



Broadcasting Decision CRTC 2014-644

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Route reference: 2014-383

Ottawa, 11 December 2014

Radio Ryerson Inc.

Toronto, Ontario

Application 2014-0149-7, received 18 February 2014

Public hearing in the National Capital Region

25 September 2014

English-language community-based campus AM station in Toronto

*The Commission **approves** an application for a broadcasting licence to operate a low-power, English-language community-based campus AM radio station in Toronto.*

Application

1. Radio Ryerson Inc. (Radio Ryerson) filed an application for a broadcasting licence to operate a low-power, English-language community-based campus AM radio station in Toronto.
2. Radio Ryerson is controlled by its board of directors, with representation from the student body (three directors), the administration (three directors), station volunteers (one director) and the community at large (two directors chosen by the board).
3. The station would operate at 1,280 kHz with a daytime and nighttime transmitter power of 99 watts.¹ It would broadcast 126 hours of programming each broadcast week, including 120 hours of local programming, with the remainder consisting of wrap-around programming.
4. The musical format would include a mixture of pop, rock, dance, acoustic, folk, folk-oriented, world beat international, jazz, blues and experimental music, with a focus on emerging artists. Radio Ryerson stated that it wished to provide a voice different from that of commercial or public radio by adopting a music discovery approach. Rather than playing songs in their entirety, excerpts would be aired, along with background information, interviews with key acts and insight into why some songs are matched with others.

¹ These technical parameters reflect those approved by the Department of Industry.

5. The applicant also committed to exceed the regulatory minimums for the weekly broadcast of Canadian special interest and popular music as well as spoken word programming by devoting at least:
 - 15% of its special interest musical selections to Canadian music, which exceeds the 12% level set out in section 2.2(3)(a) of the *Radio Regulations, 1986* (the Regulations);
 - 50% of its popular music selections to Canadian music, which exceeds the 35% level set out in section 2.2(8) of the Regulations; and
 - 20% of its programming to spoken word programming, which exceeds the 15% level set out in Broadcasting Regulatory Policy 2012-304. All of this spoken word programming would be locally produced (that is, produced by or exclusively for the licensee).

6. Finally, Radio Ryerson stressed that volunteerism is at the core of its mission and operations. In addition to having a dedicated volunteer coordinator on staff, it stated that it had arranged for ongoing training from Volunteer Canada and advertised its volunteer opportunities through its online audio streaming service. As a result, it projected to attract at least 150 volunteers for its first year of licensed operations. Volunteer training would include a compulsory orientation session followed by specific training, as well as mandatory attendance at least one of two annual volunteer meetings. Further, the applicant noted that the following existing procedures would help ensure ongoing regulatory compliance:
 - Radio Ryerson staff is training all new volunteers in mandatory regulatory compliance;
 - Radio Ryerson staff are given a handbook on compliance and have attended sessions by the National Campus and Community Radio Association (NCRA) based on the NCRA's regulatory guide;
 - Radio Ryerson staff will be training with Volunteer Canada on screening processes for volunteers that will include an interview and reference check;
 - ongoing oversight by the Program Director and yearly reviews by the Program Review Committee; and
 - at least one lawyer from McCarthy Tétrault LLP has attended every meeting of the board of directors and members since the incorporation of Radio Ryerson in July 2011. The firm will continue to provide regulatory guidance where needed.

Interventions and reply

7. The Commission received several interventions in support of the application, as well as a comment. The Commission also received opposing interventions by Greg Duffell and Daniel Besharat, programmers for the former community-based campus radio station CKLN-FM Toronto,² and Paulette Andrea Hamilton, a community member. The public record for this application can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.
8. The Commission notes that Radio Ryerson submitted that it had not been served with the opposing interventions and requested that they be struck from the record. However, the Commission is of the view that allowing these interventions to remain on the record would not represent a breach of procedural fairness as the applicant has had sufficient time to review the interventions and has filed a substantial reply. Accordingly, the Commission has retained these interventions on the public record of this proceeding.
9. The opposing interveners submitted that the application should be denied because the Ryerson Students Union (RSU) exercises too many levels of control over Radio Ryerson, including financing the station through student fees, leasing office and studio space (through the Palin Foundation) and selecting key members of the board of directors, the general manager, officer(s), programmers and the community groups whose representatives are allowed to hold directors' positions.
10. These interveners also maintained that the application was inconsistent with the campus and community radio policy (see Broadcasting Regulatory Policy 2010-499). Specifically, they argued that the board was not balanced and that it was difficult for community members to be appointed because only two board members represent the community and community representatives are selected among a slate of community organizations. They further noted that members of the community must be nominated by the board of Radio Ryerson to be represented on the board.
11. In reply, Radio Ryerson noted that the RSU's only representative on the board was a nominee of the RSU's president and that a clause in its agreement with the Palin Foundation prohibited it from interfering with the licensee's ability to broadcast. The applicant also noted that the campus and community radio policy requires that representation from the four groups be balanced, not equal, and that under its proposed governance structure students, the administration and the community/volunteers would each have three representatives.

