canada. The CRTC will examine issues including how to support the industry, support Canadian music, how to define audio content, and what regulatory obligations should exist.  A public hearing will follow.</li><li>• <b>Consultation on news programming</b> <b>This consultation will study how to ensure everyone has access to strong, high quality and diverse local and national news programming on TV, radio and online in Canada.</b>  <b>A public hearing will follow.</b></li></ul>
<p>(Ottawa, 6 May 2024)</p>
<p>See Appendix 1</p>

7 On 4 July 2024 the CRTC received a 4-page document from the CAB regarding the new Commercial Radio News Fund (CRNF) on 4 July 2024.<sup>8</sup> The CAB received 8 questions from the CRTC on 4 October 2024 and answered these questions on 11 October 2024.<sup>9</sup> When the CAB submitted its Proposed Operational Plan on 4 July 2024 the Association assumed that, if accepted by the CRTC, it would make its first distributions in January 2025.<sup>10</sup>

## II. CRTC’s questions about the CAB’s Proposal for a Commercial Radio News Fund (CRNF)

8 Before responding to the CRTC’s questions the Forum wishes to point out the difficulty for non-industry interveners to set out their concerns due to the lack of any relevant evidence from the CRTC in this matter. For example, while the CRTC maintains a list of broadcasting services in Canada, the list was apparently last updated on 11 May 2023:

**Figure 2 CRTC, “List of broadcasting services that do and do not need a licence”**



<a href="#">Bell Media Inc.</a>	CTV 2 Alberta (formerly ACCESS)	Edmonton	Alberta	English	Television (SatCab) (comrc & educational)	Authorized
<a href="#">Bell Media Inc.</a>	CTV 2 Atlantic (formerly /A Atlantic & ASN)	Halifax	Nova Scotia	English	Television (SatCab) (comrc & educational)	Authorized
<a href="#">Crossroads Television System</a>	CKCS-DT	Calgary	Alberta	English	Television (religious)	Authorized

1 2 3 4 5 ... 475 Next →

- 1 Broadcasting licences: Services (or in legal terms, “undertakings”) that are authorized by the CRTC to hold a broadcasting licence under section 9(1) of the [Broadcasting Act](#).
- 2 [Broadcasting Order CRTC 2015-88](#)
- 3 [Broadcasting Regulatory Policy CRTC 2015-355 and Broadcasting Order 2015-356](#)
- 4 [Broadcasting Regulatory Policy CRTC 2015-543 and Broadcasting Order CRTC 2015-544](#)

Date modified: 2023-05-11

Source: <https://applications.crtc.gc.ca/portail-portal/eng/listes-lists/broadcasting-services-list/9>

9 Moreover, the data do not appear to be curated. For example, the list identifies CKUA as a “commercial radio station”, although Broadcasting Decision CRTC 2023-250 licensed it as

<sup>8</sup> DM#4743725, CAB, *Commercial Radio News Fund (CRNF): CAB’s Proposed Operational Plan*.

<sup>9</sup> DM#4743659, CAB, *Re: Responses to CRTC request for information on the Commercial Radio News Fund* (Ottawa, 11 October 2024).

<sup>10</sup> CAB, *Commercial Radio News Fund (CRNF): CAB’s Proposed Operational Plan*, (Ottawa, 4 July 2024), p. 3.

English-language specialty commercial radio station”. Trafalgar’s CJYE radio station appears on the list, but not CJMR. Acadia’s CKHZ-FM Kingston appears 3 times in the list and CKNI-FM Moncton appears twice, all as originating stations (rather than rebroadcasting undertakings, however implausible this would be in the same location).

- 10 Participants in the CRTC’s proceedings should not bear the duty of checking and correcting data that the CRTC itself publishes, even if in this proceeding the CRTC has not specifically requested that parties submit evidence.<sup>11</sup> As the Commission recently said in [Broadcasting Notice of Consultation CRTC 2024-288](#), its policies require it to collect and report data to monitor the efficacy of those policies:

50. Any policy establishing CPE requirements must take into consideration data collection and reporting to enable the Commission to monitor compliance and policy effectiveness. Currently, the Commission collects detailed CPE data annually from broadcasters, which include breakdowns of programming expenses, including those for closed captioning, and production by Indigenous or OLMC producers.

