

TRANSCRIPT OF PROCEEDINGS BEFORE THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

SUBJECT: To consider the broadcasting applications listed in Broadcasting Notice of Consultation CRTC 2010-146

HELD AT: Doubletree International, Plaza Hotel Toronto Airport, 655 Dixon Road, Toronto, Ontario

— — Excerpt

Transcripts: In order to meet the requirements of the Official Languages Act, transcripts of proceedings before the Commission will be bilingual as to their covers, the listing of the CRTC members and staff attending the public hearings, and the Table of Contents. However, the aforementioned publication is the recorded verbatim transcript and, as such, is taped and transcribed in either of the official languages, depending on the language spoken by the participant at the public hearing.

4100 We will now proceed with the National Campus of Community Radio Association. Appearing for the NCRA is Shelley Robinson. Our legal counsel, Crystal Hulley, will now swear in the intervener.

AFFIRMED: SHELLEY ROBINSON

4101 THE SECRETARY: You may now begin with your 10-minute presentation. Thank you.

INTERVENTION

4102 MS ROBINSON: Good afternoon. I appreciate the opportunity to appear before you. My name is Shelley Robinson and I am the Executive Director of the National Campus and Community Radio Association / l'Association nationale des radios étudiantes et communautaires, also known as NCRA/ANREC.

4103 The NCRA/ANREC is a not-for-profit group committed to volunteer-driven community-oriented radio across Canada. We have more than 75 members and our goals are to ensure stability and support for individual stations and to promote the long-term growth and effectiveness of the sector.

4104 We are here today to support CKLN in the work they have done to come into regulatory compliance. We also want to ensure, through ongoing work with our members and consultation with the Commission, that the kind of crisis experienced by CKLN is never repeated at CKLN or any other campus or community station.

4105 We recognize that compliance and accountability to broadcasting legislation and policies are of utmost importance and it is the responsibility of every broadcasting licensee to be fully apprised of its regulatory obligations and responsibilities.

4106 We also appreciate that the Commission views each licensee as one continuous entity regardless of which individuals are responsible for its governance at any one point in time.

4107 However, we believe that the focus in this situation should be on the steps that the current CKLN board of directors has taken to rectify past mistakes it inherited rather than created.

4108 We also note that governance work can be thankless at not-for-profits stations where volunteer boards are held responsible for any problems that arise. Board members do this work regardless because they believe their stations are valuable to their communities.

4109 Just how thankless this work is or has been for the current CKLN board can be seen by the numerous complaints the board has fielded about improper practices, failures, incidents and actions. Some of these complaints are clearly outside the regulatory scope of this proceeding, some are without merit and others are valid concerns. All of them have been treated seriously and with due process.

4110 It is hard, however, for us to understand why some people would prefer CKLN to have its licence revoked than to put their differences aside and support the station as it moves forward. From our perspective, it would be a huge loss to see any campus community station, but particularly one like CKLN, have its licence revoked.

4111 In its 27-year history CKLN has been known as a distinct voice of the underground featuring unique spoken-word and music programming, which other people have told you in much better detail than I can go into, produced by a diverse pool of committed volunteers. It is a hub of community and cultural expression in downtown Toronto and amplifies the voices of those underrepresented in other media, including youth, people of colour, new Canadians, and the queer community.

4112 CKLN is also known for its contributions to the NCRA's best practices and key projects over the last 20 years, including proposing their annual Women in Radio Conference, the Aboriginal opening ceremony performed by local elders at our national conferences, greater inclusion of persons with disabilities at our stations, and the development of equity and anti-oppression policies throughout the sector.

4113 Though not intended as such, the seven months since this hearing was adjourned have been a test of CKLN's ability to come into regulatory compliance and maintain these changes while fulfilling the broader mandate of what it means to be a campus-based community radio station. And we believe they have passed this test.

4114 In terms of the specific areas of noncompliance cited by the Commission in the Notice of Consultation and subsequent letter, we have a few comments based on our understanding of the sector as a whole as well as the changes CKLN has made in addressing their previous deficiencies.

4115 Regarding the failure to file annual returns and respond to inquiries, we can only say that we believe it is unclear, even to the current board of directors, why the previous board and staff did not comply with these regulatory responsibilities. The current board clearly understands that these are mandatory requirements and have rectified all previously outstanding unfiled returns, completed all incomplete audits, and responded within a reasonable timeframe to all Commission correspondence and listener complaints.

