



20 January 2020

Filed online via GCKey

Claude Doucet  
Secretary General  
CRTC  
Ottawa, ON K1A 0N2

Dear Secretary General,

**Re: Part 1 licence renewal applications submitted by Corus Radio Inc. and 591989 B.C. Ltd.: 2019-0638-0, 2019-0655-4, 2019-0663-7, 2019-0640-6, 2019-0656-2, 2019-0664-5, 2019-0641-3, 2019-0657-0, 2019-0665-3, 2019-0642-1, 2019-0659-6, 2019-0666-1, 2019-0651-2, 2019-0661-1, 2019-0695-0, 2019-0652-0, 2019-0662-9, 2019-0697-6**

- 1 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established to undertake research and policy analysis about electronic communications, including broadcasting.
- 2 We are writing with respect to the Part I radio licence renewal applications submitted in early December 2019 by Corus Radio Inc. and 591989 B.C. Ltd.; our intervention is attached.
- 3 Should the CRTC decide to hold a public hearing with respect to these applications the Forum requests the opportunity to appear.

Sincerely yours,

Monica L. Auer, M.A., LL.M.  
Executive Director  
Forum for Research and Policy in Communications (FRPC)  
Ottawa, Ontario

cc.: Karen Gifford [karen.gifford@corusent.com](mailto:karen.gifford@corusent.com); asha.ross@corusent.com  
Senior Director, Regulatory  
Compliance and Licensing  
Corus Radio Inc. (and 591989 B.C. Ltd.)

---

## Contents

<b>I.</b>	<b>Introduction</b>	<b>1</b>
A.	Current requirements for commercial radio stations in Canada	1
1.	The <i>Broadcasting Act</i>	1
2.	Regulations that apply to broadcasting applications	3
3.	Commercial radio policy	5
B.	Evidentiary gap by CRTC in this licence renewal process	7
<b>II.</b>	<b>Corus and its applications</b>	<b>9</b>
A.	Corus seeks permission to reduce local programming by 66%	10
B.	Insufficient national and international news	11
C.	Other sources of programming not identified	13
<b>III.</b>	<b>Summary of recommendation</b>	<b>14</b>
<b>IV.</b>	<b>Request for information about employees</b>	<b>15</b>

### Tables

Table 1	<i>Broadcasting Act's</i> requirements for private broadcasters	1
Table 2	Broadcasting Act's requirements for the CRTC	3
Table 3	Corus' radio stations and the communities they are licensed to serve	9
Table 4	Corus' stations – 66% reduction proposed to local programming	10
Table 5	Corus: proposed hours per week of local, national and international news in next licence term	11
Table 6	Corus - proposed average minutes per day of news in next licence term	12
Table 7	Programming from another source	13

---

## Executive summary

### Current legislative and regulatory requirements

**ES1** Corus' Part 1 applications are subject to the 1991 Broadcasting Act, the *Radio Regulations, 1986*, the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, and the 2006 *Commercial Radio Policy*. Corus must also comply with its stations' existing conditions of licence.

### CRTC evidentiary gap

**ES2** While the CRTC has stated a preliminary view that Corus' stations are in "apparent compliance", it has not provided any evidence to support this position. Nor does the CRTC's licence renewal application form require broadcasters to provide any information relevant to assessing the degree to which broadcasters are meeting the Act's objective of employment in broadcasting.

### Corus' applications

**ES3** Corus has applied to renew 18 radio stations that serve 15 communities in British Columbia and Ontario. The communities differ significantly: Vancouver, for instance, has 115 times more inhabitants than Collingwood.

**ES4** Corus has not provided any evidence to show how the programming provided by its radio stations meet the particular needs and interests of the communities they are licensed to serve. This omission is all the more striking because Corus proposes to reduce the local programming offered by its radio stations by an average of 65% - from 126 hours/week to 42 hours/week – should its financial circumstances so require. Again, Corus has not provided any evidence to support this proposal and has not mentioned the change' impact on employment. It has also not said what impact an improvement in its financial position would have on its programming.

**ES5** Six of Corus' radio stations propose to carry very little (less than a minute per 18-hour broadcast day) of national and/or international news, without explaining how this serves the needs of the communities it is licensed to serve.

**ES6** Corus' licence renewal applications also do not describe or explain its stations'

- airplay and promotion of emerging Canadian artists and their music, either in the current or coming licence terms,
- use of voice-tracking and how this meets the definition of local programming, or their
- use of new distribution platforms and how these benefit Canada's broadcasting system.