- 11 A second relevant issue in this proceeding is that 2024-270 does not clearly state the CRTC’s current purpose in establishing the temporary commercial radio news fund that it initially approved in 2024-288. For instance, the CRTC’s focus on commercial radio stations eliminates more than half (59% or 1,397) of the radio services shown in the CRTC’s list of audio services. Assuming the CRTC’s main concern is with the ability of *originating* radio stations to produce and broadcast news, its focus must be on the roughly 700 commercial radio stations set out in its list:

**Table 2 CRTC’s list of authorized audio services**

Type of service	Originating	Rebroadcaster	Total
Radio (campus)	49		49
Radio (CBC)	88	641	729
Radio (commercial - religious)	21	9	30
<b>Radio (commercial)</b>	<b>697</b>	<b>267</b>	<b>964</b>
Radio (community - type A)	1	1	2
Radio (community - type B)	5		5
Radio (community)	126	73	199
Radio (ethnic)	35	2	37
Radio (native Type B)	57	193	250
Radio (non-commercial)	2	1	3
Radio (religious church)	3		3
Radio (religious specialty format)	31	39	70
Radio (tourist/weather/traffic/Env. Can)	12		12
Specialty Audio Programming	6		6
Subscription Radio - Satellite	2		2
<b>Total</b>	<b>1135</b>	<b>1226</b>	<b>2361</b>
CRTC, “ <a href="#">List of broadcasting services that do and do not need a licence</a> ” (Date modified: 2023-05-11)			

<sup>11</sup> Whereas the 2024-288 proceeding does make this request: “94. The Commission requests that, whenever possible, parties provide evidence in support of their comments or proposals.”

- 12 The Commission has also specifically excluded six communities from the scope of the fund: Calgary, Edmonton, Montréal, Ottawa/Gatineau, Toronto and Vancouver. Removing these communities and the commercial radio stations licensed to serve these areas indicates that some 611 originating commercial radio stations may receive funding from the CRNF proposed by the CAB: Table 3

**Table 3 Number of commercial radio stations affected by the CAB proposal**

Commercial radio stations	Originating	Rebroadcasters	Total
Total listed	697	267	964
In six excluded major centres	86	6	92
Remaining stations	611	261	872

- 13 At the same time, however, some broadcasters hold many commercial radio licences. According to the CRTC’s audio database, some 44 ownership groups operate more than one commercial radio station, controlling some 576 commercial radio stations, or 94.6% of the total. The CRTC’s decisions over the past several decades to approve a range of ownership transactions so as to create companies able to withstand the vicissitudes of the Canadian economy means that in May 2023, 16 companies operated from 10 to 82 originating commercial radio stations. If the CRTC’s purpose is merely to subsidize all commercial radio stations regardless of their size, it should explain its reasoning more clearly.
- 14 On the other hand, if the CRTC’s purpose in approving the concept of a temporary commercial radio news fund is to ensure that communities receive first-run original news, then it does not appear as if there is any objective evidence to demonstrate which communities are reasonably well served and which are not. The CRTC’s *Radio Regulations, 1986* do not require radio broadcasters to report the hours of news they broadcast each month, let alone each day.<sup>12</sup>

**A. Fund governance and accountability measures**

- 15 The CRTC states that it wants to “ensure that all interactions with the fund on the part of the contributors, the recipients, and the administrator are fair and transparent.”<sup>13</sup>

**CRTC Q1. Does the CAB’s plan outline a sufficient structure for the governance of the CRNF? If not, please identify any gaps you see and suggest specific solutions to address them.**

- 16 According to the CAB, the allocations of the CRNF “will be based on a clear mathematical formula” and consequently a “formal governance structure ... other than the oversight of CAB’s Director of Finance and Administration ....” need not be established<sup>14</sup> The CAB’s proposal reflects the concept that it presented in December 2023 to the CRTC’s 2013-138 hearing panel:

<sup>12</sup> S. 8(1) requires radio licensees to keep a program log, but pursuant to s. 8(4) does not require the logs to be submitted to the CRTC except upon request.

<sup>13</sup> BNoC 2024-288, ¶18.

<sup>14</sup> CAB, Commercial Radio News Fund (CRNF): CAB’s Proposed Operational Plan, (Ottawa, 4 July 2024), p. 3.