4116 Regarding the sound quality of audio recordings, we note that many stations in the C&C sector have encountered similar problems due to a lack of funds to purchase new and reliable equipment.

4117 You heard during the recent campus and community radio policy review about the financial realities faced by our stations that result in many using unreliable equipment. Many stations also face problems with frequent volunteer turnover and insufficient technical expertise to troubleshoot problems with their audio equipment. This doesn't excuse stations from complying with the requirements to maintain intelligible recordings, but it is a reality we believe should be kept in mind by the Commission in determining the appropriate response to these types of infractions.

4118 In addition, CKLN has subsequently installed a new computer-based logging system, upgraded their soundcard to ensure improved sound quality and added a backup. So even if there is a problem with one, they will have a second.

4119 Regarding CKLN's use of a jazz format and lack of volunteer involvement before the governance conflict resolved, the station has been

running a wide range of music and spoken-word programming since October, 2009. They now also have a volunteer roster, as you have heard, of more than 170 on-air volunteers, including former programmers and Ryerson students. And the board is aware of its responsibilities under the campus radio policy regarding diverse local content and student, university and community involvement.

4120 Regarding the insufficiencies with CKLN's by-laws, the board has made extensive revisions to meet CRTC board composition requirements and rectify other problems and has scheduled, as you know, a special general meeting to present and approve these changes.

4121 Regarding the RSU CKLN ownership and control issues, we note that for most licensees that broadcasts can transmit from rented premises. And this is almost all campus and community radio stations across Canada. The landlord frequently retains some measure of control over the premises, particularly in the face of serious security concerns. So it is not surprising that this could result in a landlord exercising ownership and control in extreme situations such as the one that occurred at Ryerson.

4122 Similarly with the student levy, we note that it may not be unusual for student unions to apply basic safeguards and conditions to the process of dispensing funds to stations that they have collected from students, particularly where there are serious concerns about the stability or identity of the station's governing body.

4123 CKLN has since developed a strong working relationship with both the PALIN Foundation and the Ryerson Students' Union and there is a willingness on all sides to amend CKLN's written agreements to address the Commission's concerns.

4124 To that end, and as referenced in a letter we wrote to the Commission on this issue in June, we propose a broader review of all agreements in place between campus and community radio stations,

landlords and bodies dispensing student levies to develop recommendations for the sector in drafting these types of agreements.

4125 Regarding CKLN's lack of paid staff and financial difficulties, we note that this is also not unusual across the C&C radio sector. And in fact, I would note that \$240,000 a year would put them easily in the top half of what most C&C stations get by on.

4126 The vast majority of campus and community radio stations have few or many even have no staff. We don't believe that this should be seen as an indication that a station would be unable to provide effective and compliant broadcasting services.

4127 We feel this is particularly true, given all CKLN's volunteer board and programmers have accomplished in the last few months. Further, CKLN has also eliminated their debt, reinstated the student levy and begun fundraising. In fact, just completed fundraising in an effort to hire permanent staff and replace equipment. This will help ensure the continued adherence to regulatory requirements and volunteer training.

4128 Regarding CKLN's noncompliance in the area of program logs, we note that stations in the sector have had ongoing difficulty understanding the specific requirement for collection of information. Again, this does not excuse stations from complying with the requirement, but it does highlight the fact that CKLN's difficulties in this regard are not unusual.

4129 CKLN worked with the NCRA to create new and compliant program logs that have been in use since this past spring. And we are continuing to work with other members in this area.

4130 In conclusion, the Commission has acknowledged the valuable contribution of campus and community broadcasting services to the Canadian broadcasting spectrum in its diverse local content and pool of dedicated volunteers, in its community outreach and national leadership. CKLN has demonstrated some of the best of Canadian community radio. In

its internal strife and regulatory noncompliance it showed some of the worst, and it serves as an important warning to other campus and community radio stations.

4131 However, the strides CKLN have since made in coming into regulatory compliance, combined with its ongoing commitment to the other parts of what it means to be an accountable community broadcaster are heartening.

4132 As a result, we strongly discourage the Commission from revoking CKLN's licence and instead encourage the Commission to take a constructive approach to the situation to ensure that CKLN can provide continuing future service to the greater Toronto community.