### Summary of recommendations

**ES7** The Forum supports Corus' application to renew its licences if it provides the CRTC with evidence:

- establishing the needs and interests of the 15 communities served by its radio stations

- justifying a 66% reduction in the local programming produced by 18 radio stations
- justifying the near-total absence of national and/or international news on CFOX-FM Vancouver, CFMI-FM New Westminster, CILQ-FM North York, CJDV-FM Cambridge, CJXY-FM Burlington, CKBT-FM Kitchener and CKQB-FM Ottawa;
- setting out its plans for airplay and promotion of emerging Canadian artists, and
- explaining how its use of online platforms to complement its conventional radio stations is strengthening their programming.

### **Request for information**

**ES8** The Forum is requesting a copy of Corus' total number of and percentage of on-air employees, including voiceovers, for each station, as well as information about the number of journalists employed by each station (or for the stations in total).

## I. Introduction

- 1 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established in 2013 to undertake research and policy analysis about electronic communications, including broadcasting. We make submissions to and appear before Committees of the Senate and House of Commons, as well as the CRTC.
- 2 Our intervention today addresses Part 1 applications to renew 18 commercial radio programming licences held Corus Radio Inc. and 591989 B.C. Ltd. The latter (591989 B.C. Ltd.) licensee is 100% owned by Corus Radio Inc. and we refer in the remainder of this intervention to both licensees as Corus.
- 3 In the remainder of this section we summarize current legislative and regulatory requirements for commercial radio stations in Canada, and review the requirements of the Part 1 renewal process for commercial radio stations. We then address the individual circumstances of the applicants and their applications. Our recommendations and a summary of questions left unanswered by the Corus applications then follow.

### A. *Current requirements for commercial radio stations in Canada*

- 4 Regulatory requirements for commercial radio stations in Canada are set out by statute, regulations and CRTC policies.

#### 1. *The Broadcasting Act*

- 5 Parliament’s legal requirements for all broadcasters in Canada, including private broadcasters, are set out in section 3 of the 1991 *Broadcasting Act*. Section 5(1) of the *Act* requires the CRTC to “regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) ...” The key requirements for Canadian programming broadcasters are set out in subsections 3(1)(d) through to 3(1)(s), which are set out in Table 1.

**Table 1 *Broadcasting Act’s* requirements for private broadcasters**

Subsection 3(1) requirements that apply to private broadcasters
(d) the Canadian broadcasting system should
(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,
(ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,
(iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society, and
(iv) be readily adaptable to scientific and technological change;

---

Subsection 3(1) requirements that apply to private broadcasters

- (e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming;
- (f) **each broadcasting undertaking** shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;
- (g) the programming originated by broadcasting undertakings should be of high standard;
- (h) all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast;
- (i) the programming provided by the Canadian broadcasting system should
- (i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes,
- (ii) be drawn from local, regional, national and international sources,
- (iii) include educational and community programs,
- (iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and
- (v) include a significant contribution from the Canadian independent production sector;
- ...
- (o) programming that reflects the aboriginal cultures of Canada should be provided within the Canadian broadcasting system as resources become available for the purpose;
- ...
- (s) **private networks and programming undertakings** should, to an extent consistent with the financial and other resources available to them,
- (i) contribute significantly to the creation and presentation of Canadian programming, and
- (ii) be responsive to the evolving demands of the public; ....

- 6 Briefly, subsections 3(1)(f), (g), (h) and (s) require individual broadcasters such as Corus and their undertakings, to
- make maximum use of Canadian resources in programming creation and presentation (3(1)(f))
  - make predominant use of Canadian resources in programming creation and presentation (3(1)(f))
  - contribute significantly to Canadian programming creation and presentation (s. 3(1)(s)(i))
  - be responsible to the public's evolving demands (3(1)(s)(ii))
  - ensure programming is of high standard (3(1)(g)), and
  - be responsible for programming broadcast (3(1)(h)).
- 7 Parliament has entrusted implementation of Parliament's broadcasting policy to the CRTC, and only to the CRTC. Section 3(2) stipulates that achieving the objectives "can best be achieved by

providing for the regulation and supervision of the Canadian broadcasting system by a single independent authority”, while section 5(1) states that the CRTC “shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1)...”.

- 8 Parliament also requires the CRTC to “have regard to the regulatory policy” set out in subsection 5(2), in implementing Parliament’s broadcasting policy. The 5(2) requirements are set out in Table 2 and, notably for the purposes of this intervention, require CRTC regulation and supervision “in a flexible manner ... sensitive to the administrative burden” that regulation and supervision might impose:

**Table 2 Broadcasting Act’s requirements for the CRTC**

Subsection 5(2) requirements apply to the CRTC
<p>The Canadian broadcasting system should be regulated and supervised in a flexible manner that</p> <p>(a) is readily adaptable to the different characteristics of English and French language broadcasting and to the different conditions under which broadcasting undertakings that provide English or French language programming operate;</p> <p>(b) takes into account regional needs and concerns;</p> <p>(c) is readily adaptable to scientific and technological change;</p> <p>(d) facilitates the provision of broadcasting to Canadians;</p> <p>(e) facilitates the provision of Canadian programs to Canadians;</p> <p>(f) does not inhibit the development of information technologies and their application or the delivery of resultant services to Canadians; and</p> <p>(g) is sensitive to the administrative burden that, as a consequence of such regulation and supervision, may be imposed on persons carrying on broadcasting undertakings.</p>