10945 MR. DESJARDINS: So, we appreciate when people come and see a role for the CAB in administering these funds. You know, our administration for the ILNF currently is under 0.7 percent. Our role is to make sure that that money gets into the hands of broadcasters to help support their operations. So, we have the knowledge and the ability to take funds in and to distribute them out quickly and effectively. And so, we would welcome that if we were asked to help administer any new or expanded funds.<sup>15</sup>

- 17 The CAB now says, however, that if “discrepancies appear or disputes arise, the CAB would rely on the CAB CEO Radio Council, which broadly represents the CAB’s radio members.”<sup>16</sup>

**7. The CAB’s proposed operational plan notes that it would rely on the CAB CEO Radio Council to handle any discrepancies or disputes if they arise. Please expand on how such discrepancies or disputes may be resolved by the CAB CEO Radio Council and discuss how the process will be conducted absent of actual or perceived conflicts of interest.**

We do not expect disputes to arise as care has been taken to propose precise criteria tied to spending on news to use in disbursement calculations. In the more than 10 years of administering the ILNF and the Small Market Local Production Fund that preceded it, no disputes have arisen. However, in the unlikely event a dispute arises, the CAB CEO Radio Council is composed of the CEOs and senior executives of a broad diversity of radio groups in Canada, who can review any concerns and intervene if and as necessary to ensure the fair allocation of funds amongst CAB members and non-members.

The Radio Council has established membership and governance criteria codified in the CAB’s bylaws, and is elected by CAB radio members, with categories representing large, medium and small players in the sector.<sup>17</sup>

- 18 The CAB’s Proposed Operational Plan does not describe the CEO Radio Council. According to the CAB’s website this 10-member, all-male Council consists of representatives of Canada’s largest radio-broadcasting companies who live in British Columbia (3), Alberta (1), Manitoba (1) or Ontario (5): Table 4.

**Table 4 Members of the CAB CEO Radio Council (as at 4 December 2024)**

Name	Position	Employment	Company	Location
(Mr.) Troy Reeb	Chair	Executive Vice-President Networks and Content	Corus Entertainment	Toronto
(Mr.) Cam Cowie	Vice-Chair	Vice-President and COO	Harvard Broadcasting Inc.	Calgary
(Mr.) Paul Kaye	Member	Vice-President Music Brands and In-House Production	Rogers Sports & Media	Toronto
(Mr.) Dave Daigle	Member	Vice-President iHeart Radio, Local CTV News, Bell Media Studios and Pinewood Studios	Bell Media Inc.	Toronto
(Mr.) Bryan Edwards	Member	President (Interim)	Vista Broadcast Group Inc.	Courtenay
(Mr.) Elmer Hildebrand	Member	CEO	Golden West Broadcasting Ltd.	Altona
(Mr.) Ian Lurie	Member	President	Radio Stingray	Toronto
(Mr.) Lars Wunsche	Member	Executive Vice-President	Evanov Communications	Toronto

<sup>15</sup> CRTC, *Transcript*, Hearing 7 December

<sup>16</sup> CAB, *Commercial Radio News Fund (CRNF): CAB’s Proposed Operational Plan*, (Ottawa, 4 July 2024), p. 3.

<sup>17</sup> CAB, *Re: Responses to CRTC request for information on the Commercial Radio Fund* (Ottawa, 11 October 2024), at pp. 3-5.



Name	Position	Employment	Company	Location
		Radio and Digital Sales		
(Mr.) Bijoy Samuel	Member	Vice-President and General Manager	South Asian Broadcasting Corporation Inc.	Surrey
(Mr.) Rod Schween	Member	President and General Manager	Jim Pattison Broadcast Group	Kamloops

- 19 The Forum notes the CAB’s position that it has in the past distributed funds “on a fair and impartial basis”.<sup>18</sup> It is unclear, however, to what extent any disputes in the past will deal with the potential disputes of a new temporary commercial radio news fund going forward.
- 20 Moreover, the CAB’s CEO Radio Council cannot reasonably be described as reflecting the diversity of Canada’s commercial radio stations. None of its members, for instance, is a single-station CEO. Nor is the Council reflective of Canadians in general: none of its members come from Canada’s territories or the five provinces east of Ontario, for instance, and all are male. It is unclear if any of the members are bilingual or originate from Québec.
- 21 A second concern is that it is unclear why disputes emerging from a fund established to subsidize commercial radio broadcasters’ production of news would be regulated by Canada’s largest private radio broadcasters; to say the least, even if this arrangement does not appear self-serving it could appear to be self-interested. Nor is it clear to what extent the CAB will make such disputes and disagreements public.
- 22 If the purpose of the CRNF is to ensure that commercial radio stations use the monies directed to them (from online broadcasting services) to produce and broadcast first-run original news, the Forum suggests instead that the CRTC deal with any disputes about recipients’ use of the funds. The *Broadcasting Act* does not, after all, explicitly empower the CRTC to delegate its responsibility under subsection 5(1) of the *Broadcasting Act* to “regulate and supervise all aspects of the Canadian broadcasting system”.<sup>19</sup>
- 23 If the CRTC – as an independent quasi-judicial administrative agency – is unwilling to deal with disputes about the CRNF, it should invite proposals for a different dispute-resolution system. It is important for true accountability that, regardless of the amount of money it allocates, the CRNF be seen to be impartial and focussed on the public interest in the availability of first-run, high-quality, local radio news.