² In Broadcasting Decision 2011-56, the Commission revoked the broadcasting licence for CKLN-FM Toronto held by CKLN Radio Incorporated. In reaching this determination, the Commission considered the serious and continuous nature of the licensee's non-compliance with numerous regulatory obligations, the station's inability to institute the measures necessary to ensure ongoing compliance and the lack of confidence on the part of the Commission that such measures could or would be instituted within a reasonable amount of time.

12. Radio Ryerson added that community members were not excluded from the board as any community member who is a volunteer can be elected. It further stressed that the nomination process for community members was a means to select representatives who are deeply engaged with the communities the station aspires to serve and who might help with grants, mentorship and funding given that they occupy similar positions in other not-for-profit organizations. Finally, the applicant submitted that it was appropriate to restrict membership in this case to avoid governance problems such as those that led to the revocation of CKLN-FM's licence, where a second competing board of directors was elected by members (see Broadcasting Decision 2011-56).

Commission's analysis and decision

13. The Commission is satisfied with the applicant's reply to the opposing interventions. In particular, the Commission considers that the RSU does not have the ability to cause Radio Ryerson or its board of directors to undertake a course of action, that Radio Ryerson is controlled by its board of directors and that the proposed governance model is appropriate and provides for balanced representation from students, the community, the university and volunteers.

14. With respect to programming, the Commission expects campus and community radio stations to provide programming differing in style and substance from that provided by other elements of the broadcasting system, particularly commercial radio stations and the Canadian Broadcasting Corporation. Such programming should consist of music, especially Canadian music, not generally heard on commercial stations (including special interest music, as well as styles of popular music seldom broadcast), in-depth spoken word programming and programming targeted to specific groups within the community.

15. The Commission is satisfied that the application complies with Broadcasting Regulatory Policy 2010-499. Accordingly, the Commission **approves** the application by Radio Ryerson Inc. for a broadcasting licence to operate a low-power, English-language community-based campus AM radio programming undertaking in Toronto. The terms and **conditions of licence** are set out in the appendix to this decision.

16. The Commission notes that Radio Ryerson proposed to exceed the regulatory minimums for the weekly broadcast of Canadian special interest and popular music, as well as spoken word programming. However, given that the application is for a low-power, community-based campus AM station and that the Commission does not generally impose such programming obligations on campus and community stations, the Commission has not imposed these commitments as conditions of licence.

17. With respect to the applicant's plans to adopt a music discovery approach, the Commission notes that the applicant filed a sample program schedule with program descriptions but did not specify whether it would use this approach for all or only select programs and provided no details as to the length of musical selections to be

broadcast. The Commission reminds the applicant that the Regulations define a “musical selection” as any live or recorded music of one minute or more that is broadcast uninterrupted, including a medley and a montage. Further, in order to meet the requirements of sections 2.2(3)(a) and 2.2(8) of the Regulations, Canadian special interest and popular music selections must be broadcast in their entirety.

Secretary General

Related documents

- *Standard conditions of licence for campus and community stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *CKLN-FM Toronto – Revocation of licence*, Broadcasting Decision CRTC 2011-56, 28 January 2011
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

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

Appendix to Broadcasting Decision CRTC 2014-644

Terms, conditions of licence, expectation and encouragement for the low-power, English-language community-based campus AM radio programming undertaking in Toronto, Ontario

Terms

The licence will expire 31 August 2021.

The station will operate at 1,280 kHz with a daytime and nighttime transmitter power of 99 watts.

Pursuant to section 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Given that the technical parameters approved in this decision are for a low-power unprotected AM undertaking, the Commission also reminds the applicant that it will have to select another frequency if the Department so requires.

Further, the licence for this undertaking will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **11 December 2016**. To ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012.

Expectation

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections or at any other time. As noted in Appendix 3 to that regulatory policy, licensees may submit such documentation via the Commission's website.

Encouragement

The Commission considers that campus and community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.