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April 24, 2011

Robert A. Morin,  
Secretary General  
Canadian Radio-television and Telecommunications Commission  
Ottawa, ON K1A 0N2

**Re: Broadcasting Notice of Consultation CRTC 2011-188  
Application 2011-0165-9**

To the Secretary General:

1. We write in response to the interventions filed in relation to the above public proceeding.
2. We note that there were 97 interventions submitted in total. All interventions are supportive and requesting renewal of our license.
3. Several interventions requested a full-term renewal of 7 years (e.g. Interventions #10, 24, 119, 150).
4. We appreciate the numerous individuals and organizations who filed thoughtful, supporting letters expressing their confidence in Co-op Radio's management and Board as well as the high regard they hold for the station's work.
5. As many interveners mentioned, being non-compliant 3 times is a problem. We note, however, that each incident of non-compliance was in a different area. Co-op Radio did not repeat the same mistakes.
6. Several interventions highlight the fact that we have rectified all non-compliance issues in the past to such an extent that they have never been repeated (e.g. Interventions #21, 26, 30, 49, 51, 61, 62, 114, 147).
7. For example, the NCRA/ANREC (Intervention #166) describe the two previous non-compliance issues pertaining to s. 2.2(8) and s. 8 of the Regulations and note that Co-op Radio has not been found in non-compliance with these sections ever since. They

point out that each instance of non-compliance was due to an anomalous situation – logger malfunctioning, a program filling in for an absent volunteer and more recently, staff turnover.

8. These incidents were problematic and have required safety mechanisms to ensure that they would not occur again but they do not suggest organizational deficiencies or apathy with regards to compliance.
9. In each instance, we demonstrated our ability to expediently and responsibly respond to the shortcomings. As Mordecai Briemberg notes (Intervention #21),

*In response each time the station not only has rectified, promptly and with positive spirit, these deficiencies, but in doing so has gone beyond the minimum regulatory requirement.*

10. To clarify Mr. Briemberg's comments, Co-op Radio's loggers provide archives until 40 days after the date of broadcasts (as opposed to only 28 days as per s. 8(5)(a) of the Radio Regulations). Also, the results of our last monitoring week demonstrate that 46.1% of Category 2 music selections played in that week qualified as Canadian content (as opposed to only 35% as per s. 2.2(8) of the Radio Regulations) and 25.4% of Category 3 music selections played in that week qualified as Canadian content (as opposed to only 12% as per our Condition of License and paragraph 59 of Broadcasting Regulatory Policy CRTC 2010-499).
11. We have taken each instance of non-compliance very seriously and we believe that full compliance is of utmost importance.
12. Our approach to regulatory non-compliance is to address the underlying factors so that it will never happen again. In this instance, since receiving our notice of non-compliance from the Commission, we have already implemented the procedural changes that were outlined in our March 8, 2011 letter to the Commission. The Board has approved and the Staff have put into practice the following policy:

*As a co-operative organization licensed as a community radio broadcaster, there are several laws that specifically apply to Co-op Radio. These include, but are not limited to, the BC Co-op Act, the Broadcasting Act (including Radio Regulations), the Copyright Act, the Income Tax Act, the Privacy Act, the Canada Labour Code and the Collective Agreement with the CAW.*

*In order to ensure compliance with all relevant regulatory requirements and guidelines, station staff and Board will adhere to the following practices:*

- *An annual calendar of regulatory deadlines will be compiled and kept up to date*
- *This calendar will be reviewed at every staff collective meeting, every board meeting and may be included in any other committee meetings as deemed*

*necessary. These reviews will assign responsibility for meeting each deadline to one individual and will record when each deadline has been met.*

13. In addition to this, we have compiled a document listing all requirements of the Broadcasting Act and Radio Regulations that apply to Co-op Radio and have listed, beside each requirement, the policies, procedures or practices that are currently in place that ensure these requirements are met. This document is attached to our response as Appendix A.
14. Several interventions commented on the strength of the Board and management and the fact that the organization is more financially and administratively efficient than ever before (e.g. Interventions #6, 18, 21). Jane Williams (Intervention #18) mentions that “Staff and Board have spent a lot of time putting in to place systems to ensure that the station runs effectively”.
15. We would like to clarify briefly the systems to which Ms. Williams refers, which we have put into place to build our organizational capacity. In this way, we hope to demonstrate that we not only intend to comply with the Regulation but that we have “the capacity to be fully compliant”, as mentioned in the intervention of the NCRA/ANREC (Intervention #166).
16. Since 2001, all Board members (new and returning) have attended a full-day mandatory Board Orientation training. Each year we refine the content of the orientation to reflect our increasing knowledge and understanding of the requirements we must meet, to ensure that all areas of potential concern are addressed, and to ensure that new board members are aware of problems that have occurred in past and are better equipped to ensure that they do not re-occur.
17. As described in the intervention of recent past President, Marc Lindy (Intervention #143) “compliance is a major theme during our day-long board training and orientation sessions.” Since the implementation of this training, Board members have been better equipped with the knowledge required to make more informed decisions regarding Co-op Radio’s legal requirements and know when to ask for advice.
18. Also since 2001, all volunteer programmers receive mandatory policy training before going on the air. This training focuses on our legal and regulatory requirements as broadcasters such as Canadian Content requirements (s. 2.2(8) of the Radio Regulations), limitations on profanity (s. 3(c) of the Radio Regulations) and permission for broadcasting callers (s. 3(e) of the Radio Regulations). Some regulatory requirements are also re-iterated in our technical training program.
19. Every year, we refine and improve this training as well to reflect our increasing knowledge and understanding of the requirements we must meet and to ensure that areas of potential concern are addressed.

