



NCRA-ANREC  
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June 12, 2013

John Traversy  
Secretary General  
Canadian Radio-television and Telecommunications Commission  
Ottawa, Ontario, K1A 0N2

Secretary General,

**Re: Broadcasting Notice of Consultation CRTC 2013-221**

(Renewal of broadcasting licences for campus and community radio programming undertakings expiring August 31, 2013)

In support of the following applications:

1. CKDU-FM Society (CKDU-FM)
2. Community Radio Society of Saskatoon Inc (CFCR-FM)
3. Concordia Student Broadcasting Corporation (CJLO-AM)
4. Homegrown Community Radio (CHCR-FM)
5. B.C.I.T. Radio Society (CFML-FM)
6. Wired World Inc. (CKWR-FM)

1. We are writing on behalf of the National Campus and Community Radio Association/l'Association nationale des radios étudiantes et communautaires ("NCRA/ANREC") in support of six renewal applications for radio programming undertaking licences expiring August 31, 2013. These six campus and community ("c/c") radio broadcasters have been found in apparent non-compliance with section 9(2) of the Radio Regulations, 1986, which pertains to annual reports. We request an opportunity to appear if there is a hearing.

2. 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 have more than 80 members, including four of the stations addressed in this letter; CKDU-FM, CFCR-FM, CJLO-AM and CHCR-FM.

3. CKDU-FM broadcasts from Dalhousie University in Halifax, Nova Scotia, with approximately 150 volunteers and four permanent part-time staff. They were awarded the title of Best Radio Station in Nova Scotia at the 2012 Nova Scotia Music Awards.
4. CFCR-FM is well known in their hometown of Saskatoon, SK for their coverage of local events and festivals. This year they provided extensive on-air coverage of Saskatoon's Nature City Festival, the multi-genre MoSo Music Festival, the Saskatchewan Jazz fest, the Ness Creek festival, the Saskatoon Blues festival, and the Saskatoon FolkFest.
5. CJLO-AM at Concordia University in Montreal was awarded funding this year from the Community Radio Fund of Canada to assist up-and-coming independent Montreal musicians in producing and promoting radio-quality EPs, and also held their second-ever Funding Drive.
6. CHCR-FM is the only radio station broadcasting from the tiny town of Killaloe, Ontario to the Bonnechere, Upper Ottawa and Madawaska Valleys. They broadcast from the oldest building in town, above what was, until recently, the local harness shop. This spring, CHCR-FM, in partnership with Killaloe Records, launched "CHCR, Volume One" a fundraising CD featuring Killaloe and area musicians
7. These stations have each worked hard to become viable and recognized voices for their communities. They provide public access to the airwaves, volunteer training, opportunities for participation in programming and the governance of the station, local news and information, and exposure for local and emerging artists.
8. They all operate with very lean budgets, and rely extensively on the work of volunteers. In the c/c sector, wages tend to be low, staff and volunteer turnover is high, and institutional memory is easily lost. Although these factors cannot excuse non-compliance, they may contribute to the ongoing challenges stations face in understanding and fulfilling the regulatory requirements.
9. We have been in contact with each of these stations about their apparent non-compliance. Based on our conversations, we believe they fully understand the requirements set out in s. 9(2) of the Regulations, and have taken steps to address any issues that may have contributed to the apparent non-compliance in the past. They have also taken appropriate steps to ensure that they remain in full compliance in future, regardless of financial and other challenges.
10. The NCRA/ANREC provides regulatory support to all of our member stations. Last year, our Regulatory Affairs Director and Executive Director provided intensive one-on-one support to at least 35 member stations in addition to offering general compliance resources like a member listserve, our bilingual Regulatory Support Guide, a new handbook called "Sounds Cooperative" on best practices for starting a c/c station, conference workshops on regulatory issues, and a web-based policy exchange. The NCRA/ANREC also conducted regulatory audits of 10 member stations this past year,

and this summer we will add a regulatory self-audit to the list of resources we provide our members.

11. Due to previous challenges faced by NCRA/ANREC member stations in meeting the requirements under s. 9(2) of the Regulations, we began an initiative in 2011 to contact member stations through our listserv and confirm that they: (1) understand when to submit annual returns, (2) know how to obtain and submit renewal forms, and (3) understand that financial statements must cover the period of time specified by the Commission. Our goal is to help ensure that our members have accurate information and submit their annual returns correctly and on time.

12. In November 2012, we widened this initiative, directly contacting all of our members individually about their renewal and suggesting changes they could make at staff and board levels to help ensure that annual returns are filed on time and correctly in the future. Based on what stations told us, our 2012 campaign was 98 percent successful; with 68 out of 69 licensed NCRA/ANREC member stations filing on time. At the time of contact, we also emphasized to all members that, regardless of their administrative fiscal year, they must submit data for the Broadcast year. We wish to note that Commission staff, especially Michael Bergeron and Lyne Labelle, were extremely helpful to us and our members in this campaign.

