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May 29, 2015

Stephen Simpson, Commissioner  
Canadian Radio-television  
and Telecommunications Commission  
Ottawa, Ontario, K1A 0N2

Commissioner Simpson:

1. We are writing on behalf of the National Campus and Community Radio Association/ l'Association nationale des radios étudiantes et communautaires (NCRA/ANREC).
2. As you know, the NCRA/ANREC is a not-for-profit national association working to recognize, support, and encourage volunteer-based, non-profit, public-access campus and community-based broadcasters in Canada. We provide advice and advocacy for individual campus and community ("c/c") stations, and conduct lobbying and policy development initiatives for the sector with a view to advancing the role and increasing the effectiveness of our sector. Our goals are to ensure stability and support for individual stations, and to promote the long-term growth and effectiveness of the sector. We currently represent more than 85 member radio stations.
3. Our members are all registered not-for-profit organizations – some are societies and corporations, others are cooperatives – that are dedicated to fulfilling the terms of CRTC 2010-499. There is considerable diversity amongst our members and they range from tiny rural community stations with no staff and annual budgets

under \$5,000 (like CHCR-FM in Killaloe, ON), to medium sized campus stations with student levy funding and institutional support (like CKDU-FM in Dalhousie, NS), to large urban community stations with 400 volunteers (like CFRO-FM in Vancouver, BC). Despite their differences, these stations share common goals like providing community access to training and on-air opportunities, fostering community involvement in their decision-making, supporting local artists, and providing listeners with locally-focused spoken word content and music not heard elsewhere on the radio dial.

4. Even our largest members struggle financially to some degree. Although many generate revenue by selling advertising, some have made commitments to their listeners not to carry advertising and rely solely on a combination of donations, sponsorships, grants, and student fee levies. Those with the highest budgets exist in the largest urban centres and therefore also have the highest costs, in terms of providing training and supervision to large numbers of volunteers, which requires additional staff, equipment, and studio space. Many of our smallest stations have no staff at all and function solely based on volunteer labour.

5. Our members can also boast many laudable achievements, including producing innovative documentaries on important local and national issues, developing high quality music and spoken word programs (some of which are syndicated across the country), working with children and students through summer camps and school collaborations, putting on successful live shows and providing opportunities for live on-air performances and recordings of local artists, raising substantial funds for projects like increasing their signal strength or purchasing new studio equipment, creating opportunities for seniors to take training and participate in programming, welcoming volunteers with physical and intellectual disabilities, and engaging their communities in increasingly creative ways.

6. In this context, our members are generally keen and eager to achieve regulatory compliance, and they are constantly seeking clarification regarding what is required of them. We understand that many policy areas are grey and context specific, and the Commission cannot provide black and white answers to hypothetical questions. However, this desire to comply and understand the requirements is what drives many of our requests for information and changes to the Commission's policies and procedures.

7. Last year at the National Campus and Community Radio Conference in Victoria, BC, you hosted a session hosted on Thursday, June 5, 2014 about the CRTC's 3-year plan. During the session, a number of delegates from member stations suggested changes or improvements that could be made to CRTC policies and procedures to assist us in fulfilling our mandate. Some of those delegates

expressed frustration that the Commission has often deferred our sector's suggestions for changes until distant future policy review proceedings rather than addressing them sooner.

8. In response you suggested that if we gave you a list of our top 10 requests, you might be able to do some work advocating for them on our behalf outside of the policy review process. You said that aside from a call for comments, they could also possibly be addressed by way of a "white paper exploratory process".

9. Since your session ended in June 2014, we have been obtaining input from members, compiling a list of ideas, and reviewing and re-formulating the list. Although it has taken considerable time, the list is now complete; it is provided below and organized by topic.

***Community Radio Fund of Canada ("CRFC") and Canadian Content Development ("CCD")***

1) Allow the CRFC to allocate CCD money to the campus and community ("c/c") radio sector for new uses, as follows:

- Stations purchasing or developing fixed assets (e.g. equipment and technology). This could include allowing stations to purchase new studio or transmission equipment, and technological solutions (e.g. automated broadcasting software) that would assist them in maintaining regulatory compliance or assist them with online broadcasting so they can maintain or increase the size of their local audience.

- Conducting research projects that would benefit stations by studying the introduction of digital radio, and how c/c stations can prepare for that change.

2) Relax CCD restrictions so commercial stations can make CCD contributions directly to local c/c stations to run local talent development projects.

Currently many commercial stations run their own local talent development projects, which in some cases compete with initiatives of c/c stations and disrupt c/c stations' relationships with local arts organizations, festivals, venues and artists. We believe this problem could be addressed by allowing and encouraging commercial stations to work directly with c/c stations to carry out their CCD requirements. Often c/c stations have the best access to local artists, and it would benefit all involved to facilitate and support that access.

## ***Commission Practices and Services***

3) Improve ways for stations to communicate with CRTC, get answers to questions, and obtain information. We suggest the following changes:

- Improve the small undertakings single point of contact line. Initially the staff who answered the line were very helpful and responsive. In the last couple of years, staff have been taking longer to respond to messages left by stations on the line's voicemail and providing information to stations that is incomplete or conflicts with information obtained by the NCRA Executive Director from other Commission staff. Staff who answer the small undertakings line also often relay information they obtain from other CRTC staff without understanding the issue well enough to answer follow-up questions from the caller.