- 9 While Parliament requires the CRTC to be conscious of the requirements in subsection 5(2), it also states clearly in subsection 5(3) that “if ... a conflict arises between” the broadcast policy objectives in subsection 3(1) and the regulatory policy objectives in 5(2), the CRTC “shall give primary consideration to the objectives of the broadcasting policy” set out in subsection 3(1).
- 10 In other words, even if at some point requests from the CRTC impose a burden – that presumably is undue – Parliament said that evidence of that burden cannot be used to override its broadcasting policy objectives. It is somewhat puzzling that while many – perhaps most – commercial radio broadcasters rely very heavily to understand and sell the value of their advertising time, the CRTC appears to be forgoing the collection and publication of data that are not only useful and relevant but necessary to the evaluation of broadcasters’ licensing applications.

## 2. Regulations that apply to broadcasting applications

- 11 The CRTC’s regulations for applications submitted by broadcasters are set out in the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*

(SOR/2010-277) [*Rules*] that the CRTC issued in 2010.<sup>1</sup> Parliament took the breach of a CRTC regulation seriously, making it “an offence punishable on summary conviction” with fines for corporations beginning at \$250,000.<sup>2</sup>

- 12 In 2010 the CRTC explained that it issued the *Rules* to
- enable informed and effective public participation in Commission proceedings;
  - ensure the efficient, transparent and predictable conduct of Commission proceedings;
  - eliminate unnecessary costs and delays in the regulatory process; and
  - provide a comprehensive set of rules applicable in most Commission proceedings, while maintaining the flexibility necessary to address the specific circumstances of each proceeding.<sup>3</sup>
- 13 The *Rules* apply to Part 1 applications<sup>4</sup> unless the CRTC “is of the opinion that considerations of public interest or fairness permit”. Then it may “dispense with or vary these Rules”.<sup>5</sup> The CRTC’s online Part 1 applications page does not state that it has dispensed with or varied the *Rules* for the applications submitted by Corus.
- 14 Broadcasters such as Corus must apply to renew their licences “using the appropriate form ... as amended from time to time”<sup>6</sup> but the *Rules* provide that if the forms are not appropriate, an application must among other things
- ...
- (e) contain a clear and concise statement of the relevant facts, of the grounds of the application and of the nature of the decision sought;
- (f) set out any amendments or additions to these Rules proposed by the applicant; and
- (g) include any other information that might inform the Commission as to the nature, purpose and scope of the application, and be accompanied by any supporting documents.<sup>7</sup>
- 15 Whether broadcasters use the CRTC’s forms or make applications in another manner, the CRTC must then “post on its website all applications that comply with the requirements set out in

<sup>1</sup> *Broadcasting Act*, s. 21(a): “The Commission make may rules ... respecting the procedure for making applications for licences, or for the ... renewal ... thereof ....”

<sup>2</sup> *Act*, s. 32(2)(b).

<sup>3</sup> *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, (Ottawa, 23 December 2010), <https://crtc.gc.ca/eng/archive/2010/2010-959.htm>, para. 3 [*Guidelines*].

<sup>4</sup> *Ibid.*, at para. 10; *Rules*, s. 2(1).

<sup>5</sup> *Rules*, s. 7.

<sup>6</sup> *Rules*, s. 22(2).

<sup>7</sup> *Rules*, s. 22(2).



subsection 22”.<sup>8</sup> In issuing the *Rules* in 2010 the CRTC said that its “forms will ensure that [an applicant has] provided all of the relevant information that the Commission generally needs to assess” an application.<sup>9</sup> It added that

... no matter what type of application you are filing, it will be reviewed in light of the Acts, their regulations and Commission policies.<sup>10</sup>

### 3. Commercial radio policy

- 16 In implementing Parliament’s broadcasting policy for private radio stations the CRTC has over time issued policies.<sup>11</sup> Fourteen years ago it issued a new policy for commercial radio – the 2006 *Commercial Radio Policy*.<sup>12</sup> As the CRTC has not revised the policy, it remains in force overall – with occasional amendments noted below – and applies in particular to commercial radio stations’ music by emerging artists, local programming, voice tracking and new distribution platforms. Some of the issues addressed<sup>13</sup> by the 2006 *Commercial Radio Policy* and the CRTC’s subsequent changes in how it addresses these issues, are set out below:

#### Local programming

(2006 *Commercial Radio Policy*) 206. Accordingly, the Commission will maintain its one-third local programming requirement with respect to FM stations in competitive markets and the case-by-case approach for AM stations. **All applicants will be required, in their licence renewal applications**, as well as in applications for new licences and for the transfer of ownership, **to address local programming and to describe how the service they provide meets the particular needs and interests of their local communities**. Should complaints or interventions be filed, the Commission will expect licensees to respond with suitable commitments, if required. Conditions of licence will be imposed where the Commission deems them to be appropriate.