4133 We therefore recommend a renewal period of two years. In the meantime, we believe both the Commission and the NCRA can play a role in providing ongoing support to assist CKLN in maintaining its new and improved services and ensure continued compliance, thereby preserving the existence of a vital and remarkable broadcasting service. Thank you.

4134 THE CHAIRPERSON: Thank you.

4135 I would ask Commissioner Molnar to begin the questioning.

4136 COMMISSIONER MOLNAR: Thank you, and good afternoon.

4137 I want to just acknowledge something you said, where you have said:

"We acknowledge the valuable contributions of community and campus radio within the broadcasting system."

4138 And that is true. So this is a very significant hearing we are having here today.

4139 I want to move then to your conclusion, where you say:

"...we believe both the Commission and the NCRA can play a role in providing ongoing support to assist CKLN in maintaining its new and improved services..."

4140 I know that you stated in your letter and brought up here as well the role you played in helping them to redesign their paper logs to ensure compliance.

4141 Over and above the paper logs, have you had other -- have you taken other initiatives to work with or help CKLN through this process?

4142 MS ROBINSON: Absolutely, and I don't want to take the credit personally. So Freya Zaltz, whose name has already been mentioned here today, is our regulatory affairs director and she has been on the NCRA board for seven years.

4143 She is a lawyer and she has been tireless in working with the CKLN board and particularly in responding to the complaints in terms of helping them go over them, what is the appropriate way to do this, helping them with their presentation here today, helping them prepare for their presentation in May, helping make sure that they are -- actually, we both went but mostly Freya -- going over their agreements with the PALIN Foundation, going over their agreements with the student union, just all kinds of things. Absolutely.

4144 COMMISSIONER MOLNAR: Thank you.

4145 As you know, I am sure you have sit here through the day, one of our key issues here is do we believe they can continue to operate, both get in compliance -- and there are some areas that have not been corrected -- both can they get in compliance and can they stay in compliance.

4146 So where you have said you have worked with them to address their complaints, to review their agreements and so on, what would you see to be your ongoing role with this organization?

4147 MS ROBINSON: Absolutely. Well, one of the things would be, as we mentioned, about the letter of June. So if the Commission feels like there are --

4148 COMMISSIONER MOLNAR: I think that sounds like a role you suggest we are to undertake.

4149 MS ROBINSON: No, absolutely not.

4150 COMMISSIONER MOLNAR: Okay.

4151 MS ROBINSON: No. We want to take that in conjunction. So we are asking for the Commission's guidance on that issue, but in terms of helping stations implement that, we are not expecting the Commission to do that, but we would help our members.

4152 So what this means is if the Commission gives us a direction to say, in general, we think that we need certain kinds of provisions about student levies or about lease agreements, then we would work with our members to say, okay, this is the kind of thing you need to work with your landlord about and with your student union on, and we would disseminate that information. So that is a major one.

4153 Additionally the checklist that came up earlier today. So in fact, we have already met with Commission staff to develop a series of one-pagers about various issues and one of them is a checklist so that every station who is our member -- and we will translate it into French and disseminate it to the other associations and other stations as well -- would be able to say at a glance, okay, so are we good with our Cancon, do we have everything we need for our program logs, are we good for Category 3, are

we good for reporting on our alcohol advertising, you know, just an automatic checklist that they can do.

4154 Though, the requirements are often confusing. We have stations that because of CKLN's experience came to me and said, you know, what really does need to be in a program log, and so as a result we were able to help them.

4155 So it is not just sort of stations in crisis. I think a lot of what happened at CKLN is the governance issue raised some of the underlying issues, and as a result we are using that as an opportunity to work with other stations to address those things.

4156 COMMISSIONER MOLNAR: Thank you.

4157 I do just want to talk about your experience with community and campus overall and I know you touched on it in your comments that there are situations here with CKLN that are not unique to CKLN.

4158 For example, the fact that CKLN appears to have no paid staff or have no paid staff and are running solely by volunteers and it is a working board with limited time that is keeping this organization running, you say that that is not unique?

4159 MS ROBINSON: No. Actually when this came up I started making a list, but it was -- we have 81 members and probably about 72 maybe are licensed. So I can't get them all right off the top of my head.

4160 Most of the ones that have no staff are community stations, and so off the top of my head I identified one, two, three, four, five community stations that have no staff at all and there are a couple of stations that have had no staff at periods.

