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Robert A. Morin
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario
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November 20, 2008

Re: Broadcasting Notice of Public Hearing CRTC 2008-12

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 response to
Public Notice 2008-12, a review of English- and French- language broadcasting services in
English and French linguistic minority communities in Canada.

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 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.

3. At present, the NCRA/ANREC represents 58 Canadian campus and community (c/c) radio
stations. For the purposes of this review, we would like to describe the two different contexts in
which our members provide service to minority language populations.

4. The first context involves c/c stations licensed to broadcast in a minority or bilingual language
environment. This includes NCRA/ANREC member stations such as Radio Bishop's Inc.
operating English-language station CJMQ-FM in Lennoxville, Quebec, Radio McGill operating
English-language station CKUT-FM in Montreal, Quebec, and Radio Ottawa Inc. operating a
bilingual station, CHUO-FM in Ottawa, Ontario.

5. The second context involves stations licensed primarily to serve the local majority language population, but that also provide programming services to local minority language populations. The vast majority of our members are English-language broadcasters that provide a small amount of French language programming.

6. The role of c/c stations is to reflect the needs of their local communities. Therefore, where there is a local Francophone community, stations make efforts to include French language programming. The importance of this contribution cannot be overlooked – this mechanism is one of very few that provides official language minority populations with access to the Canadian broadcasting system.

Sector Significance

7. The Campus Radio Policy (CRTC PN 2000-12) emphasizes the importance of the c/c radio sector in serving minority language populations such as English-, French-, and also third-language minorities:

> 15*. …The cultural diversity present in many Canadian communities places campus stations serving those centres in a position to make a strong contribution to the reflection of that cultural diversity, especially by providing exposure to new and developing artists from minority cultural groups… Campus stations are also well placed to provide spoken word programming that reflects the perspectives and concerns of minority cultural groups.*
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> 16. *The Commission acknowledges the significant role played by campus stations in providing third-language programming to the ethnocultural communities resident within their service areas. This programming contributes to the diversity of the broadcasting system and helps to address the needs of minority communities that may not otherwise have access to programming relevant to these needs.*

8. The Community Radio Policy (CRTC PN 2000-13) recognizes the contributions of the community radio sector in an identical manner to the Campus Radio Policy listed above.

Local Content

9. The c/c radio sector is a key element in delivering local information, and c/c stations are truly representative of their communities since they provide community access. Local information has been proven to be extremely important to Canadians. A Decima report commissioned by Heritage Canada in 2005 entitled "Local Content and Its Sources" found that of international, national, or local information, local information garnered the highest interest with 8 in 10 Canadians assigning a score of at least 7 on the 10-point interest scale. The report also found that

34% of Canadians **increased** their use of their local radio stations as a source of local information.

10. The report concluded that **Canadians agree that the federal government needs to play an active role in ensuring that communities receive high quality local information**. We believe this extends to federal regulators such as the CRTC, which can help to ensure that Canadians who belong to French- or English- linguistic minority communities can access this type of local information. As such, we will make several policy recommendations related to our sector below.

Availability of Broadcasting Services

11. The public notice on official language minority broadcasting asks what radio services, at a minimum, should be available to English and French linguistic minority communities in Canada. The NCRA/ANREC finds the answer to this question in the Broadcasting Act. Section 3(1)(b) states that the broadcast system contains three different elements: public, private, and community elements. Service by these three elements is essential for Canadians in all communities.

12. One of the major difficulties in ensuring that all of the public, private and community elements are available to Canadians lies in the increasingly prevalent problem of spectrum scarcity. As more stations apply for licenses, fewer frequencies become available to non-commercial applicants. An increasing number of markets in Canada are heavily saturated with few if any frequencies remaining.

13. Adding to the difficulties of ensuring community access to the airwaves is the disparate financial resources available to the c/c sector in comparison to public or private broadcasters. There are many majority and minority official language communities that are not yet served by community broadcasters. However, organizational development and fundraising to produce a technical brief for a new FM application can take a c/c organization years. In contrast, applicants in the public and private sectors have considerable resources at hand to produce briefs and applications quickly.

14. We note that spectrum scarcity is not a new concern for the sector, particularly in the context of official language minority broadcasting. The Commission recognized the importance of spectrum scarcity and spectrum allocation in the 2001 report, "Achieving a better balance: Report on French-language broadcasting services in a minority environment":

> 163.   *Interveners also noted that **developing and strengthening this sector can only be achieved by granting community stations priority in the allocation of FM frequencies**. Moreover, according to ARCC, there are not enough frequencies currently available and this tends to restrict the number of radio proposals that are filed…*
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> 164.   *The President of ARCC, which represents 28 community stations in Canada (17 currently in operation and 11 under development), argued in favour of a more generous distribution of frequencies to community radio stations. He suggested that **the***

15. As such, the NCRA/ANREC requests that the Commission reserve at least one radio frequency in each community for community access in order to fulfill the requirements of the Broadcasting Act. Without such a reservation, some markets may become fully saturated without preserving the ability of the public to access the airwaves in those areas. In some communities with large official language minority communities, it may be important to reserve two frequencies – one for each official language.