(2006 Commercial Radio Policy)

207. ...

Local programming includes programming that originates with the station or is produced separately and exclusively for the station. It does not include programming received from another station and rebroadcast simultaneously or at a later time; nor does it include network or syndicated programming that is five minutes or longer unless it is produced either by the station or in the local community by arrangement with the station.

<sup>8</sup> *Rules*, s. 23.

<sup>9</sup> *Guidelines*, para. 70.

<sup>10</sup> *Guidelines*, para. 72.

<sup>11</sup> 1991 *Act*, s.6:

The Commission may from time to time issue guidelines and statements with respect to any matter within its jurisdiction under this Act, but no such guidelines or statements issued by the Commission are binding on the Commission.

<sup>12</sup> *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, (Ottawa, 15 December 2006), <https://crtc.gc.ca/eng/archive/2006/pb2006-158.htm>.

<sup>13</sup> As noted above (*infra*, note 10), the CRTC’s policies are not binding on the Commission.

In their local programming, licensees must incorporate spoken word material of direct and particular relevance to the community served. **This must include local news, weather, sports coverage, and the promotion of local events and activities.**

CRTC Application to renew a broadcasting radio licence – Form 310, s. 2.2 (“Local programming”):

The definition of local programming shall be as set out in paragraphs 207 and 208 of Broadcasting Public Notice 2006-158, as amended from time to time. In making this commitment, the licensee undertakes to broadcast local news, weather and sports, to promote local events, and to provide spoken word content that meets the particular needs and interests of the communities it is licensed to serve.

CRTC *Application to renew a broadcasting radio licence – Form 310*, s. 2.4 (“News”) refers applicants “to the Appendix of Broadcasting Regulatory Policy 2010-819 for the definition of News (see Content Subcategory 11: News)”; the Appendix of *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819 (Ottawa, 5 November 2010), <https://crtc.gc.ca/eng/archive/2010/2010-819.htm>, sets out Content Subcategory 11 as follows:

Content Subcategory 11: News

**The recounting and reporting of local, regional, national and international events of the day or recent days**, with particular emphasis on the topicality of the events or situations selected, or on the constant updating of information, or both as well as background material about current events when included in newscasts but excluding weather, traffic and sports and entertainment reports.

### **Airplay and promotion of emerging Canadian artists and their music**

(2006 *Commercial Radio Policy*) 92. Accordingly, applicants for new licences, licence renewals and transfers of ownership or control of radio stations will be asked to make specific commitments to provide airplay for and to promote emerging Canadian artists and their music. Following the public process in each case, the Commission may decide to impose conditions of licence.<sup>14</sup>

### **Pre-recorded announcers - voice tracking**

(2006 *Commercial Radio Policy*) 208. The Commission notes that many radio stations make use of a programming technique generally known as “voice tracking.” Using this technique, the contributions of announcers are recorded in advance and inserted into the programming mix at appropriate times. **The Commission considers that**

<sup>14</sup> In 2014 the CRTC decided that at that time it was not necessary “to require specific minimum levels of musical selections by emerging artists that radio stations must play at this time.” *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, (Ottawa, 28 October 2014), <https://crtc.gc.ca/eng/archive/2014/2014-554.htm>, at 104.

**programming produced using voice tracking qualifies as local programming when it fulfils the definition of local programming set out above.**

### **New distribution platforms**

(2006 *Commercial Radio Policy*) 31. .... Many radio broadcasters are themselves exploring ways of using new distribution platforms to complement the service provided by their conventional radio stations. In addition to continuing to monitor how new distribution technologies for audio programming are affecting the radio industry, **the Commission also intends to question radio licensees, at licence renewal and in new licensing and ownership transfer proceedings, about their plans to employ new distribution platforms to the benefit of the Canadian broadcasting system.**<sup>15</sup>

- 17 As for the presentation of Canadian content, the CRTC's *Radio Regulations, 1986* (*Radio Regulations*) require that Canadian musical selections make up a little more than a third (35%) of the selections broadcast by commercial radio stations during the broadcast week and from 6 am to 6 pm on weekdays.<sup>16</sup> In 2014 the CRTC explained that it "monitors the compliance of radio stations with the Regulations and conditions of licence. These requirements ensure that the stations provide predominantly Canadian, high-quality service to their communities and that they abide by commitments made at the time of licensing."<sup>17</sup>

### **B. Evidentiary gap by CRTC in this licence renewal process**

- 18 In publishing the Part 1 renewal applications of Corus the CRTC has stated what appears to be its preliminary view that its broadcasting undertakings comply with its regulations and, presumably, their conditions of licence: Figure 1 ("Renewal – apparent compliance", highlighting added).