4161 Then there is one station in particular that has had a volunteer station manager for eight years. So the person is doing all the same responsibilities as a full-time job but unpaid.

4162 Then I also highlighted in my notes when I was making them that one of the stations that came to me with questions about a log had paid staff.

4163 I think it is important to note that it is really great to have staff for consistency. I have been staff at a station, but staff take their lead from precedent and from a good solid board.

4164 So a lot of the things that happened with CKLN being non-compliant before were when they had paid staff. So what you need is a board that makes sure you have good processes and then a staff that implements them. So that is on the community side.

4165 On the campus side, there is no station that permanently has no staff that I can think off the top of my head, but I did think of four that either now or in the recent enough past that I can think of it have had interim periods of no staff, where only volunteers and particularly the board are running the station.

4166 COMMISSIONER MOLNAR: Can you tell me -- and I am going to speak campus because I do see, you know, the fact that there are student levies, and particularly, as you noted with CKLN, it is in the top half of their revenue-generating through the student levy. It is a significant amount. It is a stable funding amount of money provided all the time. So let's talk about campus here.

4167 In the campus stations, who normally is responsible for regulatory compliance?

4168 MS ROBINSON: I would say, well, it depends.

4169 So in stations that have a program director -- I mean a lot of stations have different titles for different things. So program director would be one of the titles that is most often used for that.

4170 In some places they have a station manager who also does some of that responsibility and then the other staff are maybe a music director. Yes.

4171 So to give a specific title, most often it is probably program director. Yes. But there is definitely, you know, a person who is responsible for following up to make sure that, for instance, logs are compliant.

4172 COMMISSIONER MOLNAR: And in this situation there is --

4173 MS ROBINSON: In this situation, actually, after the panel, I was unclear, so I asked the current board very detailed questions about this so that I could answer this question intelligently.

4174 So once they put into place the new compliant program logs, Ron Nelson chiefly puts out the new ones every week into the studio, and those are by show and by programmer so that they are specific and they are labelled so that they always know which goes where. And then he collects them once a week and they have all been filed.

4175 Now, he and Bryce do do spot checks. Now, obviously, because even though they are working a lot at the station and volunteering a lot, they are not absolutely going through every single one. I am not even sure, to be honest, that every program director at every station would do that.

4176 But they are doing spot checks, and because there is this plan to get somebody in as a staff person who would be responsible for doing that, I feel like we can say with a great deal of confidence that if they have the program logs and we know that those logs themselves are collecting the information that tracks compliance and they have processes for distributing those and for archiving those and doing spot checks and we

know that they are getting a staff person who can fill in the holes, then we do feel with a great deal of confidence that they can maintain that compliance.

4177 COMMISSIONER MOLNAR: Okay. Thank you for that.

4178 Just on the issue of the program logs -- and this is just confirmation for my understanding or yours -- in paragraph 12 of your statement you say:

"In addition, CKLN has installed a new computer-based logging system and added a back-up."

4179 I understand that has not yet been completed.

4180 MS ROBINSON: No, this is the digital logger. I am sorry that it is unclear.

4181 So one is the program log, the handwritten log that the programmer says, you know, I did a station ID at this time and I played this song and this is the artist.

4182 Then the other one is the audio recordings so that if the CRTC gets a complaint and you want to hear, then -- and so that is what was inaudible before and that is what they now have a back-up for and a new computer.

4183 COMMISSIONER MOLNAR: Okay.

4184 MS ROBINSON: Yes.

4185 COMMISSIONER MOLNAR: Okay. Thanks.

4186 And just another point of clarification.

4187 Where you said:

"The current board clearly understands..."

4188 This is paragraph 11.

"...clearly understands these are mandatory requirements and have rectified all previously outstanding unfiled returns, completed all incomplete audits and responded within a reasonable time frame to all Commission correspondence and listener complaints."

4189 Our information and what is on the record here indicates that they have not filed all outstanding unfiled returns in a manner compliant with our requirements. Do you understand something different?

4190 MS ROBINSON: Are you talking about because of the financial year situation?

4191 COMMISSIONER MOLNAR: Right.

4192 MS ROBINSON: Right. That is something that I don't understand different. I thought that they had filed everything correctly and so if that is something -- an issue that they need to address, changing the period of reporting on the financial statements, then that can absolutely be undertaken quickly to be fixed.

