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(submitted electronically)

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Re: Application No. 2006-1135-2
Application by SIRIUS Canada Inc. to amend the broadcasting licence of its satellite
subscription radio undertaking.

To the Commission:

While the NCRA/ANREC has no specific opinion in this matter, we would like to remind the applicant and the Commission of Sirius Canada's stated intention to support campus and community radio in Canada, made prior to their licensing at the Commission's hearing on subscription radio in 2004. A partial transcript of the 2004 hearing is attached.

We would suggest to the Commission that, as a condition of license, Sirius Canada be required to make an annual contribution of 20% of its total CTD contribution to the Community Radio Fund of Canada, a funding mechanism for all community radio that is being formed by the NCRA/ANREC, l'Association des radiodiffuseurs communautaires du Québec (ARCQ) and l'Alliance des radios communautaires du Canada (ARC du Canada). As well, all subscription radio services should be required to set aside not less than 10% of channels for non-commercial audio services, including campus and community radio.

The NCRA/ANREC remains open to discussing partnership with all satellite radio services.

Sincerely,

John Harris Stevenson
NCRA/ANREC Advisory Board

cc. Sirius Canada
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Excerpt from:

Transcript of proceedings
Various Broadcast Applications
November 4, 2004

6734 COMMISSIONER LANGFORD: Thank you, Mr. Chairman.

6735 I, really, just have one question. I listened very carefully to your reply and it seemed to me that you did not reply to one type of intervenor, if I can put it that way, one category of intervenor. You replied to almost all, but you missed one, it seems, and that is the community and campus radio folks, who came to us really quite worried and quite kind of conscious of the fact that somehow they are going to be left out of this, that they have struggled and tried to serve a market that may be so well served by you—and I think they wish you well—but will be so well served by you that, as one intervenor said, “We will go back to being kind of a campus club, a hobby”.

6736 One can understand the frustration. If you have put a lot of time and effort and years, as the people from Edmonton did, 77 years, I think, and some less, into these sorts of enterprises, you want to feel there’s a place for you in the system. If you have made a contribution, you want to feel that you get something more than a wave good-bye.

6737 They may have asked for more than you feel you can afford or build into your plan financially, but I was surprised to hear nothing, actually.

6738 Now, sometimes flannel is worse than nothing, and I recognize that, but I wondered, in your considerations, whether you could speak to their concerns and perhaps give us some sort of a creative notion of how you might be able to work with them to help them.

6739 I mean, when I think of the creativity that’s been brought to helping the aboriginal network that’s coming up, you people can be pretty creative when you want to be, and I have heard nothing about this. I wonder whether you gave it any thought and have any notion of what you might be able to do there.

6740 MR. SHEA: That’s very fair. I was in the room, Commissioner Langford, when the presentation was made.

6741 In our chance to sort of debrief, in the short period we did have before appearing before you this afternoon, I did ask both Gary and Michel if by any chance there was any contact by the representatives in advance of our file or post our filing. Grant Buchanan did indicate that there was a phone call made wondering if they could gain access, from a carriage standpoint, and that their interpretation, at the time, of satellite radio was it’s something where we would be picking up stations and paying subscriber fees, and therefore there would be a contribution for them. We made that clear that wasn’t really the model that we were advocating or building.



6742 What they didn't ask, and what we would certainly give the Commission every opportunity to determine, was they did not ask to become part of our CTD. Many organizations in this country, as you know, have gotten very wise once there is either a change of ownership or whether there's new technology being licensed by the Commission, that they hustle in on the opportunity to be able to get a direct benefit.

6743 But in the Commission's determination of the benefits that we have put forward, there's always the opportunity, in the Commission's wisdom, to alter, change the mix. If that was the determination of staff, they would have our blessing to do so. I think we were all quite moved by the realities with which they live.

6744 MR. SLAIGHT: If I just may add to that, I know for a fact that the National Campus and Community Radio Association does qualify as a benefit in that we have given them money over the years, as part of our benefits in other radio transactions. So there is opportunity for discussion there, definitely.

6745 COMMISSIONER LANGFORD: Well, I appreciate that.

6746 Would I be wrong, then, in assuming that if we were to exercise our powers of persuasion in something less than a COL, an expectation that you also reach out to them in other ways, that you would be open to that, as well?

6747 MR. SHEA: Most definitely.

6748 COMMISSIONER LANGFORD: Thank you very much.

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