16. Spectrum scarcity poses an additional threat to established c/c stations. We have often stated our concern about the vulnerability of community stations with unprotected low power frequencies, and the potential consequences if larger commercial broadcasters appropriate their frequencies or inhabit nearby frequencies causing signal interference. Most developmental and low power licensees do not intend to remain temporary or low power, and pursue these licence classes simply because they are the most accessible for small volunteer-run community groups. We believe consideration should be given to the important role that small, not-for-profit stations play in serving community needs and fulfilling the mandates of the Broadcasting Act, particularly if they are established with the intention of continuing to serve their communities beyond the initial developmental licence term.

17. Therefore, we recommend that the Commission create a priority system for low power FM radio stations so that communities do not risk the loss of their local community broadcaster in favour of a new commercial applicant.

18. Finally, the NCRA/ANREC believes it is vitally important that Broadcast Distribution Undertakings continue to carry local community radio services even if it requires the BDU to translate an analogue broadcast signal into a digital cable signal. The NCRA/ANREC inadvertently missed an opportunity to argue in the context of Broadcasting Public Notice CRTC 2008-100 (Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services) to comment on the importance of retaining section 22 of the Broadcast Distribution Undertaking Regulations beyond 2011. We intend to make the case for this during the upcoming c/c policy review proceedings in 2009. Continued cable carriage for c/c stations is particularly important in mountainous and rural areas where stations' broadcast parameters may not allow them to reach listeners living outside city centres, some of whom do not yet have high speed internet access.

Programming

19. The Commission asks in Public Notice 2008-12 about the challenges in producing quality radio services for English and French linguistic minority communities in Canada. Cohesion and support from a minority linguistic community in the creation of community programming is a prerequisite for minority language programming to be a success.

20. One major challenge for the c/c sector is reaching out to minority language communities to ensure that they are aware of the community access opportunities available to them. Due to

limited budgets and staff, c/c radio stations are restricted in the resources they can allocate to advertising in order to notify minority language communities opportunities to receive and participate in local community radio programming.

21. As such, the NCRA/ANREC requests that the CRTC strongly encourage commercial and public broadcasters to provide public service announcements notifying listeners of community-access and official minority language broadcasting services and opportunities.

22. Minority language programming can also be difficult for c/c stations as there are a limited number of French-language music releases being sent to English-language stations. As stations have limited budgets, very few spend money on music, instead relying on distribution by artists and music labels. But as the distribution by French-language labels and artists is limited, so are the resources available to stations and their programmers in preparing music programming. English-language stations and their French minority listeners would therefore benefit from Canadian Content Development programs that seek to provide wider exposure to French-language artists in English majority communities outside of Quebec. The NCRA/ANREC encourages the Commission to support this type of CCD initiative if proposed, and hopes the CRTC will encourage commercial broadcasters to consider partnerships with French-language artists for this purpose.

Translation

23. An additional challenge facing broadcasters is producing documentation in the local minority official language. A chronic shortage of funds makes it impossible for stations and the NCRA/ANREC to hire translators and most staff are overworked and unilingual. One c/c station was fortunate enough to receive funding from local minority language community association for multilingual staff to train and coordinate volunteers but these types of opportunities are limited. It would be helpful for stations to offer volunteer contracts, station policies, training documents, and program proposal and review forms in the local minority official language.

24. Therefore, the NCRA/ANREC intends to pursue funds through Heritage Canada and/or the Community Radio Fund of Canada for translation of documents. We believe that providing documents, resources, and training materials to volunteers who work on minority language programs in their own language would lead to increased programming quality. While the NCRA/ANREC understands that these funding decisions are not within the jurisdiction of the CRTC, we mention our needs and intentions here in an effort to ensure that the Commission understands the particular challenges and solutions the NCRA/ANREC has identified.

25. In the public notice, the Commission asks for input on how access to radio coverage of important national and international events in the minority language can be enhanced. Since 2004, journalists affiliated with NCRA/ANREC member stations have been developing a national news magazine called GroundWire, which is now produced monthly on a volunteer basis. The program is produced and broadcast by stations across the country, and it focuses on news of local import that resonates with other communities across Canada. GroundWire is currently only available in English. As with translation services described above, a funding

program, through either Heritage Canada or the Community Radio Fund of Canada, could allow this community offering to be produced in French.

