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28th Annual NCRC - June 2009  
hosted by CKUT 90.3 FM Montreal

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

July 11, 2008

Re: Broadcasting Public Notice CRTC 2008-44:  
Call for comments on the scope of a future proceeding on Canadian  
broadcasting in new media

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 not-for profit, volunteer-based,  
public access campus and community-based broadcasters in Canada.  
We provide advice and advocacy for individual stations, and conduct  
lobbying and policy development initiatives with a view to  
advancing the role and increasing the effectiveness of our sector.
2. We would first like to draw the Commission's attention to the fact  
that the Canadian not-for-profit radio broadcasting sector was  
excluded from the stakeholders consulted in preparation of the report  
entitled "Perspectives on Canadian Broadcasting in New Media: a  
compilation of research and stakeholder views". We feel this is a  
significant oversight, since stations in our sector produce increasing  
quantities of unique new media content, and are likely to be impacted  
both positively and negatively by the development of new media  
broadcasting. In particular, regulatory constraints or incentives  
applied to new media broadcasting, and barriers to accessing and  
creating new media broadcasting content are all likely to impact  
stations in the campus and community radio sector.
3. We also note that new media broadcasting methods such as  
podcasting and webstreaming will likely increase in popularity.  
While we are interested in exploring these methods, we are also  
concerned about their potential impact on terrestrial radio  
broadcasting, which we believe serves an important role in  
developing and sustaining local communities and should therefore be  
preserved. The not-for-profit radio sector will be differently  
impacted by these future technological and paradigm shifts than  
commercial or public broadcasters.

4. We turn now to the four questions posed by the Commission in Broadcasting Public Notice CRTC 2008-44 with regard to the issues and questions to be explored in an upcoming proceeding on new media broadcasting.

*I: What is the scope of new media broadcasting?*

5. We agree that the Commission should consider “Who are the relevant stakeholders in the creation and distribution of Canadian programming in the new media environment?” While the campus and community radio sector was not consulted in the compilation of the report cited above, we would like to be recognized as one of the stakeholders in this proceeding.
6. We also recommend exploring how stakeholders are able to participate in new media broadcasting, and how they are affected by its development. We note that stakeholders operating with different mandates are likely to participate and be affected in different ways. Not-for-profit stakeholders whose activities are not based on the commercial business model, and who are not supported by substantial government funding and a nationally legislated mandate, are likely to participate and be affected in drastically different ways than commercial broadcasters or the CBC.
7. Further, we suggest that the Commission explore non-professional or amateur new media broadcasting content in addition to professionally-produced content. This type of content is relevant in determining whether the broadcasting policy objectives are being achieved, and should be taken into account in considering whether to differentiate between the various types of new media broadcasting content and delivery methods outlined in the suggested questions under Part I.
8. We believe that asking these types of questions will also contribute to determining whether the new media broadcasting environment is contributing sufficiently to the achievement of the broadcasting policy objectives of the Act, as the objectives mention the importance and unique contribution of community broadcasters.

*II: Are incentives or regulatory measures required for the creation and promotion of Canadian new media broadcasting content?*

9. We encourage the Commission to consider appropriate incentives to encourage creation and dissemination of Canadian new media, particularly content that is independently and non-commercially produced. We also encourage the Commission to evaluate the role the current exemption orders have played in establishing an environment of creative freedom for those who are exploring new media forms and developing and contributing to Canadian cultural content. We believe incentives should build on the successes in this regard and target selectively the areas that could use additional support. We note that stations and volunteer programmers in the campus and community radio sector have made innovative use of new media, in many cases developing creative content representing a diversity of voices, as well as new tools and methods for involving listeners and reaching diverse communities. This may not have been possible in an overly regulated environment.

10. We also suggest that it is worth asking how incentives can ensure that Canadian content, Canadian producers, and Canadian artists receive sufficient exposure in a global and U.S.-dominated new media environment. This is particularly important for new and emerging artists, and non-professional or amateur producers who begin their careers in the campus and community radio sector, and who do not have the financial backing to pay for prominent internet placement or advertising.
11. Finally, we suggest that the appropriate mechanisms, sources, and distribution methods for these incentives should be considered. In particular, we encourage government investment in new media development initiatives, and we remind the Commission of the role the new Community Radio Fund of Canada could play in distributing funds to not-for-profit radio broadcasters to support their new media broadcasting endeavours.