**Figure 1 CRTC's "apparent compliance" statement**

CRTC, "All Proceedings Open for Comment", (19 January 2020), "Subject", [https://services.crtc.gc.ca/pub/instances-proceedings/Default-Default.aspx?S=O&PA=B&PT=A&PST=A&Lang=eng&\\_ga=1.255702152.1852701653.1490628182](https://services.crtc.gc.ca/pub/instances-proceedings/Default-Default.aspx?S=O&PA=B&PT=A&PST=A&Lang=eng&_ga=1.255702152.1852701653.1490628182)

<sup>15</sup> In 2014 the CRTC said that it would "monitor developments" with respect to HD radio technology. *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, (Ottawa, 28 October 2014), <https://crtc.gc.ca/eng/archive/2014/2014-554.htm>, at para. 53.

<sup>16</sup> *Radio Regulations, 1986* (SOR/86-982), ss. 2.2(8) and (9).

<sup>17</sup> *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, (Ottawa, 28 October 2014), <https://crtc.gc.ca/eng/archive/2014/2014-554.htm>, at para. 55.

<p>Corus Radio Inc.</p> <p>Radio (commercial)</p> <p>Renewal - apparent compliance</p> <p>Renewal of licence</p> <p>New Westminster, BC</p> <p>CFMI-FM and its transmitter</p> <p><u>2019-0640-6</u>  (<a href="https://services.crtc.gc.ca/pub/DocWebBroker/OpenDocurAppNo=201906406">https://services.crtc.gc.ca/pub/DocWebBroker/OpenDocurAppNo=201906406</a>)</p> <p>Open application for applicant contact information.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- 19 The CRTC has not provided the foundation for its statement about “apparent compliance”. For example, the CRTC shows Corus’ *Application to renew a broadcasting radio licence – Form 310* for CFMI-FM New Westminster as a link – the underlined 2019-0640-6 at the bottom of Figure 1. This link leads to Corus’ renewal application for CFMI-FM New Westminster, but does not lead to any results from CRTC monitoring with respect to the station’s compliance with the *1986 Regulations*, nor to any requests by the CRTC for a radio station self-assessment of its broadcast programming. (In 2013 the CRTC determined that CFMI-FM was *de jure* in breach of its Canadian Talent Development or CTD commitments, but did not sanction Corus for the breach due to the particular circumstances of its non-compliance.<sup>18</sup>)
- 20 Short of recording each station’s programming for the 126 hours of the broadcast week and attempting to identify all Canadian and non-Canadian musical selections, the public has no way of verifying – for instance – the CRTC’s initial conclusion that Corus’ radio stations meet the CRTC’s radio regulations with respect to Canadian content. Nor can the public determine the degree to which individual radio stations are implementing Parliament’s broadcasting policy for Canada: no information is provided by the CRTC about the percentage of musical selections broadcast by any of the radio stations for whose renewal Corus is applying, or whether that percentage has increased or decreased since the station’s last renewal in 2013.
- 21 The absence of evidence – whether from the CRTC or from Corus– with respect to the latter’s compliance with the *Broadcasting Act*, the CRTC’s policies, its 2006 *Commercial Radio Policy*, its regulations and individual stations’ conditions of licence – is a serious gap. On what evidence is the CRTC relying to grant the renewal applications submitted by Corus? The Forum respectfully requests that if the CRTC has evidence about the applicant’s compliance it should place this evidence on the public record and include it in any subsequent licence renewal decisions.

<sup>18</sup> *CFMI-FM New Westminster and its transmitter CFMI-FM-1 Whistler – Licence renewal*, Broadcasting Decision CRTC 2013-694 (Ottawa, 16 December 2013), <https://crtc.gc.ca/eng/archive/2013/2013-694.htm>, at paras. 7-8.