4193 COMMISSIONER MOLNAR: Okay, thank you.

4194 I want to turn back again to your experience with the sector.

4195 We talked a little bit earlier today about the financial resources available to CKLN, significant amounts through student levies and for the past couple of years pretty much insignificant amounts through advertising, sponsorship or other.

4196 I wondered, based on your experience, what is normally the breakdown of revenues for a campus station between the various categories of revenue?

4197 MS ROBINSON: I would say that I am fuzzy on this. My own experience is that I used to be Station Coordinator at CKDU in Halifax and we would have been ecstatic to get the much lower advertising rates that CKLN got.

4198 When I was there, we were pulling in \$7,000 a year in advertising and that was not collected but merely sold. Our collections were much lower than that.

4199 I do think that a diversity of revenue sources has been identified as a problem for the sector and so I actually think CKLN in its heyday was probably one of the better stations in terms of it had strong advertising. It has pretty strong fundraising; \$50,000 is, again, pretty strong. There are some that have higher, but I would say that is above average. And then with the student levy.

4200 So I feel like they used to be very strong. They have obviously taken a hit. Part of that is a necessary -- not necessary but an easy to understand situation. Given that they had the turmoil, they largely sort of stopped broadcasting in a normal format.

4201 So I think if they continue with this, their advertising should get back up to sort of, you know, relatively similar levels. And their fundraising has already been shown. They got \$50,000, that is great, and they can probably get higher.

4202 So I think that that is significant, plus now with the CRTC contributing Canadian content development requirements through the Community Radio Fund of Canada, they have another source of potential revenue which is through the Community Radio Fund. So that only kind of

gives them another option as well as other grant-seeking, which is something that some stations do.

4203 So I would say right now they are average, if not still maybe slightly above average. It is a problem for the sector, diversity of revenue. So I would say they are about average, maybe slightly above, and certainly, they were quite healthy before, which is where, you know, the aim is to get them back to.

4204 COMMISSIONER MOLNAR: Okay. Thank you for that.

4205 One more based on your knowledge of the sector.

4206 It appears with CKLN that they have a somewhat distant relationship with the university administration and even participation by students or maybe just recently increased participation by students, but still, the question, I think, is there as it regards their relationship with the faculty and the administration of the university.

4207 I wondered, is this a unique situation in the sector or is this something experienced by others?

4208 MS ROBINSON: I would say it is not unique. I do think that the change to their bylaws that will add a position specifically for Ryerson faculty or staff will help to some degree.

4209 I think also they have undertaken changes, and that mindset, those kinds of changes make a difference, so doing outreach particularly to students.

4210 I know some stations have done things -- like they will do shows about research so that they can have professors on. So even if -- it is hard sometimes to get professors or university staff to do regular shows, but to create opportunities for them to come in and contribute. So that is something that they could probably do more of.

4211 But in general, and again speaking to my own experience at CKDU, I started as a student at that station, but in general there was a constant challenge to try and bring students in. I think that that is a common reality.

4212 COMMISSIONER MOLNAR: But you believe they can be successful in meeting the requirements? Yes. Okay.

4213 So let me talk about the outcome of this proceeding.

4214 The record indicates that there has been very significant, severe and protracted non-compliance with what I view to be relatively limited requirements for campus stations relative to the privilege of broadcasting.

4215 In your file documents you spoke quite adamantly that there should be no mandatory orders and here today you suggest that there should be a two-year renewal period and that should be the sanction.

4216 So I guess I am just wondering, given the evidence of non-compliance, given the extent of it, given the protracted nature of it, and, frankly, given some questions as to whether or not they are fully in compliance today, without, you know, a strong governance model -- and I am not talking that there are not passionate people on the board today, but that some of the structural policies, guidelines, procedures and so on, checklists and so on that can help govern an operation on a day-to-day basis may not all be in place.

4217 The notion that the outcome of this would be simply a two-year renewal without mandatory orders, without any potential suspension of their licence or, frankly, one of the matters being considered here, as you know, in the Public Notice is revoking the licence, if the actual outcome was simply a two-year renewal, what kind of signal do you think that gives to the broadcasting system and to other community and campus radios about the very important obligation they have to comply for the privilege of broadcasting?

4218 MS ROBINSON: Thank you for the question. It was a question that I wanted to address earlier when it came up for the CKLN panel.

