



Broadcasting Notice of Consultation CRTC 2011-173

PDF version

Ottawa, 11 March 2011

Call for comments on amendments to the *Radio Regulations, 1986*

*The Commission calls for comments on amendments to the Radio Regulations, 1986 to come into effect on 1 September 2011. These amendments reflect determinations made by the Commission in its proceeding on the regulatory framework for campus and community radio. The deadline for the receipt of comments is **11 April 2011**.*

Introduction

1. The Commission proposes to amend the *Radio Regulations, 1986* (the Regulations) to implement certain policy determinations announced in Broadcasting Regulatory Policy 2010-499 (the Policy). The proposed *Regulations Amending the Radio Regulations, 1986* appended to this notice would come into effect on 1 September 2011.
2. In the Policy, the Commission noted that its objective was to establish a single policy for campus and community radio that takes into account the differences in the two types of stations where appropriate. Specifically, the Commission proposes to amend the Regulations to implement the following aspects of the new regulatory framework for campus and community radio, which are discussed later in this notice:
 - amendments to simplify the approach to licensing campus and community stations, including eliminating the distinction between Type A and Type B community stations;
 - amendments to incorporate new programming requirements, including revisions to content categories and subcategories and changes to Canadian content requirements; and
 - amendments to implement the new approach to funding campus and community radio.
3. The Commission also proposes to remove subsection 2.2(14) of the Regulations, which duplicates an obligation regarding the broadcast of French-language vocal music contained in subsection 2.2(5).

Licensing campus and community stations

4. The proposed amendments would remove the distinction between Type A and Type B community stations, since the programming criteria on which the distinction was based no longer appear to be relevant.

Programming requirements

5. The proposed amendments would modify the definitions of “content category” and “content subcategory” to incorporate the revised content categories set out in Broadcasting Regulatory Policy 2010-819, which include the new subcategory of experimental music.
6. The proposed amendments also address the Canadian content requirements to which campus and community stations are generally subject. As a result of the amendments, campus and community radio stations would be required to devote at least 40% of their musical selections from content category 2 and at least 15% of their musical selections from content category 3 to Canadian selections broadcast in their entirety. With respect to ethnic programming, the amendments establish that campus and community stations in markets served by one or more ethnic stations would be permitted to devote up to 15% of the broadcast week to third-language programs, whereas those in markets not served by an ethnic station would have the flexibility to devote up to 40% of the broadcast week to third-language programs.
7. However, the Commission notes that consistent with its intention announced in the Policy, it has also published today Broadcasting Notice of Consultation 2011-174, which invites parties to provide comments as to whether the 40% and 15% levels for Canadian musical selections from content categories 2 and 3 are sufficient. As a consequence, the Canadian content levels set out in the proposed sections 2.2(3)(a) and 2.2(8)(b) of the Regulations will be subject to review following the Commission’s consideration of the submissions received in the process initiated by Broadcasting Notice of Consultation 2011-174.

Funding

8. The proposed amendments would also modify the formula for the allocation of Canadian content development (CCD) contributions established in section 15 of the Regulations. Specifically, with the exception of ethnic and spoken word stations, all commercial radio stations with revenues higher than \$1.25 million would be required to allocate their basic contributions to CCD as follows:
 - 45% to FACTOR or MUSICACTION;
 - 15% to the Community Radio Fund of Canada (CRFC); and
 - 40% to discretionary initiatives.

9. Ethnic stations and spoken word stations would allocate their CCD contributions as follows:
- 85% to discretionary initiatives; and
 - 15% to the CRFC.
10. The allocation of CCD for commercial radio stations with revenues of \$1.25 million or less would remain unchanged.
11. As stated in the Policy, these amendments to the contribution formula in section 15 of the Regulations will not be adopted until a revised accountability structure for the CRFC has been approved by the Commission following a public process. The Commission has received the proposed structure and will publish it for comment shortly.

Call for comments

12. The Commission invites comments on the wording of the proposed amendments appended to this notice. The Commission will accept comments that it receives on or before **11 April 2011**. The Commission cannot be held responsible for postal delays and will not notify a party whose comment is received after the deadline date. The comment will not be considered by the Commission and will not be part of the public file.
13. The Commission will not formally acknowledge comments. It will, however, fully consider all comments, and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedure for filing comments

14. Interested parties can file their comments to the Secretary General of the Commission in only one of the following formats:

by using the
[[Broadcasting interventions/comments form](#)]

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

15. Submissions longer than five pages should include a summary.

16. Each paragraph of all submissions should be numbered. In addition, where the comment is filed by electronic means, the line ***End of document*** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Important notice

17. All information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers and any other personal information parties provide.
18. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission or for a use consistent with that purpose.
19. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
20. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.
21. The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