## II. Corus and its applications

- 22 The CRTC's *2019 Monitoring Report* shows that in 2018 Corus held licences for 39 reporting radio stations, and earned 8% of commercial radio revenues (\$115 million) in 2018.
- 23 The 18 radio stations whose licences Corus seeks to renew serve 15 communities in 2 provinces:

**Table 3 Corus' radio stations and the communities they are licensed to serve**

Location and population	Station	Location and population	Station
Toronto (6,341,935)	CFMJ	Cornwall (61,816)	CFLG-FM
Vancouver (2,650,005)	CFOX-FM		CJSS-FM
New Westminster** (70,996)	CFMI-FM	Kingston (173,450)	CFMK-FM
Hamilton (786,641)	CHML		CKWS-FM
North York (691,595)***	CILQ-FM	Guelph (162,620)	CIMJ-FM
Barrie (210,800)	CIQB-FM		CJOY
Cambridge* (567,740)	CJDV-FM	Collingwood (23,047)	CKCB-FM
Burlington (183,314)	CJXY-FM	Ottawa (1,414,399)	CKQB-FM
Kitchener* (567,740)	CKBT-FM	Peterborough (131,283)	CKWF-FM

Statistics Canada, *Population estimates, July 1, by census metropolitan area and census agglomeration, 2016 boundaries* – data are for 2018  
 \* data are combined for Kitchener, Cambridge and Waterloo  
 \*\* 2016 data: Statistics Canada, *Census Profile, 2016 Census*  
 \*\*\* 2016 data: [https://www.toronto.ca/wp-content/uploads/2018/05/975e-City\\_Planning\\_2016\\_Census\\_Profile\\_2014\\_Wards\\_CCA\\_NorthYork.pdf](https://www.toronto.ca/wp-content/uploads/2018/05/975e-City_Planning_2016_Census_Profile_2014_Wards_CCA_NorthYork.pdf)

- 24 As noted previously, the CRTC stated in its *2006 Commercial Radio Policy* that “[a]ll applicants will be required, in their licence renewal applications ... to address local programming and to describe how the service they provide meets the particular needs and interests of their local communities.”
- 25 None of Corus' Part 1 applications describes how its 18 radio stations serve the particular needs and interests of the 15 communities they serve. In the absence of evidence to the contrary it seems reasonable to assume that the communities themselves have different needs and interests: the population of Vancouver on the West Coast, for example, is 115 times larger than the population of Collingwood off Georgian Bay.
- 26 It should also be noted that none of Corus' licence renewal applications describe or explain their
- airplay and promotion of emerging Canadian artists and their music, either in the current or coming licence terms,
  - use of voice-tracking and how this meets the definition of local programming, or their

- use of new distribution platforms and how these benefit Canada’s broadcasting system.

27 The absence of this information makes it impossible for the public to know how these stations have performed with respect to these broadcast policy issues, and to know what they will be doing in the future.

### A. *Corus seeks permission to reduce local programming by 66%*

28 Corus is proposing to reduce the commitment to local programming for all its stations by two thirds – decreasing from its current average of 120.6 hours/week, to 42 hours/week: Table 4

**Table 4 Corus’ stations – 66% reduction proposed to local programming**

Corus stations: current local programming commitment and proposed commitment to local programming				
Location	Callsign	Current local programming hours	Proposed minimum local programming hours – commitment	% change from current to proposed hours
Vancouver	CFOX-FM <sup>19</sup>	125	42	-66%
Cornwall	CFLG-FM	113	42	-63%
	CJSS-FM	124	42	-66%
New Westminster	CFMI-FM	126	42	-67%
Toronto	CFMJ	109.5	42	-62%
Kingston	CFMK-FM	125	42	-66%
	CKWS-FM <sup>20</sup>	122	42	-66%
Hamilton	CHML	93	42	-55%
North York	CILQ-FM	126	42	-67%
Guelph	CIMJ-FM	122	42	-66%
	CJOY	123.5	42	-66%
Barrie	CIQB-FM	126	42	-67%
Cambridge	CJDV-FM	125	42	-66%
Burlington	CJXY-FM	123	42	-66%

<sup>19</sup> Note that in the case of CFOX-FM, the application’s commitment is somewhat vague. The Part 1 application (2019-0665-3) refers to “close to 125 hours” each week:

The licensee commits to providing a minimum of 42 hours of local programming each broadcast week in accordance with the requirements set out in the Appendix of Broadcasting Regulatory Policy CRTC 2009-62. We currently air 125 hours of local programming each broadcast week. During the next licence term, we expect to continue providing close to 125 hours of local programming each broadcast week, as long as it is financially possible to do so.

If the CRTC intends to impose a condition of licence with respect to local programming, Corus may wish to provide greater precision to ensure that both the CRTC and Corus understand what the latter means by “close to”.

<sup>20</sup> In the Part 1 Application to renew CKWS-FM Kingston (2019-0661-1), Corus writes that it expects to broadcast “approximately 100+ hours of local programming each broadcast week”. To ensure that the CRTC and Corus each understand Corus’ plans, Corus should specify what it means by “approximately 100+” of hours.