We suggest: (a) providing more training for staff who answer the line, (b) improving response times, and (c) allowing staff to refer callers to other more specialized CRTC employees so they can answer questions directly rather than relaying information through the small undertakings line staff.

- Establish a mechanism that stations can use to confirm the status of their Annual Returns filings for the current year, double check Annual Returns and compliance from past years, access copies of their broadcasting licences, etc. This could be done by improving the small undertakings line, or by establishing a password-protected online portal through which stations can view documents in their files. Stations would find this extremely helpful in preparing applications for licence renewals and licence amendments. It would also help when station staff change so new staff can address problems or deficiencies that may have been left by previous staff. Our members become very frustrated when they are notified at licence renewal time that they may have been in non-compliance earlier in the licence term but could not find out or take steps to address it prior to initiating the licence renewal procedure.

- Simplify and improve the annual returns online process by: (a) improving the annual returns forms by creating a single online form with multiple subsections (rather than requiring stations to complete and submit numerous separate forms), and (b) add a feature allowing stations to save and print copies of their own completed annual returns forms at the time of filing so they have a record of what was filed.

## ***Commission Policy Changes***

### 4) Consider making policy changes in the following areas:

- Modernize the music content categories by re-categorizing some hip hop, soul, and electronic music to category 3 or providing an allowance for new or emerging sub-genres to be considered category 3. The current categorization provides a disincentive to stations to broadcast music in new and emerging genres if it would be considered category 2 because there is insufficient Canadian content available in those genres to meet the requirements. We are aware that the Commission does not plan to review content categories in the near future, however our members frequently raise this issue and we ask the Commission to consider reviewing the categories in the near future.

- Re-consider the position set out in CRTC 2013-620 regarding the exemption order for low power stations that provide tourist information. In particular, the Commission stated in paragraph 9 of that decision that “the usual spectrum management process will ensure that proposals for campus and community radio stations have a fair chance to be implemented. It is of the view that the easiest solution for a group wishing to launch a community or campus station in an area where frequencies are scarce is to apply to operate the station on a protected frequency. The Commission notes that the cost to implement a station with a power slightly more than 50 watts, which would enjoy protected status, would not be substantially more than that to implement a low-power station.” We believe this illustrates a misunderstanding by the Commission about the cost to implement a new station and the options available to community groups.

In some locations (e.g. the Okanagan Valley in BC and areas just outside the GTA), there are no full power frequencies available, and groups wishing to establish and maintain radio stations are limited to low power options. In some of those locations, they must compete for spectrum not only with commercial radio stations and CBC, but also with tourist information stations (and religious radio repeaters and marine and resource road radio services). The Commission’s statement that the easiest solution is to apply for a protected frequency appears to undermine community groups’ use of developmental licenses (which are low power by definition) to begin broadcasting. It also appears to misunderstand the challenges faced by new groups when they attempt to fundraise \$3000 to \$8000 for engineering reports (which are not required for low power applications) before applying for a full power license.

- Require Sirius satellite to carry some c/c radio content. The NCRA/ANREC filed a letter with the Commission dated November 4, 2005 regarding CRTC Public Notice 2005-94 in which we discussed the importance of the satellite radio services (XM

and Sirius) and the terrestrial service proposed by CHUM contributing to the development of local c/c radio and providing access to their distribution technologies by carrying some c/c radio content on their services. Although commitments to the c/c radio sector were made by at least two of the services in the context of that proceeding, it does not appear that any of the services has ever fulfilled those commitments or carried any c/c content.

- Update the definition of “Canadian” in the Direction to the CRTC (Ineligibility of Non-Canadians) (SOR/97-192) so the concept of “permanent resident” is consistent with the definition of “permanent resident” in the Immigration and Refugee Protection Act (S.C. 2001, c. 27). Currently s. 1 of the Direction limits permanent residents to those who have been ordinarily resident in Canada for not more than one year after the date on which they first became eligible to apply for Canadian citizenship. This limitation unduly restricts stations' choices of board members, particularly stations that carry a significant amount of third language and cultural or ethnic content and wish to have representatives from those groups on their boards of directors. Applying for citizenship is an expensive and lengthy process, and permanent residents who have not completed the process within a year should not be precluded from counting as “Canadian” on a licensee’s board of directors. We recognize that amendments to the Direction are not within the complete control of the Commission, but we encourage the Commission to take steps to make this change if possible.

We believe these suggestions are practical and reasonable, and we would be pleased if the Commission would consider implementing any or all of them. We would be pleased to discuss these suggestions with you in more detail – by phone or in person in Ottawa/Gatineau or Vancouver – and we look forward to hearing back from you to set up a time.

Sincerely,



Freya Zaltz  
Regulatory Affairs Director  
NCRA/ANREC Advisory Board



Barry Rooke  
NCRA/ANREC Executive Director

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