4219 I think the sector would take that -- I think they have already shown in a lot of ways that they think that this is very serious and a kind of cautionary tale.

4220 And so in so many ways we feel that community radio is doing so well these days. You know, we have a new policy and we have some new funding and it is really picking up momentum. And there are great things that are being accomplished, as evidenced by the volunteers who came and spoke about all the things that they are doing.

4221 But I do think it also shows that it is very delicate and that if people aren't taking their requirements seriously, then they can lose it.

4222 And so I think that a shortened period to two years is chastening, is scary to a lot of people.

4223 The renewal process -- I have stations who are set to renew this coming year and I have received three calls, which is kind of unprecedented. People don't tend to reach out for renewals. But they are nervous and they want to make sure, like how can we get ready now because our renewal is coming up in August.

4224 So I think that in many ways other stations have already learned from the CKLN experience.

4225 It was certainly a fractious issue within the NRCA and it has been talked about at the NCRA quite extensively at our conferences and also on our listserves, and we were happy to have them back as full and participating members and they are contributing to the listserve now.

4226 So I think a two-year licence doesn't show people, oh, they got off really easy. I think the seriousness of this proceeding, I think the stakes of what they could lose is serious enough that people don't need to see a mandatory order or a temporary suspension to know that this is grave.

4227 COMMISSIONER MOLNAR: Okay, thank you. Those are my questions.

4228 THE CHAIRPERSON: Thank you.

4229 I am going to pick up on that comment before passing it on to the fellow commissioners.

4230 By virtue of the fact that you are suggesting a two-year renewal, you are recognizing that there has been a transgression.

4231 Here is the problem. They are not up for renewal. They are on a seven-year licence that started in 2007, that goes to 2014. We can't renew their licence in the middle of the term. It is not renewable in the middle of the term.

4232 The reason they are here and the reason we are here today is because of the concerns and the complaints that were raised and what actions we have to take amongst the various choices we have. One of those choices is not to reduce the licence from expiring in 2014 to 2012 or 2011 or whatever the year is. It doesn't work. It can't be done. I don't think it has ever been done before.

4233 So the issue is, one, they recognize that they basically have crossed the line on a number of occasions. You have recognized that there needs to be a message sent as well and your proposal, unfortunately, from my perspective, is not a viable one.

4234 So if you have any other ideas, welcome to hear them. That is why we initially came out with the three ideas that we had, that if we are to do

anything at all, it would be either a mandatory order, a suspension or a revocation because those are the only tools that we think we have in our toolbox.

4235 MS ROBINSON: Well, I absolutely appreciate the clarification and my apologies for the mistake. I also obviously wish that that was an option given that that is what we have proposed.

4236 I think suspension and revocation, we could never say that we would support. We think that it would do irrevocable damage to the station, to the community, to the sector.

4237 I think a mandatory order, the reason that we wanted to take a stand against it is because we feel -- we wanted to do a joint -- we wanted to send two messages to CKLN, one which was absolutely to say that this is a serious issue and then the other one to also say, now that you have addressed some of the most outstanding pressing problems and you are right on the precipice of basically ensuring compliance by hiring staff, therefore, you know, monitoring the logs that you have put into place, those things, that you can get on with the business.

4238 Campus and community radio stations have to balance their responsibilities, and obviously their regulatory responsibilities are chief, but they also have to do all those other things that they have to do, which is community outreach and volunteer training and programming.

4239 So our concern was that a mandatory order gets in the way of some of those other activities. If those are the only things on the table, then obviously I would choose the mandatory order because it is what allows them to keep broadcasting and still sends a message.

4240 That being said, like I said, I feel like CKLN has understood the seriousness of its situation and taken important steps to rectify them and to make sure that they stay compliant moving forward. And I feel like the sector does not feel that -- no matter what happens at the end of this

hearing, the sector is not going to be like, "Wow, let's do what CKLN did because, you know, they got away scott free".

4241 So that's all I can say on that point.

4242 THE CHAIRPERSON: Okay. The one thing I didn't hear from CKLN this morning was what they would do differently if we did issue a mandatory order, so I'll leave that thought out there.

4243 How long has NCRA been assisting CKLN?

4244 MS. ROBINSON: Specifically on this issue, so I'm trying to think.

4245 Andrew could answer this better than I could, so I became membership coordinator in December 2008 and all of my efforts to contact the station went nowhere. Then I think almost immediately -- in fact, we were -- the NCRA sent people down to chair the meeting, one of the community meetings that happened.