26. It is also important to note that producing a locally-focused spoken word program is extremely labour intensive. As described above, most c/c stations do not have sufficient resources to ensure that bilingual staff are available to assist minority official language programmers to research and compile content and produce programs on a consistent weekly basis. In the absence of this support, minority official language programmers often resort to offering predominantly music-oriented programming, which is less labour intensive to produce. At least one c/c English-language station has found a local Francophone association to provide intermittent funding to coordinate the weekly production of a spoken word program, but this is rare. A syndicated program like GroundWire is likely to help fill the local minority official language spoken word void.

Technology

27. The Commission also asks what challenges English and French linguistic minority communities in Canada are facing in terms of access to new technologies. Basic access to high speed internet was noted by our sector as being of great advantage in producing minority language programming. The number of French music releases being sent to English-language c/c radio stations is quite limited, which therefore limits the resources available to volunteer programmers for use on their shows. The internet therefore becomes important in providing access to French-language music not available at stations. Unfortunately, this type of high speed internet access is not available to more remote, rural, and Northern radio stations. Continued government support for developing universal broadband access will be beneficial in this regard.

28. Another relevant technology is the ability to broadcast a digital signal, which NCRA/ANREC member stations cannot afford to do. Therefore, as mentioned above, it is important that BDUs assist analogue stations in translating their signals so that they can be carried by digital cable services.

29. Internet technology and new media provide new opportunities for stations to reach listeners, allowing stations to cover not only gaps in their signals, but to reach far beyond their traditional transmitting range. The report "Canada's Community and Campus Radio Broadcasting Sectors", commissioned by Heritage Canada from Ekos recognizes the challenges of harnessing technology: "*There is the potential for community and campus stations to reap considerable benefits from new distribution technologies… once again, however, **stations can only benefit from these technologies if they have the financial and human resources to access them**.*"

30. Internet technology and new media have also proven to be important in ensuring that diverse broadcast content is available to the public in both official languages in majority and minority language communities. At the same time, it must be recognized that without regulation, a few major companies will come to dominate the provision of internet services. This is already starting to occur. A study of the most popular websites in Canada by Alexa as of Nov. 9, 2008 included four websites owned by Google (google.ca, google.com. youtube.com, and blogger.com) and three owned by Microsoft (live.ca, msn.com, msn.ca) in the top 10. Only one

of the 20 most popular websites in Canada was actually Canadian. Incentives must be created to help Canadian content thrive in the new media environment. We will address this issue in more detail in our upcoming submission on New Media.

31. Network neutrality is an additional concern and a necessity to ensure broadcasting services to French minority language populations. Dr. Leslie Regan Shade, Associate Professor in Communications at Concordia University has stated, "*Traffic shaping and throttling by large ISPs who single out specific kinds of data to treat differently erodes this principle of net neutrality... A discriminatory Internet, e.g. an Internet without net neutrality, would tend to privilege commercial content... It would put at risk a lot of the non-commercial, educational, certain political and independent content. **I think it would put at risk Canadian content, particularly French language and minority language content**.*" Her statement demonstrates the need for net neutrality and its benefit for minority language communities and those producing non-commercial content, such as the c/c sector.

Community Radio Fund of Canada

32. As discussed above and detailed qualitatively quite well in the Ekos Report, "Canada's Community and Campus Radio Broadcasting Sectors", the c/c sector is in need of additional financial support - and not just for minority-language broadcasting initiatives – to ensure its long-term viability. The NCRA has high hopes for the Community Radio Fund of Canada and in its potential to build the capacity of the sector.

33. While we understand that requests for CCD are typically made on a percentage basis, we are also aware that CCD fluctuates from year to year. As such, the dollar amount generated by a percentage can be quite arbitrary and may not reflect the actual need of the sector. The total goal for the Community Radio Fund of Canada is an annual amount of $18 million dollars, of which we are seeking $5 million from commercial radio. A mandatory CCD contribution requirement for radio broadcasters, such as the mandatory contribution necessary to FACTOR or MUSICACTION, will be essential for the fund to reach that goal.

34. The NCRA/ANREC hopes that the Commission continues to recognize the invaluable contribution of c/c radio to the Canadian broadcasting system. We believe that community access is a necessity for all Canadians and that the sector's emphasis on local and Canadian content is a contribution proven to be of great value. While there are considerable challenges such as spectrum scarcity, funding, and technology, the NCRA/ANREC looks forward to continuing to serve the needs of Canadians in general and minority language populations specifically.

Sincerely,
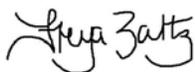
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