



Broadcasting Notice of Consultation CRTC 2011-216

PDF version

Additional reference: 2010-499

Ottawa, 29 March 2011

Call for comments on the Community Radio Fund of Canada's proposed Structural and Operational Plan

In this notice of consultation, the Commission calls for comments on the proposed Structural and Operational Plan (the Plan) provided by the Community Radio Fund of Canada (CRFC). The Plan relates to the administration of mandatory basic annual Canadian content development contributions from commercial radio broadcasters with revenues in excess of \$1.25 million per broadcast year, and of tangible benefits arising from the transfer of ownership of commercial radio undertakings. It addresses, among other things, accountability measures, an administrative funding structure, and the governance of the CRFC.

*The deadline for the receipt of written comments is **28 April 2011**.*

*The CRFC may reply to comments received in regard to the present notice of consultation, by no later than **9 May 2011**.*

Background

1. The Community Radio Fund of Canada (CRFC) was first certified by the Commission as eligible to receive voluntary Canadian content development (CCD) contributions in April 2008. From that time until the issuance of *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010 (the Policy), the CRFC managed modest CCD contributions from broadcasters arising voluntarily from tangible benefits involved in the transfer of ownership and/or control of commercial radio undertakings, as well as other voluntary CCD contributions. In the Policy, the Commission announced that the CRFC would receive mandatory CCD contributions arising from the aforementioned tangible benefits. These mandatory contributions became effective as of 22 July 2010.
2. In the Policy, the Commission also expressed the view that, in order to ensure stable funding for the campus and community radio sector, it would be appropriate to require all commercial radio stations earning in excess of \$1.25 million to contribute 15% of their basic annual CCD contributions to the CRFC. In addition, it indicated that these contributions would be deducted from the portion of basic annual CCD contributions that is presently devoted to FACTOR or MUSICACTION. The Commission also noted in the Policy that the implementation of this requirement would be contingent on an approved

accountability structure to be developed by the CRFC and an approved restructuring of the CRFC, as well as the adoption of the necessary amendments to the *Radio Regulations, 1986*.

3. Further, the Commission considered that the CRFC must put measures in place to ensure that all funds are accounted for and spent in accordance with the Policy. As a way to ensure that the CRFC would provide an adequate accountability structure and overall restructuring, the Commission requested that the CRFC provide to the Commission, for its approval, a plan that would demonstrate that:
 - the CRFC is accountable to the Commission;
 - stations receiving funding are accountable to the CRFC; and
 - stations receiving funding are accountable to the Commission.
4. The Commission indicated that it would review the plan and that this plan would be published for public comment.
5. In response to the Commission's request, the CRFC has proposed a Structural and Operational Plan (the Plan), which is the subject of the present call for comments.

The CRFC's proposed Structural and Operational Plan

6. The CRFC submitted a first version of the Plan to the Commission on 29 October 2010. Following requests for certain revisions, the CRFC provided a revised version of the Plan on 15 March 2011. This document can be found on the Commission's website.
7. In the Plan, the CRFC has provided a response to the measures requested in the Policy. In particular, it has provided an administrative funding structure with a staffing plan and a list of administrative expenses, as well as descriptions of its governance structure, its bylaws, and its funding practices.
8. In the Plan, the CRFC has also set out the manner in which it will be accountable to the Commission, and has set out how stations receiving funding will demonstrate compliance with the intended purpose of the funds and how these stations will report to the CRFC. As well, it has identified the measures that will be taken to evaluate the success of the fund.

Call for comments

9. The Commission invites written comments limited to the contents of the Plan, and will accept comments that it receives on or before **28 April 2011**. A true copy must be sent to the Community Radio Fund of Canada at the following

address, and proof that this has been done must accompany the comment sent to the Commission.

Community Radio Fund of Canada
325 Dalhousie Street, 2nd Floor
Ottawa, Ontario
K1N 7G2
Fax: 613-562-2182
E-mail: admin@communityradiofund.org

10. The CRFC may file a written reply to any comments received in regard to the present notice of consultation. This reply must be filed with the Commission, and a copy sent to the person who submitted the comments, by no later than **9 May 2011**.
11. The Commission cannot be held responsible for postal delays and will not notify a party whose comment or reply is received after the deadline dates. The comment or reply will not be considered by the Commission and will not be part of the public file.
12. The Commission will not formally acknowledge comments or replies. It will, however, fully consider all comments and replies, 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

13. Interested parties can file their comments/replies 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

14. The Commission advises those who file and serve by electronic means to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

15. Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.
16. Submissions longer than five pages should include a summary.
17. Each paragraph of the submission 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

18. All information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, email 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, email addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.
19. 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.
20. 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.
21. 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.
22. 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/replies.

Examination of documents

23. A list of all comments/replies will also be available on the Commission's website. An electronic version of all comments/replies submitted will be accessible from this list. To access the list, select "Lists of

interventions/comments” under “Public Proceedings” from the Commission’s website.

24. The public may examine public comments/replies 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