20. While managing and supervising 400 volunteers is never easy, since implementing the training, programmers have taken more responsibility for their broadcasts and for the broadcasts of their peers. This is evidenced by volunteers like Gary Jarvis (Intervention #114) who has “personally gone to great lengths to explain and to educate my fellow programmers of the law pertaining to Can Con.”
21. Since our move to our new location in 2001, volunteer participation in our governance structures has increased. There are more active committees and working groups, and more volunteers are gaining the meeting and decision-making skills to make them strong candidates for the station’s Board of Directors. This is an important part of ensuring that the station has the strength of governance and leadership to ensure that we are responsible to the regulatory bodies that license us.
22. Since 2006, the station has maintained a thorough policy compendium that is regularly reviewed and updated. As mentioned in the intervention by the NCRA/ANREC (Intervention #166), “at 53 pages, the current version of this policy manual is one of the most substantial and detailed in the sector.” As the number of references to our Policy Compendium in Appendix A demonstrates, these policies and their enforcement are an integral part of ensuring that the station is in compliance with the Regulations.
23. Two of the station’s 4 part-time staff have been employed by the organization since 2002. While it was noted in some interventions (e.g. Interventions #143, 119) that there has been high turn-over in the Financial Administrator position, there has been a relatively high retention rate for staff in other positions, given the limited resources and extremely challenging work environment that they face. This is a testament to the staff’s commitment to the station and the meaningfulness of their employment to them, as mentioned by Allan Jensen who is “full of admiration for the small overworked staff who clearly take their jobs seriously” (Intervention #119).
24. The Financial Administrator position, in particular, requires a specific set of skills. As mentioned in the intervention of the NCRA/ANREC (Intervention #166), it can be difficult to attract experienced applicants due to the part-time hours and relatively low salary.
25. Over the past 6 years, we have developed more thorough training for new staff and our new probation policy ensures that all new staff receive the training required to perform the duties of their job.
26. The above mentioned factors have all contributed to the station’s organizational capacity-building over the past decade. We feel that these procedural changes have strengthened the organization as a whole and are a very concrete demonstration of our ability to meet our commitments to regulatory compliance fully in the future.
27. We also note the high proportion of interventions that describe the value of Co-op Radio to our community.

28. Like the Board and management of the station, our community of members, volunteers and listeners acknowledge the mistakes that Co-op Radio has made but see these errors within the greater context of what we are able to accomplish given our limited resources.
29. Many of the interventions comment on how successfully we are meeting our mandate of providing community-based programming, training, access and participation. This is consistent with the mandate and definition of community radio set out in the Campus and Community Radio Policy (paragraphs 14 and 15 of Broadcasting Regulatory Policy CRTC 2010-499).
30. Several interveners mentioned the value that Co-op Radio provides in training and skills-building. Through their experience at Co-op Radio, people have been able to gain more meaningful employment and contribute more fully to the community. In this way, Co-op Radio is fostering opportunities for meaningful socio-economic endeavours and the cultural enrichment of our community. This is also consistent with the mandate and definition of community radio set out in the Campus and Community Radio Policy (paragraph 15 of Broadcasting Regulatory Policy CRTC 2010-499).
31. The interventions by our fellow co-op radio stations CJLY (Intervention #132) and CICK (Intervention #87), as well as the intervention by the BC Co-operative Association (Intervention #52), highlight the role CFRO has played in the development of new and existing stations throughout the sector through mentorship, collaboration and consultation.
32. By renewing Co-op Radio's license, the Commission is fulfilling its responsibilities under the Broadcasting Act to ensure the health of the community radio sector as a whole.
33. We thank the Commission for the opportunity to comment and provide clarification on some of the points raised by the interveners.
34. We look forward to speaking at the upcoming hearing and answering any questions you may have about our ability to address the Commission's concerns.

All of which is respectfully submitted.

Sincerely,

Leela Chinniah  
Program Coordinator

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