<b>Corus stations: current local programming commitment and proposed commitment to local programming</b>				
<b>Location</b>	<b>Callsign</b>	<b>Current local programming hours</b>	<b>Proposed minimum local programming hours – commitment</b>	<b>% change from current to proposed hours</b>
Kitchener	CKBT-FM	126	42	-67%
Collingwood	CKCB-FM	126	42	-67%
Ottawa	CKQB-FM	114	42	-63%
Peterborough	CKWF-FM	122	42	-66%
<b>Average</b>		<b>120.6 hours</b>	<b>42 hours</b>	<b>-65%</b>

- 29 Corus does not explain why it wants to reduce local programming so drastically, except to hint at unspecified financial issues. It says it will continue to provide current levels of local programming “as long as it is financially possible to do so” – but as it is specifically committing to 42 hours/week of local programming, it may reduce its current levels of local programming the day of or following a CRTC decision granting these applications as now written.
- 30 The Forum also notes that while Corus is obviously prepared to reduce local programming, it has not offered to increase local programming, should its financial circumstances permit.
- 31 Even if the CRTC believes that Corus reduction of 66% in local programming will be of no consequence whatsoever – to the communities, or those employed at the station – the CRTC should not grant Corus’ request because Corus has provided the Commission with no evidence to support its request. An oblique hint that Corus’ financial position may or may not enable it to keep operating is insufficient both as an argument or as the evidence needed to justify such a significant change in its stations’ programming. In the absence of additional evidence – that Corus could supply if it wished – the CRTC should not grant Corus’ request to reduce its current local programming levels by, on average, two thirds.

**B. *Insufficient national and international news***

- 32 The CRTC’s 2016 *Commercial Radio Policy* also stated that local programming must incorporate local news. Application Form 310 refers to “news”, defined as including “local, regional, national and international events of the day”. Corus’ proposals for news for each of the stations for which it is seeking renewal are summarized in Table 5, below.

**Table 5 Corus: proposed hours per week of local, national and international news in next licence term**

<b>Proposed hours per week</b>				
<b>Location</b>	<b>Callsign</b>	<b>Local and regional news</b>	<b>National news</b>	<b>International news</b>
Vancouver	CFOX-FM	0.50	0.17	0.08
Cornwall	CFLG-FM	1.00	0.50	0.50
	CJSS-FM	1.00	0.50	0.50
New Westminster	CFMI-FM	0.50	0.17	0.08
Toronto	CFMJ	2.35	0.78	0.78

Proposed hours per week				
Location	Callsign	Local and regional news	National news	International news
Kingston	CFMK-FM	0.33	0.33	0.33
	CKWS-FM	27.00	10.10	23.90
Hamilton	CHML	38.50	1.13	1.13
North York	CILQ-FM	0.25	0.08	0.05
Guelph	CIMJ-FM	1.43	0.72	0.72
	CJOY	2.47	1.23	1.23
Barrie	CIQB-FM	0.65	0.27	0.17
Cambridge	CJDV-FM	0.38	0.08	0.03
Burlington	CJXY-FM	0.33	0.08	0.08
Kitchener	CKBT-FM	0.38	0.08	0.03
Collingwood	CKCB-FM	0.65	0.27	0.17
Ottawa	CKQB-FM	0.20	0.20	0.10
Peterborough	CKWF-FM	0.80	0.80	0.80

- 33 The weekly hours shown in Table 5 were divided by 7 and multiplied by 60 to show the average minutes per day of news that communities served by Corus might hear from its radio stations: Table 6.

**Table 6 Corus - proposed average minutes per day of news in next licence term**

Location	Callsign	Local and regional news	National news	International news
Vancouver	CFOX-FM	4.29	1.43	0.71
Cornwall	CFLG-FM	8.57	4.29	4.29
	CJSS-FM	8.57	4.29	4.29
New Westminster	CFMI-FM	4.29	1.43	0.71
Toronto	CFMJ	20.14	6.71	6.71
Kingston	CFMK-FM	2.86	2.86	2.86
	CKWS-FM	231.43	86.57	204.86
Hamilton	CHML	330.00	9.71	9.71
North York	CILQ-FM	2.14	0.71	0.43
Guelph	CIMJ-FM	12.29	6.14	6.14
	CJOY	21.14	10.57	10.57
Barrie	CIQB-FM	5.57	2.29	1.43
Cambridge	CJDV-FM	3.29	0.71	0.29
Burlington	CJXY-FM	2.86	0.71	0.71
Kitchener	CKBT-FM	3.29	0.71	0.29
Collingwood	CKCB-FM	5.57	2.29	1.43
Ottawa	CKQB-FM	1.71	1.71	0.86
Peterborough	CKWF-FM	6.86	6.86	6.86



- 34 Four stations operated by Corus propose to carry less than three-quarters of a minute of national news per day
- CILQ-FM North York
  - CJDV-FM Cambridge
  - CJXY-FM Burlington, and
  - CKBT-FM Kitchener.
- 35 Six stations operated by Corus propose to carry less than a minute of international news:
- CFOX-FM Vancouver
  - CFMI-FM New Westminster
  - CILQ-FM North York
  - CJDV-FM Cambridge
  - CJXY-FM Burlington, and
  - CKQB-FM Ottawa.
- 36 Corus has not explained why these stations intend to carry so little national and/or international news. It has also not provided any evidence that these communities do not want international news, and it has not shown that other broadcasters in those areas provide enough international news to make up for the lack of this news on its stations. Nor has Corus argued or provided evidence that would show that it lacks the financial capacity to provide such news. The CRTC should require Corus to raise the levels of national and international news provided by the stations above, unless Corus provides a clear explanation of its proposed levels as well as evidence in support of its explanation.