<sup>18</sup> CAB, *Re: Responses to CRTC request for information on the Commercial Radio Fund* (Ottawa, 11 October 2024), at p. 3.

<sup>19</sup> S. 5(1): “Subject to this Act and the Radiocommunication Act and to any directions to the Commission issued by the Governor in Council under this Act, the Commission shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) and, in so doing, shall have regard to the regulatory policy set out in subsection (2).”

**CRTC Q2. Beyond the measures outlined in the CAB’s plan, should additional accountability measures be imposed? If so, please describe in detail the measures you suggest.**

- 24 As described in BRP 2024-121 and in BNoC 2024-288 the CRTC’s rationale for directing a portion of the financial support it currently requires non-Canadian online broadcasters to provide<sup>20</sup> is to support the availability of high-quality, local news production.
- 25 The Forum supports this objective to the extent that the fund actually does result in the production of *more* first-run news: if this is not achieved an unknown amount of money will have yielded no new news, reporters’ positions may continue to decrease and service to communities will not improve. Simply dispensing funding *without current data* about the first-run local news, expenditures on local news and local-news reporters employed by the stations creates the risk that new financial support may ultimately be dissipated without benefitting local communities.
- 26 For this reason, the Forum believes that recipients of any financial support from this temporary fund should be required as a first pre-condition of their receipt of financial support to submit a report to the CAB, with a copy to the CRTC, stating the average weekly hours of first-run news each recipient station broadcast in the 2022-2023 and 2023-2024 broadcast years. This information could serve as a baseline measure to enable the CRTC to determine going forward whether the temporary commercial radio news fund (TCRNF) originally proposed in Broadcasting Regulatory Policy CRTC 2024-121 is achieving the Commission’s goal.
- 27 A second pre-condition of the TCRNF should be to report (on a confidential basis) to the CAB with a copy to the CRTC the total expenditures on each recipient station’s local news in the 2022-2023 and 2023-2024 broadcast years, along with (for the same years) the total full-time or full-time equivalent reporters who are actually resident in the communities the stations are licensed to serve. The purpose of this information is to ensure that, going forward, the receipt of TCRNF funding does not ultimately replace – but instead supplements and adds to – broadcasters’ existing expenditures.
- 28 The Forum’s position is that single-station operators may well lack the resources necessary to provide the information proposed above: in that event, FRPC suggests that the CAB or the CRTC provide regular briefing sessions to explain procedures and answer questions. For the most part, though, most commercial radio stations are operated by multi-station operators as business, and therefore have the information noted above as a matter of course (to meet contractual requirements with advertisers, for instance, and to report to their management and shareholders about their activities).

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<sup>20</sup> Pending the outcome of legal challenges.

**CRTC Q3. Which incentives or measures, if any, should the Commission apply to ensure that the CRNF funding is used for the production and broadcast of high quality local news?**

29 The Forum may address this question in its reply.

**CRTC Q4. Should recipients of the CRNF be required to be members of the CBSC and, therefore, to comply with the industry codes administered by that organization?**

30 The Forum may address this question in its reply.

***B. Allocation of funding***

**CRTC Q5. Is the CAB’s proposed funding allocation method adequate? Are there any other allocation criteria or measures that the CAB should put in place to ensure that the CRNF funds are fairly distributed?**

31 The Forum may address this question in its reply.

**CRTC Q6. In its plan, the CAB has proposed a 12% cap on the amount of funding that a station, or group of stations operated by the same licensee, in a given market, can receive from the CRNF. Should such a cap be adopted, and why or why not? If such a cap were adopted, should it be applied to each market or at the national level? Further, if adopted, should this cap be applied to individual licensees or ownership groups? Please explain your reasoning.**