Examination of documents

22. A list of all comments will be available on the Commission's website. An electronic version of all comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's website.
23. The public may examine public comments and related documents at the following Commission offices during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
Central Building

1 Promenade du Portage, Room 206
Gatineau, Quebec J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices

Metropolitan Place
99 Wyse Road, Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

205 Viger Avenue West, Suite 504
Montréal, Quebec H2Z 1G2
Tel.: 514-283-6607

55 St. Clair Avenue East, Suite 624
Toronto, Ontario M4T 1M2
Tel.: 416-952-9096

Kensington Building
275 Portage Avenue, Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel.: 204-983-6306
Fax: 204-983-6317

2220 – 12th Avenue, Suite 620
Regina, Saskatchewan S4P 0M8
Tel.: 306-780-3422

10405 Jasper Avenue, Suite 520
Edmonton, Alberta T5J 3N4
Tel.: 780-495-3224

858 Beatty Street, Suite 290
Vancouver, British Columbia V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Call for comments on requirements related to Canadian content and volunteer participation for Campus and Community Radio*, Broadcasting Notice of Consultation 2011-174, 11 March 2011
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

Appendix to Broadcasting Notice of Consultation CRTC 2011-173

Regulations Amending the Radio Regulations, 1986

AMENDMENTS

1. (1) The definition “Type A community station” in section 2 of the *Radio Regulations, 1986*¹ is repealed.

(2) The definitions “content category” and “content subcategory” in section 2 of the Regulations are replaced by the following:

“content category” means a content category of broadcast matter that is described in the appendix to Broadcasting Regulatory Policy 2010-819, dated November 5, 2010 and entitled *Revised content categories and subcategories for radio*; (*catégorie de teneur*)

“content subcategory” means a content subcategory of broadcast matter that is described in the appendix to Broadcasting Regulatory Policy 2010-819, dated November 5, 2010 and entitled *Revised content categories and subcategories for radio*; (*sous-catégorie de teneur*)

2. (1) Subsection 2.2(3) of the Regulations is replaced by the following:

(3) Except as otherwise provided under a condition of its licence, an A.M. licensee, F.M. licensee or digital radio licensee shall devote, in a broadcast week,

(a) if the licensee is licensed to operate a community station or campus station, at least 15% of its musical selections from content category 3 to Canadian selections broadcast in their entirety; or

(b) if the licensee is licensed to operate a station other than a community station or campus station, at least 10% of its musical selections from content category 3 to Canadian selections and schedule them in a reasonable manner throughout each broadcast day.

(2) Subsection 2.2(8) of the Regulations is replaced by the following:

(8) Except as otherwise provided under a condition of its licence that refers expressly to this subsection and subject to subsection (6), an A.M. licensee, F.M. licensee or digital radio licensee shall devote, in a broadcast week,

(a) if the licensee is licensed to operate a commercial station, at least 35% of its musical selections from content category 2 to Canadian selections broadcast in their entirety; or

(b) if the licensee is licensed to operate a community station or campus station, at least 40% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

(3) Subsection 2.2(14) of the Regulations is repealed.

3. Subsection 7(4) of the Regulations is replaced by the following:

(4) Despite subsection (3), an A.M. licensee, F.M. licensee or digital radio licensee that is licensed to operate a community station or campus station may devote

(a) if it is broadcasting in a market where there is no ethnic station, up to 40% of a broadcast week to third language programs; or

(b) if it is broadcasting in a market where there is at least one ethnic station, except as otherwise provided by a condition of its licence, up to 15% of a broadcast week to third language programs.

4. Subparagraph 9(3)(b)(iv) of the Regulations is replaced by the following:

(iv) any content category 3 musical selection, and

5. Subsection 15(4) of the Regulations is replaced by the following:

(4) Except as otherwise provided under a condition of its licence, the licensee whose total revenues are \$1,250,000 or less shall make at least 60% of the contribution referred to in subsection (2) to FACTOR or MUSICACTION. However, if the licensee is licensed to operate an ethnic station or spoken word station, the licensee may instead make that percentage of the contribution to any eligible initiative that supports the creation of ethnic programs or programming from content category 1, as the case may be.

(5) Except as otherwise provided under a condition of its license, a licensee whose total revenues are more than \$1,250,000 shall make

(a) at least 15% of the contribution referred to in subsection (2) to the Community Radio Fund of Canada; and

(b) at least 45% of the contribution referred to in subsection (2) to FACTOR or MUSICACTION; however, if the licensee is licensed to operate an ethnic station or spoken word station, the licensee may instead make that percentage of the contribution to any eligible initiative that supports the creation of ethnic programs or programming from content category 1, as the case may be.

COMING INTO FORCE

6. These Regulations come into force on September 1, 2011.

¹ SOR/86-982