



Broadcasting Decision CRTC 2016-249

PDF version

References: Part 1 applications posted on 25, 26, 27 and 28 January 2016

Ottawa, 29 June 2016

Various licensees

Various locations across Canada

The application numbers are set out in the decision.

Various radio stations – Extension of the deadline for implementing emergency alerting

*The Commission **approves** applications by the licensees listed in the decision to extend until 31 March 2017 the deadline for implementing emergency alerting on their radio stations.*

*The Commission **denies** an application by KCVI Educational Radio Station Incorporated requesting an exemption from the requirement to implement emergency alerting on its community radio station CKVI-FM. However, the Commission extends until 31 March 2017 the implementation deadline for CKVI-FM.*

Background

1. In Broadcasting Regulatory Policy 2014-444, the Commission amended various regulations, standard conditions of licence and certain exemption orders to require the mandatory distribution of emergency alert messages by broadcasting undertakings. This policy was the culmination of a public process examining the need for regulatory intervention to ensure that emergency alerts entered in the National Alert Aggregation and Dissemination (NAAD) System would be distributed by broadcasters to the general public. The NAAD System forms part of the overarching system known as Canada's National Public Alerting System (NPAS).
2. The obligations applicable to licensed radio broadcasters are set out in section 16 of the *Radio Regulations, 1986* (the Regulations). While the majority of radio broadcasters were required to participate in the system by 31 March 2015, campus, community and native radio undertakings were given until 31 March 2016 to participate.
3. The vast majority of broadcasters and broadcasting distribution undertakings (BDUs) have implemented emergency alerting measures that will make Canadians' lives safer.

4. The purpose of the emergency alerting framework set out in Broadcasting Regulatory Policy 2014-444 is to ensure that alerts are available to as many Canadians as possible. In that policy, the Commission stated that the full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, it considered that any request related to a delay or an exception to the implementation of emergency alerting should be accompanied by compelling rationale and a plan to meet any modified deadline.

Applications requesting an extension

5. The Commission received applications from the licensees listed in the table below to extend until 31 March 2017 the deadline for implementation of alerting systems for the following radio stations.

Licensee	Call sign, location and application number	Type of radio station
Radio Waterloo Inc. (Radio Waterloo)	CKMS-FM Waterloo, Ontario 2016-0081-7	Campus
Radio CFXU Club	CFXU-FM Antigonish, Nova Scotia 2016-0085-9	Campus
Nakusp Community Radio Society (Nakusp)	CJHQ-FM Nakusp, British Columbia 2016-0079-2	Community
WhiStle Community Radio (WhiStle)	CIWS-FM Whitchurch-Stouffville, Ontario 2016-0102-1	Community
Cowichan Valley Community Radio Society (Cowichan)	CICV-FM Lake Cowichan, British Columbia 2016-0103-9	Community
Homegrown Community Radio	CHCR-FM Killaloe, Ontario 2016-0106-3	Community
Radio Malaspina Society	CHLY-FM Nanaimo, British Columbia 2016-0110-5	Campus

6. All seven licensees indicated that they currently do not have the financial capacity to purchase automated equipment for the distribution of emergency alerts and expressed concerns regarding their ability to continue broadcasting if required to purchase such equipment. The licensees also indicated that as not-for-profit organizations, their annual budget only allows for essential expenses and added that they do not have access to discretionary funds that could be allocated to the purchase of new equipment.
7. The licensees stated that they contacted various vendors for cost estimates and have identified the lowest cost option. However, they explained that their fundraising attempts for the 2014-2015 broadcast year were unsuccessful in raising the required funds. They nevertheless stated they were confident that fundraising efforts in the 2015-2016 broadcast year would allow them to raise the funds necessary to purchase automated equipment for the distribution of emergency alerts.

8. The licensees indicated that until such time as the equipment is purchased and installed, they intend to regularly air public service announcements to notify listeners that they can obtain more information in the event of an emergency by tuning to another local station that is in compliance with the regulatory requirements.
9. In its application, Cowichan, the licensee for CICV-FM, indicated that its DJs broadcast live warnings about alerts as soon as they learn about them. Similarly, WhiStle submitted that CIWS-FM currently has a system in place to warn listeners about thunderstorms and freezing rain. The other licensees also indicated that they have agreements in place with fire or police departments, or other local radio and television stations that broadcast emergency alerts. The licensees indicated that this will allow them to become informed of local emergencies and relay information about those emergencies to their listeners.

Application requesting an exemption

10. The Commission also received an application (2016-0095-8) from KCVI Educational Radio Station Incorporated (KCVI) requesting an exemption from the alerting requirements set out in the Regulations for its community radio station CKVI-FM.
11. Like the other seven licensees, KCVI indicated that it currently does not have the financial capacity to purchase equipment to participate in the NPAS. It added that if it were required to purchase alerting equipment, the financial hardship could endanger its ability to continue broadcasting. It further submitted that it could not afford the equipment required to participate in the NPAS even if it were given an extension. KCVI indicated that since the station is part of the education program at Kingston Collegiate Vocational Institute, any fundraising attempts or grant proposals would exceed the capacity of the program and its members, which consists of 1 supervising teacher and 20 student volunteers.
12. In its application, KCVI stated that as part of a high school program, CKVI-FM only broadcasts Monday to Friday from 8 am to 6 pm. As such, it believes that the audience would not rely on its station for urgent or timely emergency-related information. Nonetheless, the licensee indicated that it intends to regularly air public service announcements to notify its listeners that if an emergency occurs, additional information may be available by tuning in to other local stations who are in compliance with the regulatory requirements.