32 Insufficient information is available from either the CAB or the CRTC to evaluate this question. The Forum notes, for instance, that based on the CRTC’s list of commercial radio stations, 77 companies (or ownership groups) control the 609 originating commercial radio stations outside the six ineligible urban centres, and that more than half (44 or 57%) of commercial radio station broadcasters operate more than one originating commercial radio station:

**Table 5 Commercial, originating radio stations by number of stations controlled**

Number of commercial, originating radio stations outside the ineligible urban centres, by number of stations controlled	Number of companies (or ownership groups)
1	33
2-9	28
10-19	7
20-29	3
30-39	1
40-49	2
50-59	1
60-69	1
70-79	0
80+	1
Total companies:	77

- 33 Despite the overall lack of objective data on the public record at the time of writing, however, the Forum agrees that a cap should be implemented that a few large ownership groups – say, the five companies that each control more than 40 radio stations – do not obtain funding that they do not need, to the disadvantage of smaller broadcasters that have had to reduce their expenditures on local news simply to remain on air.

**C. *Will the CRNF as currently proposed be transparent?***

**CRTC Q7. Are the CAB’s proposed reporting requirements sufficient to ensure the CRNF is operated transparently? If not, please detail which specific additional requirements are necessary and why.**

- 34 The Forum may address this question in its reply.

**CRTC Q8. What type of mechanisms, if any, should be put in place to monitor how the CRNF funding is used, while not unduly increasing the administrative burden on CRNF recipients?**

- 35 The Forum may address this question in its reply.

**CRTC Q9. Should fund recipients be required to report on how the funds received were used to meet the CRNF’s objectives? What indicators, if any, should be put in place to monitor the success of the CRNF?**

- 36 The Forum may address this question in its reply.

**D. *Will this fund be temporary or permanent?***

**CRTC Q10. Given that the CRNF will be a temporary fund, is three years an adequate timeframe for the review of the fund?**

- 37 When the Commission was considering commercial radio broadcasters’ proposal for “a temporary news fund”<sup>21</sup> it had from 8 May 2023 to 5 May 2024 published the possibility of holding a CRTC consultation on “news programming”. This possibility grew closer to reality from 6 May 2024 to 14 November 2024 when the CRTC’s regulatory plan stated that a CRTC “Consultation on news programming” in Spring 2025 “***will*** study how to ensure everyone has access to strong, high quality and diverse local and national news programming on TV, radio and online in Canada” [bold font, underlining and italics added].

- 38 The CRTC’s decision on 15 November 2024 to cancel the consultation it had intended to hold on “news programming” – an important premise considering that the CRTC uses its consultations to gather relevant evidence – means that during while the CAB and the CRTC were considering the operational plan for a fund to support commercial radio stations’ news, each ‘knew’ that a formal CRTC consultation process about local radio news was imminent.

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<sup>21</sup> BRP 2024-121, ¶¶156 and 170.

- 39 Given the CRTC’s decision on 15 November 2024 to cancel its consultation on news, the CRNF must be a temporary one, as too little objective evidence is available at present to determine its purpose, its accountability, its transparency and its prospects of success.
- 40 With this context in mind, FRPC believes the CRTC has no choice but to approve financial support for commercial radio stations **on an explicitly temporary basis** – to approve, in other words, not a CRNF but a TCRNF (Temporary Commercial Radio News Fund).

***E. CAB’s proposed outreach initiatives***

**CRTC Q11. Are the CAB’s proposed outreach initiatives adequate to promote the fund’s accessibility to all commercial radio stations outside of the designated markets, including stations serving Indigenous and ethnocultural communities? Are there any additional outreach initiatives that the CAB should implement? If so, please describe in detail the initiatives you suggest.**

- 41 The Forum may address these questions its final reply.

**CRTC Q12. Are there any potential barriers in the CAB’s proposed plan for the CRNF that could impact access for any of the groups mentioned in paragraph 17? If so, how significant is the impact, and what specific solutions would you suggest to address those barriers?**

- 42 The Forum may address these questions its final reply.