*III: Are there any barriers to accessing Canadian new media broadcasting content?*

12. We suggest that consideration of practices affecting distribution of and access to new media broadcasting also requires consideration of whether regulatory measures are necessary to prevent or limit corporate shaping of internet traffic, imposition of bandwidth caps, and “throttling”. These practices may present substantial barriers to listeners and viewers who wish to freely access information or new media content, and to producers and broadcasters who wish to ensure free and unimpeded access to their material. We believe it is important for the Commission to consider corporate influence over internet traffic, and its likely effects on the ability of new media broadcasting to fulfill the objectives of the Broadcasting Act. It is important to note that if this type of corporate activity is permitted, not-for-profit and independent broadcasters may be at a significant disadvantage in ensuring access to their broadcast content. In this environment, broadcasters with maximum financial resources can purchase prominence to the disadvantage of others, thereby reducing the diversity of voices and content that is freely available.
13. A further barrier to accessing new media broadcasting content that we believe bears consideration is public access to computer hardware and the internet, and the costs associated with this. While computers and the internet may be easily accessible for a majority of Canadians, this is not true for all due to prohibitive cost and/or location. High speed internet access is still not available in many rural and northern areas, and this will hinder access to new media broadcasting. We therefore recommend that the Commission consider the extent to which rural and low income Canadians will be disadvantaged in a new media broadcasting environment and how this can be addressed.
14. We also note our agreement with paragraph 166 of “Perspectives on Canadian Broadcasting in New Media”. The recent proliferation of copyright tariffs and copyright collectives have already presented obstacles to new media broadcasting for the campus and community radio sector. Many of our stations cannot afford the new tariffs that will soon be imposed on internet broadcasts, particularly if webstreams contain identical content to radio broadcasts for which stations already pay copyright tariffs. If additional tariffs are later introduced for podcasting or other new media broadcasting methods, this may further hinder the ability of campus and community radio broadcasters to participate actively in the new media broadcasting environment. This

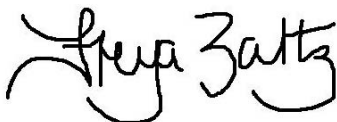
consideration is particularly important in light of the anticipated increase in use of these new media broadcasting methods.

15. Therefore, we encourage the Commission to consider how tariffs may affect distribution of and access to new media broadcasting, and the viability of the campus and community radio sector as a whole. By working with Heritage Canada, the Copyright Board, and copyright collectives, we hope to achieve an eventual exemption from copyright tariffs for non-commercial use. Meanwhile we would like to see the development of a government mechanism or body to oversee and regulate copyright collectives and tariffs, with power to ensure that the tariff burden on campus and community broadcasters does not impinge on our ability to fulfill our mandate in the terrestrial radio or new media environment. We encourage the Commission to consider and support this recommendation in the context of the new media broadcasting proceeding.

*IV: What other broadcasting policy objectives should be considered within the scope of the proceeding?*

16. We remind the Commission of the recent proceeding on Diversity of Voices in broadcasting. We think it is important that the insight gained from this proceeding be considered in the context of the new media broadcasting proceeding. We also note the significant contribution that the campus and community radio sector makes to the overall diversity of voices in Canadian broadcasting, and we hope this contribution will be recognized in the new media broadcasting proceeding. In particular, we hope it will inform the Commission's evaluation of the barriers to accessing new media broadcasting, the appropriateness of incentives and regulatory measures in terms of their likely impact on all stakeholders, and the public's access to content these stakeholders produce.
17. In conclusion, we thank the Commission for this opportunity to comment on the scope of a future proceeding on Canadian broadcasting in new media, and we look forward to participating in the proceeding.

Sincerely,



Freya Zaltz  
NCRA/ANREC Board of Directors  
Regulatory Affairs Portfolio