Interventions

13. The Commission received interventions from the National Campus and Community Radio Association (NCRA), which currently represents 95 not-for-profit member radio stations across Canada, including the 8 stations requesting relief, as well as from OpenBroadcaster, a business that offers broadcasting solutions to distribute media (including emergency alerts) over the air and the Internet. The public record for these applications can be found on the Commission's website at www.crtc.gc.ca.

14. The NCRA submitted that the Commission should use the following criteria when evaluating requests for exemptions or temporary relief from participating in the NPAS for campus and community radio stations: substantiated financial hardship, lack of benefit (e.g. other local emergency alert providers exist to which the station could refer its listeners in case of emergency) and alternative processes in place for providing emergency alert messages. The NCRA submitted that these criteria provided a balance between the objectives of the *Broadcasting Act* by recognizing the financial vulnerability of certain campus and community radio stations, while protecting the public from imminent and unfolding dangers.
15. The NCRA supported the requests for a one-year extension, which would allow the seven stations requesting an extension to become compliant. The NCRA also supported CKVI-FM's request for an exemption given that it faces unique and significant staffing and financial limitations as the only licensed high school radio station in Canada. Further, the NCRA submitted that listeners are unlikely to rely on the station for urgent or timely emergency information due to its limited broadcasting hours.
16. In its intervention, OpenBroadcaster identified alternatives to purchasing automated equipment that would enable broadcasters to receive and distribute emergency alerts from the NAAD System. Specifically, OpenBroadcaster submitted that the licensees could avail themselves of one of the following solutions it provides:
 - open source software that can be installed on a used or refurbished computer;
 - leasing and financing of equipment; and
 - a hosted emergency alert service.

Replies

17. In their replies, all of the licensees, with the exception of Nakusp, indicated that the alternative options suggested by OpenBroadcaster did not meet their needs.
18. With respect to the open source solution, the licensees submitted that they would still be required to purchase hardware and have the technical ability to install and maintain the system, which would be a significant barrier given their lack of funding and technical expertise.
19. They submitted that the leasing and financing option was not available for the lowest cost equipment.
20. Lastly, the licensees also submitted that the costs of the hosted alert service would add up over time, making the overall cost of this solution more expensive than it appeared.

Commission's analysis

21. In Broadcasting Regulatory Policy 2014-444, the Commission stated that licensees' applications for a condition of licence granting them relief from the emergency alerting obligations would be examined on a case-by-case basis. Further, the Commission found that it was premature to set up a formal relief mechanism, as such a mechanism could encourage delays in industry participation in the NPAS.
22. In Broadcasting Decision 2015-576, the Commission reminded licensees that they must take the time to investigate funding, technology and compliance options prior to requesting specific exemptions to the emergency alerting requirements. Further, it indicated that such applications should include compelling and detailed rationale, as well as evidence of any concrete actions taken to become compliant with these requirements.
23. The licensees provided compelling evidence of financial hardship in their submissions and provided details about the challenges they face in purchasing equipment for participation in the NPAS. The seven stations requesting extensions provided a plan for the purchase and installation of emergency alerting equipment by 31 March 2017. Specifically, they identified fundraising efforts and applications for grants.
24. The licensees provided evidence that they had investigated steps that could be taken to comply with the emergency alerting obligations. Specifically, they contacted equipment vendors for cost estimates and investigated alternative methods for relaying alerts to listeners.
25. KCVI provided rationale similar to the other seven licensees with respect to financial hardship. Like the other stations, it also obtained cost estimates from emergency alerting equipment vendors. However, it failed to provide additional evidence to justify a complete exemption from participating in the NPAS.
26. The Commission considers that KCVI should continue to investigate solutions to comply with the emergency alerting requirements set out in the Regulations, such as reaching out to other campus and community radio stations in similar financial situations that have implemented an emergency alerting system.

Conclusion

27. In light of all of the above, the Commission **approves** the applications by the licensees listed in the table above to extend until 31 March 2017 the deadline for participating in the NPAS for the above-mentioned radio programming undertakings.
28. In addition, the Commission **denies** the application by KCVI Educational Radio Station Incorporated requesting an exemption from the emergency alerting requirements for CKVI-FM. However, the Commission extends until 31 March 2017 the deadline for participating in the NPAS for CKVI-FM. The Commission expects KCVI to make use of the time granted in this extension to investigate funding options available to it, as well as to determine what steps need to be taken to ensure compliance.

Secretary General

Related documents

- *CFOI-FM Québec and its transmitter CFOI-FM-1 Saint-Jérôme – Extension of the deadline for implementation of the emergency alerting system, Broadcasting Decision CRTC 2015-576, 22 December 2015*
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014*
- *The Weather Network/Météomédia – Licence renewal and extension of the mandatory distribution of the service, Broadcasting Decision CRTC 2011-438, 22 July 2011*

**This decision is to be appended to each licence.*