

NCRA-ANREC
325 Dalhousie, Suite 230
Ottawa, Ontario, K1N 7G2

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

**Re: Broadcasting and Telecom Notice of Consultation CRTC 2009-602
Proposed new draft regulations concerning CRTC Rules of Practice and
Procedure**

December 16, 2009

Dear Secretary General,

1. The National Campus and Community Radio Association/ l'Association nationale des radios étudiantes et communautaires (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. Our goals are to ensure stability and support for individual stations, and to promote the long-term growth and effectiveness of the sector.
2. The NCRA wishes to comment on the Commission's proposed new draft regulations concerning the CRTC Rules of Practice and Procedure outlined in CRTC 2009-602.
3. Unprotected frequencies are a significant concern in the campus and community ("c/c") radio sector. Under the current system of voluntary notification, unprotected LPFM c/c stations may only become aware of threats to their frequencies after public notices are posted. Most of these organizations are volunteer driven and do not have regulatory expertise or funds to conduct mitigating engineering research or purchase new equipment on short notice. Thus, they require additional time to negotiate with the applicant(s), determine their available frequency options, mobilize their volunteers, and work with the Commission to find a new home on the dial. In these cases, generous notice to the licensee goes a long way to ensuring that approval of a new commercial radio application does not result in the elimination of a valuable community radio service.
4. We therefore request that the CRTC include in the new regulations a standard notification procedure for new radio broadcasting applications or license

amendments that will displace or cause interference with existing radio broadcasters operating on unprotected frequencies. We suggest that applicants be required to notify affected licencees at the time new applications are submitted to the Commission.

5. The NCRA has made a similar request to Industry Canada, and they have indicated a willingness to amend their Broadcasting Procedures and Rules (“BPR”) to require notification of radio stations operating on unprotected frequencies in accordance with the existing requirements for short-spacing notifications for radio stations operated on protected frequencies. Applicants will be required to “send a copy of the engineering brief with a covering letter or email to the affected station(s) licensee(s). Preferably at the date of filing the application or immediately after the CRTC has issued a notice of public hearing.” (BPR C-1.5.5)
6. Although this improves upon the current situation, we would prefer that applicants be required to notify affected licensees prior to the issuance of the notice of public hearing. Otherwise these LPFM stations may be left with insufficient time to address the issues and ensure that they can continue broadcasting without interruption. For this reason, we recommend that the Commission include a requirement in the regulations for applicants to notify affected stations upon submission of their broadcasting application to the CRTC.
7. In paragraph 10 of CRTC 2009-602, the Commission explains that it will now apply the Part 1 process to applications for amendments to a broadcasting license under paragraph 9(1)(c) of the Broadcasting Act. The NCRA is uncertain of the implications of this change for our members, but we assume it is intended to result in procedural simplifications.
8. We hope this proposed change will not impact the CRTC’s recent willingness to expedite its processing of license amendment applications from low-power stations that must take immediate action to avoid being bumped from their frequencies by new applicants. These expedited procedures have been extremely helpful to many LPFM stations, and we hope that the Commission's flexibility in offering expedited procedures to these stations will continue.
9. Regarding public hearing procedures, we appreciate that the Commission has offered c/c stations the opportunity to appear via teleconferencing at the 2010 Campus and Community Radio Policy Review Hearing, as many c/c stations would be unable to participate otherwise. No doubt the Commission is aware that cross-country travel is becoming increasingly expensive and has a known environmental impact. New electronic communication technologies have become sufficiently reliable and effective to allow real-time communication between people who are great distances apart. To support greater access by Canadians to the CRTC, we encourage the Commission to extend the opportunity to appear electronically to applicants and intervenors at future hearings as well.

10. Finally, we would like to comment on section 46 of the Proposed CRTC Rules of Practice and Procedure (in Appendix 1 to CRTC 2009-602). This section requires an applicant subject to a public hearing to post the Commission's Notice of Consultation on its website. We note that due to lack of funding and expertise, some of our small member stations have either no website or a simple website that does not permit easy changes to content. Therefore, we request that the Commission apply this requirement flexibly to small stations.

11. We appreciate your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Freya Zaltz". The signature is written in a cursive, flowing style.

Freya Zaltz
NCRA/ANREC
Director of Regulatory Affairs

Catherine Fisher
NCRA/ANREC
External Policy Committee