4246 And then as soon as the new Board took hold and was deemed legitimate and had traction, we started working with them. So I would say almost immediately from the getgo of when they reformed and started moving forward.

4247 THE CHAIRPERSON: So that was in July 2009.

4248 MS. ROBINSON: Roughly, yes.

4249 THE CHAIRPERSON: And it took until two weeks ago to file the annual financial reports that you are very familiar with and understand it's a prerequisite for conditions of license, among other conditions of license out there.

4250 MS. ROBINSON: Yes.

4251 THE CHAIRPERSON: Okay.

4252 One of the things you could help me with is the relative number of instances of complaints that are lodged in this particular case versus other campus community radio stations.

4253 We heard this morning that there may be some underlying issues here. I don't want to get into those. But clearly, CKLN have said there are some areas where there has been breaches and transgressions with regard to profanity, obscene language and the like as well.

4254 How normal is that in campus radio stations, to your knowledge?

4255 MS. ROBINSON: Again, I'm spitballing to some degree, and I don't want to speak without totally knowing. On the other hand, I can say that I think Andrew's assessment of the situation was spot on.

4256 So first of all, I think that most complaints that come, come to the station first, as absolutely makes sense. If you hear something, the natural inclination is to complain to the source of the problem.

4257 And so again, when I was at CKDU I think we had -- so I was station coordinator for two years. And we had one complaint in that period, and it came to us first and then the person went to the CRTC. And I think we might have had some informal complaints that went to us and then the person was happy enough and let it go.

4258 So I would say certainly CKLN's complaints and -- are orders of magnitude more than most stations.

4259 THE CHAIRPERSON: So then how can you say in paragraph 9 that since the six-month period when we adjourned in May 'til now, they seem to have cleaned up their act and then you say:

"We believe they have passed this test."

4260 How could they have passed this test if your understanding is in other stations of a campus nature there are far fewer of these complaints? How have they done anything to clean up their act and pass this test?

4261 MS. ROBINSON: Yeah, let me be clear. That's a great question.

4262 By no means do I think that the conduct of CKLN in the last six months is markedly different from the conduct of a lot of other campus stations in the last six months, so I think that if anyone was listening devotedly to the archive tapes of any campus station, I'm sure that they could find profanity occasionally at off hours of day.

4263 It does happen, and most stations address it exactly the way that CKLN has chosen to address it, which is that they have suspensions, they have policies, they train as best they can. So it's not -- so we feel like their conduct is in keeping with a compliant station.

4264 We feel like -- and the complaints, when they come, are addressed appropriately and their processes are -- I was having this conversation, in fact, with Freya Zoltz in preparing for this hearing, and campus and community radio stations are -- we're not perfect.

4265 You know, when you have anywhere between 50 and 325 volunteers coming through, particularly when you're trying to address under-represented groups and you're trying to have a kind of fractious debate and lively atmosphere, you're going to have transgressions of those kinds of things.

4266 What you need is for a broadcaster to be accountable. And so we feel like our other broadcasters in CKLN have shown that they are accountable, and that is on the front end of having good processes and good training and on the back end of having punishments and suspensions for programmers who break those rules.

4267 THE CHAIRPERSON: Are you aware of any suspensions that have been handed down by CKLN?

4268 MS. ROBINSON: Personally, no, I don't know of any. But I've heard that they're happening, but I don't -- I can't tell you an exact case, no.

4269 THE CHAIRPERSON: Okay. One of the things you say in paragraph 7 is that CKLN has been known as a distinct voice of the underground, unique Spoken Word, music produced by a diverse pool of committed volunteers.

4270 Having gone to university many, many years ago, I know that campus radio usually is the voice of the underground. So when you say the word "distinct", how distinct is Ryerson's or CKLN's voice relative to either CHRY, York University, or CIUT at U of T?

4271 MS. ROBINSON: Sure. I think Ron did a good job in some ways of saying the differences between that, so their reach is different. So CHRY, which is also a member of the NCRA, and who I think are great, they reach, geographically, a different community. And also, they're accessing a different community. So in the quote from the article, it was talking about how the station's physicality is important.