13. The NCRA/ANREC intends to run a similar campaign in 2013. We believe that our focused efforts in this area have assisted our members in understanding their regulatory responsibilities, and we anticipate that possible non-compliance with s. 9(2) of the Regulations may decrease markedly in our sector over the next few years. We will also continue to offer other resources to our members, including these four stations, to assist them in maintaining regulatory compliance.

14. It is noteworthy that, of the four NCRA/ANREC member stations described in this letter, it appears that none were found in non-compliance with s. 9(2) for the 2011/2012 year, and that some submitted completed returns in 2012/2013 that were in arrears from previous years.

15. We have recommended to our members in general, and to these four member stations in particular, that they take the following steps to ensure ongoing compliance in future years:

- develop systems, procedures, policies and other safeguards to prevent all instances of non-compliance with the Regulations;
- develop policies and procedures regarding ongoing regulatory training, supervision, and oversight for staff and volunteers;
- create systems for confirming that regulatory deadlines are met, including adding regulatory compliance tasks into staff and volunteer job descriptions, improving board training and director resources; and
- make station policies and procedures clearer and more accessible.

16. We are told that these four member stations have already made or committed to making concrete changes that we believe will make non-compliance less likely to occur in the future. For example:

17. We are told that CKDU-FM has filed outstanding paperwork related to past missing annual returns. We are also told that they have discussed compliance regularly at monthly Board meetings over the last nine months, and are going to make this a standing agenda item. They are revising job descriptions, in part to address compliance issues and ensure checks and balances for the filing of annual returns. They have also developed a Board calendar that includes a date for filing Annual Returns, and an earlier date to request adjusted year-end financial data for the Broadcast year from their accountant.

18. CJLO-AM has informed us that station board and staff will now be responsible for filing their annual return, rather than leaving that duty to an outside consultant. We have provided CJLO-AM with other suggestions to maintain compliance and have offered our ongoing assistance. We also note that their current Program Director is very engaged with compliance issues and has a record of supporting and promoting this work within the NCRA/ANREC.

19. We are informed that CFCR-FM has a Board calendar of important dates and has added to this calendar the filing date of November 30<sup>th</sup> as well as an earlier date to request adjusted financial data for their filing. CFCR-FM was also recently in touch with Commission staff member Michael Bergeron to confirm past Annual Return filings were complete and explore best practices for future Annual Return filings. We believe that it is also worth noting that, as far as we are aware, the missing document from the 2009/2010 year was filed without delay as soon as the Station Manager became aware of the problem.

20. CHCR-FM confirmed that they too have implemented a board calendar with relevant dates for filing Annual Returns, and they are focused on finding funding to help hire station staff, including through the Community Radio Fund of Canada. The Board now has a compliance officer, who they believe could work with paid staff would help ensure better recruitment and training of programmers, and further assist with maintaining compliance in all areas. The station also requested that NCRA/ANREC staff conduct a regulatory audit of the station later this summer, to help evaluate and refine their existing policies and processes. This request has been approved by the NCRA/ANREC Board.

21. The NCRA/ANREC strongly encourages the Commission to renew the licenses of these four NCRA/ANREC member stations for the longest possible terms. We note that the Commission has, in the past, renewed the licences of stations found in non-compliance for terms shorter than seven years. We understand that this enables the Commission to check on stations' progress and confirm their compliance before the end of a full licence term. However we note that shortened renewals, particularly those of two years or less, can significantly add to stations' administrative burden, particularly for smaller stations with few or no paid staff. Those stations often find the renewal process onerous; the time and effort required to complete and submit the necessary documents may detract from other work, like recruiting volunteers, fundraising for station operations, or improving internal station policies that underpin compliance.

22. Therefore, in order to balance the burden and the necessity for oversight, we encourage the Commission, if considering reduced licence terms for any of these stations, to renew them for terms of at least four years.

23. We also wish to state our support for the renewals of Burnaby, B.C. campus station CFML-FM and Kitchener, ON community-licensed CKWR-FM, so that these stations can continue to serve their communities. As noted earlier, both of these stations are not currently NCRA/ANREC members. We recently contacted CKWR-FM through their board vice president and provided suggested best practices for ensuring regulatory compliance and information about how to access the NCRA/ANREC's regulatory resources. We have attempted to contact but have not yet reached board or staff at CFML-FM.

Sincerely,



Freya Zaltz  
NCRA/ANREC Regulatory Affairs Director



Shelley Robinson  
NCRA/ANREC Executive Director



Catherine Fisher  
NCRA/ANREC Board of Directors

Cc:  
CKDU-FM Society (CKDU-FM)  
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