



Broadcasting Public Notice CRTC 2008-16

Ottawa, 27 February 2008

Notice of consultation

Call for comments on the definition of emerging Canadian artists on commercial radio

*The Commission invites written comments regarding the definition of emerging Canadian artists on commercial radio. The deadline for filing written comments is **25 April 2008**. The Commission then invites intervenors to file replies to any of the comments submitted in the first stage of the process. Parties will have until **10 May 2008** to do so. Only submissions filed by parties which filed comments in the first stage will be accepted at this point. To assist intervenors in their consideration of this matter, the Commission is also publishing today a report detailing the actual broadcasting of the music of emerging artists according to nine possible definitions of the term. The report is available on the Commission's Web site at www.crtc.gc.ca.*

Background

1. The extent to which commercial radio stations expose the work of emerging Canadian artists has been a topic of discussion over the past decade, most extensively during the two most recent reviews of the Commercial Radio Policy.
2. In Broadcasting Public Notice 2006-158 (the 2006 Commercial Radio Policy), the Commission concluded that radio broadcasters should henceforth make commitments to broadcast selections by emerging Canadian artists and to promote such artists in their applications for new licences, licence renewals and transfers of ownership or control of radio stations. The applications would be assessed on a case-by-case basis, providing broadcasters with the flexibility to tailor their commitments with respect to emerging artists to the musical formats that they offer. The Commission might then decide to impose these as conditions of licence following the public process.
3. After the release of the 2006 Commercial Radio Policy, application forms were revised to include questions concerning the airing of the music of emerging artists, including a question inviting applicants to propose a definition of an emerging artist that would be appropriate for their musical format. Discussions with individual applicants about the promotion and airplay of emerging artists ensued at some public hearings, usually in relation to applications for new licences, but occasionally also in the context of transfers of ownership and licence renewals. However, the lack of a commonly accepted definition or definitions limited the discussions. In no case have commitments been imposed as conditions of licence.

4. In Broadcasting Decision 2007-165, which approved the transfer of effective control of CHUM Limited to CTVglobemedia (CTVgm), the Commission noted that it expected CTVgm to take a role within the industry and with stakeholders in developing ongoing support for emerging artists. Similarly, in Broadcasting Decision 2007-216, which renewed the licences of 11 French-language stations owned by Astral Media Radio Inc. (Astral), the Commission noted that Astral and the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) had provided a definition for "Canadian French-language emerging artists" different from that suggested by the Canadian Independent Record Production Association and consequently encouraged Astral and ADISQ to continue their discussions with associations and broadcasters to agree on an acceptable definition of the term. Finally, in Broadcasting Decision 2007-359, which approved the transfer of the assets of Standard Radio Inc. to Astral, the Commission also encouraged Astral to work with music industry representatives and other broadcasters to reach a consensus on acceptable definitions of the term "emerging artist" for the French- and English-language markets.
5. In their August 2007 report on the regulatory framework for broadcasting services, Laurence Dunbar and Christian Leblanc characterized the Commission's expectation that broadcasters provide more support to emerging Canadian artists as "a commendable and appropriate way to strengthen Canadian musical culture, both in the French and English languages." The report concluded that
 - workable definitions are imperative and should be developed by broadcasting and music industry representatives;
 - community, campus, satellite, and public radio should all have a voice in this matter; and
 - the music and broadcast industries should agree on how to promote emerging Canadian artists.

Definition(s) of emerging Canadian artists

6. In light of the above, the Commission considers that a common definition(s) of emerging Canadian artists is now required. Accordingly, the Commission is initiating a process to adopt definitions of emerging artists appropriate for French- and English-language talent and is inviting input from industry and other stakeholders. The Commission notes that both the music and commercial broadcast industries have made suggestions in the past. These parties may wish to file a joint submission.
7. To assist intervenors in their consideration of this matter, the Commission is also publishing today a research report, *Emerging Canadian Artists on Commercial Radio*, which details the actual broadcasting of the music of emerging artists according to nine definitions of the term that are based on music industry charts. The report is available on the Commission's Web site at www.crtc.gc.ca.