### *C. Other sources of programming not identified*

- 37 Twelve of the radio stations for which Corus has filed a renewal application state that they currently obtain part of their weekly local programming from another source, ranging from half an hour (CJDV-FM Cambridge), to 33 hours/week (CHML Hamilton): Table 7.

**Table 7 Programming from another source**

Callsign	Location	Hours of programming from another source
CHML	Hamilton	33.0
CFMJ	Toronto	16.5
CFLG-FM	Cornwall	13.0
CKQB-FM	Ottawa	12.0
CIMJ-FM	Guelph	4.0
CKWF-FM	Peterborough	4.0

CJXY-FM	Burlington	3.0
CJOY	Guelph	2.5
CJSS-FM	Cornwall	2.0
CFOX-FM	Vancouver	1.0
CFMK-FM	Kingston	1.0
CJDV-FM	Cambridge	0.5

38 In the case of CKQB-FM Ottawa, for example, Corus writes that the station

... broadcasts twelve hours in each broadcast week that originate from another source: “Brooke and Jubal” segments air Monday-Friday mixed with local content 6am-10am; and “The Best of Brooke and Jubal” segments mixed with local content are aired Saturday’s 9am-12pm

39 CHML-AM broadcasts 33 hours/week of programming in each week that originates from another source that Corus has not identified. The Forum respectfully submits that the CRTC should obtain more information from Corus about this programming before granting its application (as granting the application in the absence of that information would leave CRTC in the awkward position of not knowing what its licensees are doing with their licence).

### III. Summary of recommendation

40 The CRTC’s *Rules* state that it “must not dismiss an application ... by reason solely of a defect in form.”<sup>21</sup> It may instead admit “a document as evidence”,<sup>22</sup> such as additional information.

41 The Forum recommends that the CRTC ask Corus

- a. for evidence establishing the needs and interest of the individual communities served by its radio stations
- b. for evidence that clearly supports Corus’ request to reduce local programming commitments from 126 hours/week to 42 hours/week
- c. for its arguments justifying the near-total absence in absence or near-total absence of national and international news on seven of the stations for which Corus is seeking renewal
- d. for its plans for airplay and promotion of the works of emerging Canadian artists and their music on each station, and

<sup>21</sup> *Rules*, s. 9.

<sup>22</sup> *Rules*, s. 10(c).

- e. about its use of online distribution platforms to complementing its conventional radio stations, including the degree to which this programming is strengthening the programming provided by the stations.

- 42 The Forum supports a full seven-year licence renewal for the stations that are the subject of these Part 1 applications, provided this information is submitted to the CRTC and is satisfactory to the Commission, and provided that (if such is the case) Corus has addressed the Forum's concerns and the concerns of other interveners.

#### IV. Request for information about employees

- 43 Corus has provided the following text in the sections of the licence renewal application form dealing with Employment Equity:

The licensee is subject to the Employment Equity Act (applicable to federally-regulated employers with 100 or more employees). The licensee keeps a record of the total number and percentage of on-air employees (full-time, part-time and temporary), including voice-overs, from each designated group, as well as the total number of all on-air employees who were employed in the last year. A copy of this record is available upon request.<sup>23</sup>

- 44 The Forum is requesting a copy of this record for each of the stations that are the subject of this Part 1 proceeding. Specifically, the Forum requests from Corus, both in aggregate and for the individual stations being renewed, a copy of the record of the total number and percentage of on-air employees (full-time, part-time and temporary), including voice-overs, from each designated group, as well as the total number of all on-air employees who were employed in the last year.
- 45 The Forum is also requesting information on the number of reporters employed by Corus to produce local coverage – preferably for the individual stations for which it is seeking licence renewal in this proceeding, but if necessary (for reasons of demonstrated confidentiality) for the total of these stations. As the Commission is keenly aware, local newspapers have reduced their expenditures on news or have closed completely in many communities: knowing the number of staff who actually gather news in individual communities will enable the CRTC to understand the impact of its policies on commercial radio, local programming and local news.

\* \* \* End of document \* \* \*

---

<sup>23</sup> DM#3693411, Application by Corus to renew CIMJ-FM, at 5 of 8, s. 3 (“Employment equity / On-air presence”).