Monica Auer, M.A., LL.M.  
Executive Director  
Forum for Research and Policy in Communications (FRPC)  
Ottawa, Ontario

[execdir@frpc.net](mailto:execdir@frpc.net)



**Appendix 1 CRTC's 15 November 2024 regulatory plan**



# Regulatory plan to modernize Canada's broadcasting framework

The CRTC is moving quickly to implement the modernized *Broadcasting Act*. This regulatory plan sets out the consultations and public hearings the CRTC is advancing to modernize Canada's broadcasting framework.

## Key themes

- [High-quality Canadian content](#)
- [A sustainable broadcasting system](#)
- [Clear and predictable rules](#)

## Ongoing and upcoming consultations and public hearings

### Fall 2024

#### ➔ [Consultation on closed captioning](#)

| [High-quality Canadian content](#)

#### ➔ [Consultation on described video and audio description](#)

| [High-quality Canadian content](#)

#### ➔ [Consultation on Canadian television content](#)

| [High-quality Canadian content](#)

#### ➔ [Consultation on the modernization of radio processes](#)

| [A sustainable broadcasting system](#)

| [Clear and predictable rules](#)

#### ➔ [Consultation on a fund to support local news production by commercial radio](#)

| [A sustainable broadcasting system](#)



➔ Consultation on market dynamics and sustainability

| A sustainable broadcasting system

## Winter 2025

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➔ Consultation on audio policy

| A sustainable broadcasting system

➔ Consultation on public interest participation

| Clear and predictable rules

## Spring 2025

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➔ Public hearing on Canadian television content

| High-quality Canadian content

➔ Public hearing on market dynamics and sustainability

| A sustainable broadcasting system

➔ Public hearing on audio policy

| A sustainable broadcasting system



## Explore the full activity calendar

Discover the timeline of present and future activities related to the implementation of the modernized *Broadcasting Act*.

## High-quality Canadian content

High-quality Canadian content includes news, dramas, comedies, documentaries and other types of programming, including French-language programming. The consultations under this theme focus on ensuring that Canadians can easily find, watch, and listen to diverse Canadian and Indigenous content. Consultations will also focus on improving access to Canadian stories and voices across traditional and online platforms.

## Ongoing activities

### ➔ Consultation on Canadian television content

This consultation examines how to modernize the CRTC's definition of Canadian content for television and online programming, and support for Canadian content, including news.

**Status:** Open from November 15, 2024 to January 20, 2025.

### ➔ Consultation on described video and audio description

This consultation studies how Canadians who rely on described video and audio description can have access to barrier-free programming on traditional and online platforms.

**Status:** Open from September 19 to November 20, 2024.

### ➔ Consultation on closed captioning

This consultation studied how Canadians who rely on closed captioning can have access to barrier-free programming on traditional and online platforms.

**Status:** Open from September 10 to November 13, 2024.

## Upcoming activities

### ⋯ Research on discoverability

This third-party study, to be commissioned by the CRTC, will examine how Canadians find and discover content on traditional and online platforms. This study will form part of the record of the proceedings on tailored conditions of service.

**Status:** Planned for Winter 2025

### ⋯ Consultation on tailored conditions of service

This consultation will finalize the individual contributions and requirements for traditional and online platforms in Canada. These contributions and requirements will be established based on the findings of previous modernized *Broadcasting Act* consultations.

**Status:** Planned for late 2025

### ⋯ Consultation on diversity and inclusion

The CRTC will hold a series of consultations to look at how the broadcasting system can better reflect the experiences of all people in Canada and foster access to diverse voices and perspectives.

**Status:** Planned for late 2025

## ▼ What we have done

### ✓ Consultation on Indigenous broadcasting policy

This co-development process with First Nations, Inuit and Métis is a multi-phase consultation to gather views on how to support Indigenous broadcasters and creators, and ensure Indigenous stories and voices are represented, easily found and shared across all platforms (both traditional and online). Indigenous content definitions will also be co-developed through this process.

**Status:** Closed for comments. This consultation ran from March 22 to July 22, 2024.

### ✓ Consultation on official language minority communities (OLMC) and official languages

This consultation explored ways in which the CRTC can strengthen its consultation and engagement practices in proceedings relating to OLMC and official languages.

**Status:** Closed for comments. This consultation ran from September 9 to October 9, 2024 and until November 8, 2024 for members of OLMCs.