4272 So what that means is that yes, some people come from far away, but also people come from that neighbourhood, so CIUT and CHRY and CKLN all occupy different neighbourhoods and then, inevitably, they also have different constituencies, different kinds of people who come in.

4273 So I think it's -- I mean, I wouldn't argue that it's more distinct than any other campus or community station, but nonetheless, I think it's distinct.

4274 THE CHAIRPERSON: Okay. My last question is paragraph 17. You say:

"CKLN has since developed a strong working relationship with the Palin Foundation and RSU, and there's a willingness on all sides to amend CKLN's written agreement to address the Commission's concerns."

4275 Can you be more clear as to what part of the agreements are being considered to be opened up and who's willing to do it? I guess both parties are, but for what purpose?

4276 MS. ROBINSON: Sure. Well, this was addressing -- and it's probably written fuzzy for this reason. We had a sense, the NCRA had a sense that this was a sectoral issue and that, like we said again, about a letter that we wrote in June asking for guidance from the Commission on this issue, there might be something that the Commission wants to put into agreements or to suggest that stations could undertake to make sure that there is less room in the future for this blurring of ownership.

4277 So for instance, you might add in the agreement something like, you know, in the case of, you know, a serious security dispute, you know, the following person has authorization over access to the building. Something like that.

4278 So anything that we got guidance that the Commission said, you know, it's a problem that all these stations aren't clear on this and that if there becomes a problem, then suddenly it's kind of up for grabs and then the Palin Foundation can just shut the doors or any student union can lock the doors.

4279 So you know, we want you to change that in some way. So it's fuzzy because we don't know exactly how the Commission might want us to undertake to change those things, but the Palin Foundation, in its conversations with CKLN, has said, "Yeah, we recognize that, you know, locking people out without any provisions for how to fix that could be a problem, so if the Commission wanted to change that in some way, we're open to that".

4280 THE CHAIRPERSON: Okay. Thank you. Those are my questions.

4281 Any of the Commissioners? Commissioner Poirier.

4282 COMMISSIONER POIRIER: Mrs. Robinson, I remember you presented last year at the community and campus hearing on policy the possibility, I guess, that the NCRA would develop a code that would be helpful for those stations to fulfil their requirements of programming and expectations. It is a code comparable, I guess, to the CAB code.

4283 So I wonder, at what state are you in the development of that code and do you feel it could help CKLN and other campus and radio stations to fulfil our Regulation?

4284 MS. ROBINSON: I'm happy to answer this question because we've done a significant amount of work.

4285 So we created a survey for all our members to seek input on the kinds of things that they would like to see in the code as well as their current processes. So we asked members, all of our members. I think about half answered.

4286 So we actually asked them to attach their processes, so if you have a discipline policy, what is that. What is your programming policy? What's your policy on controversial programming? What's your policy on swearing and obscenity, all those things?

4287 And then Freya Zoltz, who comes up again, has gone through that. We have a committee of people, but leading that, she went through the CBSC, the CAB's code, and she went through another code that I can't think of right now. And then she went through all the answers and she started to sort of bang out a rough idea.

4288 And that draft has been sent to the first group of people, so I think there's about six of us. So we're all having a general look about, okay, what

do we think and how do these categories reflect what people said. And then we will disseminate it to ever wider groups of our membership so people can say, "Yeah, I'm not sure about this" or "Let's tweak that" or "This doesn't address some of these things".

4289 So our plan, and I think, actually, we've promised to the Commission that we would give it in in July, and so we're well on track to have that.

4290 Now, as for the second part of the question, do I think it would help. I think it would help -- I think CKLN is one of the stations that now, because of all this, is developing stronger internal policies regardless. However, it's another level, which is always useful.

4291 And so they will have their internal policies, then they will have the CRTC Regulations that are in their programming room, the studio. But additionally, they will have this NCRA code to say this is what we abide by and so, you know, it's important to keep this in mind. It's another training tool. It's another awareness tool.

4292 COMMISSIONER POIRIER: And will all the members of NCRA have to follow that code? No, it's on a ---

4293 MS. ROBINSON: It's voluntary.

4294 COMMISSIONER POIRIER: Voluntary. Okay.

4295 MS. ROBINSON: Yeah.

4296 COMMISSIONER POIRIER: Thank you very much.

4297 THE CHAIRPERSON: Okay. Thank you very much. I think that concludes this presentation.

4298 THE SECRETARY: Thank you, Mr. Chairman.