8. In developing a definition or definitions of emerging Canadian artists, the Commission considers that the following objectives are fundamental:
- the definition or definitions should be based, to the extent possible, on a combination of the most relevant measures of popularity, such as airplay, sales, airplay and sales, etc.;
 - the definition or definitions should be based on information easily accessible to all in order to allow broadcasters of all sizes and the Commission itself to monitor the level of musical selections by emerging artists on station playlists; and
 - the definition or definitions should strike a balance between the achievement of meaningful name recognition of artists by radio listeners and consumers of recorded music and ensuring a constantly refreshing roster of emerging artists.
9. The Commission notes that several definitions of an emerging artist were proposed during the process leading to the 2006 Commercial Radio Policy, including definitions based on the following criteria, among others:
- the length of time since the release dates of individual recordings;
 - the number of audience “impressions” accorded to individual musical selections (a calculation based on the number of radio “spins” a recording receives on a selection of stations multiplied by the size of the audience that likely heard it);
 - whether artists had been signed by a record label and, if so, to an “independent” instead of a “major” record label; and
 - the attainment of a specific watershed position on recognized industry charts compiling airplay and sales (e.g. the fortieth position on the *Billboard Hot 100 Singles* chart).
10. The Commission will consider all proposals. However, the Commission is of the preliminary view that, for English-language artists, a definition based on the highest position attained by artists on the trade charts used by the Commission to determine hits¹ appears to be the most practical because current and historical chart information is relatively easy for the music and broadcast industries and the Commission to obtain. Some of the charts are based on a combination of airplay and sales.

¹ *RPM 100 Singles, RPM Retail Singles, The Record Retail Singles, The Record Country, RPM 100 Country Tracks, Canadian Music Network National Airplay, Canadian Music Network Country Top 50 Audience, Billboard Hot 100 Singles, and Billboard Hot Country.* In Broadcasting Public Notice 2008-1, the Commission proposed two additional charts: the *Neilsen BDS Country Spins Chart* published by *Radio & Records Magazine* and the *Billboard Canadian Hot 100 Chart*, which is available at Billboard.com and in the new *Billboard.biz* Canadian Update newsletter.

11. For French-language artists, the *Top 50 Francophone*, the *Top 25 Francophone Pop Rock*, and the *Top 25 Francophone Pop Adulte* charts published by *Le Palmarès* might be appropriate. These were used in the Commission's research published today.
12. Also, pending further suggestions to be received in the ensuing process, the Commission is of the preliminary view that the "Top 40, under one year" definition of an emerging artist proposed by the Canadian Association of Broadcasters during the 2006 review of the Commercial Radio Policy strikes the best balance between ensuring name recognition on the part of radio listeners and music consumers and the exposure of an ever-renewing roster of emerging talent. Under this definition, an artist would be considered emerging up until 12 months after the date his or her first selection reaches one of the Top 40 positions on the industry charts traditionally used by the Commission to determine hits.
13. As part of their submissions, the Commission invites parties to comment on the following:
 - Over the years some have expressed the view that the country music format has unique characteristics. The perception has been that the audience of country music stations is not inclined to tune to stations offering other musical formats, while other radio listeners avoid country music stations. The dynamics of country music charts may differ from those of the all-format charts. To supplement all-format charts, the Commission has referenced country music charts in its definition of a hit. The Canadian country music industry has established its own association and awards. Are the characteristics of country music sufficiently distinctive to warrant special consideration in developing a definition of emerging artists? Should a definition of emerging artists be applied differently to country music stations?
 - In light of the research published today by the Commission, are commitments by French-language stations to the airplay of emerging artists required?
 - Should the old recordings of artists who are no longer active in the business (i.e. to the extent of not having released new material in recent years) be excluded from consideration as music by emerging artists? If so, how long should the period of inactivity be to warrant such exclusion?

Call for comments

14. The Commission invites written comments that address the issues and questions set out above. The deadline for filing written comments is **25 April 2008**. The Commission then invites intervenors to file replies to any of the comments submitted in the first stage of the process. Parties will have until **10 May 2008** to do so. Comments received during the second stage that have been filed by parties which did not participate in the first stage will not be accepted.

15. 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.

Procedures for filing comments

16. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**
[Broadcasting Intervention/Comments Form](#)

OR

- **by mail to**
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**
819-994-0218

17. Submissions longer than five pages should include a summary.
18. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

19. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's Web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's Web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
20. The personal information you 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.
21. Documents received electronically or otherwise will be put on the Commission's Web site in their entirety exactly as you send them, 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.

22. Please note that the information you 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 webpage of this particular public process. As a result, a general search of our Web site with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.
23. The Commission encourages interested parties to monitor the public examination file and the Commission's Web site for additional information that they may find useful when preparing their comments.

Examination of public comments and related documents at the following Commission offices during normal business hours

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

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Secretary General

Related documents

- *Call for comments on the policy regarding the broadcast of hits by FM radio stations*, Broadcasting Public Notice CRTC 2008-1, 4 January 2008
- *Acquisition of assets*, Broadcasting Decision CRTC 2007-359, 28 September 2007
- *Radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2007-216, 6 July 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Review of the Commercial Radio Policy*, Broadcasting Notice of Public Hearing CRTC 2006-1, 13 January 2006
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998

This document is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.