## A sustainable broadcasting system

The consultations under this theme explore how our broadcasting system can be financially resilient and capable of adapting to technological advancements and changing market dynamics. A system in which broadcasters contribute to the broadcasting system in the most effective and appropriate way. And a system that ensures continued support for Canadian and Indigenous programming, while promoting fair competition, diversity and innovation.

## Ongoing activities

### ➔ Consultation on the modernization of radio processes

This consultation examines proposals to provide traditional radio broadcasters with more flexibility while reducing administrative burden.

**Status:** Open from November 15, 2024 to January 20, 2025.

### ➔ Consultation on a fund to support local news production by commercial radio

This consultation considers the creation of a temporary fund that would support local news production by commercial radio stations in smaller markets outside of Montreal, Toronto, Vancouver, Calgary, Edmonton, and Ottawa-Gatineau.

**Status:** Open from November 4 to December 4, 2024.

## Upcoming activities

### ⋮ Consultation on market dynamics and sustainability

This consultation will focus on the sustainability of Canada's broadcasting system by examining the market dynamics between small, medium, and large players operating traditional and online platforms, and access to the system by a diversity of players, including rules to foster equitable participation and dispute resolution.

**Status:** Planned for Fall 2024

### ⋮ Research on discoverability

This third-party study, to be commissioned by the CRTC, will examine how Canadians find and discover content on traditional and online platforms. This study will form part of the record of the proceedings on tailored conditions of service.

**Status:** Planned for Winter 2025

### ⋮ Consultation on audio policy

This consultation will look at certain aspects of the radio and audio industry in Canada, including how to support Canadian music and other audio programming. It will also look at how audio players contribute equitably and meaningfully to the strength and diversity of the Canadian broadcasting system and what regulatory obligations should exist.

**Status:** Planned for Winter 2025

## ▼ What we have done

### ✔ Independent Local News Fund

This consultation reviewed the fund's eligibility criteria and allocation method to ensure a fair, simple, and appropriate distribution of funds to current and future recipients.

**Status:** Closed for comments. This consultation ran from July 23 to September 6, 2024.

### ✔ Base contributions to the Canadian broadcasting system

The consultation focused on whether there should be a base contribution made by online streaming services in the broadcasting system to support Canadian and Indigenous content. It considered which online streaming services should contribute, how much, and how.

**Status:** Decision issued. This consultation ran from May 12, 2023 to July 11, 2023.

## Clear and predictable rules

The consultations under this theme focus on establishing a transparent framework for traditional and online platforms, ensuring fairness and consistency in the regulatory environment. Clear and predictable rules will facilitate informed decision-making, promote compliance, and help all stakeholders understand their rights and responsibilities within the broadcasting system.

### Ongoing activities

#### ➔ Consultation on the modernization of radio processes

This consultation examines proposals to provide traditional radio broadcasters with more flexibility while reducing administrative burden.

**Status:** Open from November 15, 2024 to January 20, 2025

### Upcoming activities

#### ⋮ Consultation on public interest participation

This consultation will explore new ways to fund the participation of groups that represent the public interest in CRTC proceedings.

**Status:** Planned for Winter 2025

#### ⋮ Consultation on tailored conditions of service

This consultation will finalize the individual contributions and requirements for traditional and online platforms in Canada. These contributions and requirements will be established based on the findings of previous modernized *Broadcasting Act* consultations.

**Status:** Planned for late 2025

## ▼ What we have done

### ✓ Registration of online streaming services

This consultation considered how the registration of online streaming services should be done and identified who will not be required to register.

**Status:** Decision issued. This consultation ran from May 12, 2023 to June 12, 2023.

### ✓ Exemption orders and basic conditions of service

This consultation considered whether certain exemption orders relating to online services should be repealed, amended or replaced, and whether to impose basic conditions of service on certain online services operating in Canada.

**Status:** Decision issued. This consultation ran from May 12, 2023 to June 12, 2023.

### ✓ Broadcasting fees

This consultation reviewed the regulatory fees paid by Canadian broadcasters and how they should be extended to online streaming services.

**Status:** Decision issued. This consultation ran from August 23, 2023 to September 22, 2023.

### ✓ Consultation on official language minority communities (OLMC) and official languages

This consultation explored ways in which the CRTC can strengthen its consultation and engagement practices in proceedings relating to OLMC and official languages.

**Status:** Closed for comments. This consultation ran from September 9 to October 9, 2024 and until November 8, 2024 for members of OLMCs.

#### **Date modified:**

2024-11-15





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