



29 March 2021

Claude Doucet  
Secretary General  
CRTC  
Ottawa, ON K1A 0N2

Dear Secretary General,

**Re: *Call for comments – Commercial radio policy framework review, Broadcasting Notice of Consultation CRTC 2020-374 (Ottawa, 12 November 2020), and Broadcasting Notice of Consultation CRTC 2020-374-1 (Ottawa, 11 January 2021)***

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 communications, including telecommunications. The Forum supports a strong Canadian communications system that serves the public interest.

The Forum's response to Phase I of the Broadcasting Notice of Consultation CRTC 2020-374 is attached. We look forward to the opportunity to review the submissions of other parties.

Sincerely yours,

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**No map and the compass is broken:  
If we do not know what Canadian radio stations are  
broadcasting today, how can the CRTC set a realistic  
regulatory path to the future?**

Phase I response of the Forum for Research and Policy in Communications (FRPC)

*Call for comments – Commercial radio policy framework review,*  
Broadcasting Notice of Consultation CRTC 2020-374 (Ottawa, 12 November 2020), and  
Broadcasting Notice of Consultation CRTC 2020-374-1 (Ottawa, 11 January 2021)

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## Terminology

<b>BBG</b>	Board of Broadcast Governors
<b>BPF</b>	Broadcasting Participation Fund
<b>CAB</b>	Canadian Association of Broadcasters
<b>CBC</b>	Canadian Broadcasting Corporation
<b>FLMV</b>	French-language vocal music
<b>MAPL</b>	<p><a href="#">Quantitative measure of Canadian content of a musical selection</a> – requires 2 out of 4 conditions to be met:</p> <p>Music – the music is composed entirely by a Canadian  Artist – the artist who performs the lyrics or music is Canadian  Performance – live performance that is recorded wholly in Canada or that is performed wholly in Canada and broadcast live in Canada  Lyrics – the lyrics are written entirely by a Canadian</p> <p>Canadian: under the CRTC's <i>Radio Regulations</i> a Canadian is:</p> <ul style="list-style-type: none"> <li>• a Canadian citizen</li> <li>• a permanent resident as defined by the Immigration Act, 1976</li> <li>• a person whose ordinary place of residence was Canada for the six months immediately preceding their contribution to a musical composition, performance or concert</li> <li>• a licensee, i.e. a person licensed to operate a radio station</li> </ul>
<b>Medley</b>	A compilation in which artists interpret excerpts from several musical selections within a single performance lasting 60 seconds or more
<b>Montage</b>	A compilation containing excerpts from several musical selections which lasts 60 seconds or more

## Summary

BNoC 2020-374 is the CRTC's 20<sup>th</sup> review of its commercial radio policy since 1968.

It is taking place largely in the absence of any relevant information about the programming currently being broadcast by Canada's commercial radio stations. This is surprising because the majority of the objectives set out by Parliament in its broadcasting policy relate to programming. In particular, the policy requires Canadian programming to predominate in each private radio station's schedule.

BNoC 2020-374 provides objective evidence about private broadcasters' financial performance, the hours tuned to over-the-air and online radio services, Canadians' listening habits, the share of tuning by popular market formats and Canadians' views about Canadian commercial radio.

BNoC 2020-374 does not include any information about commercial radio stations' broadcast programming, either for the 2005/06 broadcast year when the CRTC last issued a general policy for commercial radio, for the 2012/13 broadcast when the CRTC conducted a targeted review of commercial radio or in the recently concluded 2019/20 broadcast year. The absence of this information makes it difficult to know whether these policies achieved Parliament's broadcasting policy for Canada and to therefore know whether changes are required.

In response to access-to-information requests the CRTC has acknowledged that since January 2014 it has not analyzed

- the types and amounts (hours and/or percentages) of programming broadcast by privately owned radio stations in Canada (using the programming categories set out in Broadcasting Regulatory Policy CRTC 2010-819);
- the amount or hours of total and/or original spoken word material of direct and particular relevance to the communities served which was broadcast by Canadian commercial radio stations, including total and/or original amounts of hours of local news (A-2020-00072);
- the amount of original local news broadcast by stations licensed to large ownership groups (A-2020-00066); and
- employment opportunities at commercial radio stations (A-2020-67).

The review is also taking place without the gender-based analysis promised by the CRTC in January 2020 and without information about the level of employment opportunities available to Canadians in this broadcast sector.

The Forum's comments at this stage are limited to the issues of Canadian content, Indigenous broadcasting and French-language vocal music, as well as two other issues within the CRTC's jurisdiction – employment opportunities and the Broadcasting Participation Fund.

## I. Introduction

- 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 communications, including telecommunications. The Forum supports a strong Canadian communications system, provided it serves the public interest.

### Text box 1

*Broadcasting Act*, section 5(1):

Subject to this Act and the Radiocommunication Act and to any directions to the Commission issued by the Governor in Council under this Act, the Commission 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) and, in so doing, shall have regard to the regulatory policy set out in subsection (2).

- 2 The Forum defines the public interest in terms of the legislative objectives set by Parliament for Canadian communications in its Broadcasting Policy for Canada in the *Broadcasting Act*. Parliament established and maintains the CRTC to regulate and supervise the broadcasting system to implement that policy (Text box 1).

### A. *Parliament's broadcasting policy*

#### *and the law regarding administrative decision-making*

- 3 Parliament's [current broadcasting policy](#) is long and detailed, with twenty sections and at least three times as many subsections. It is Parliament's map to a successful broadcasting system for Canada.

### Text box 2

*Interpretation Act*

11 The expression "shall" is to be construed as imperative and the expression "may" as permissive.

*Merck Frosst Canada Ltd. v. Canada (Health)*, [2012 SCC 3](#), [2012] 1 S.C.R. 23:

[236] ... it is important to recognize that applying s. 25 [of the *Access to Information Act*] is mandatory, not discretionary. The section directs that the institutional head "shall [not 'may'] disclose any part of the record that does not contain" exempted information, provided it can reasonably be severed [citation omitted]. Thus, the institutional head has a duty to ensure compliance with s. 25 ....

- 4 Yet of the dozens of objectives set out by Parliament in its policy, just four are mandatory – meaning that, in contrast to discretionary objectives, their implementation must take place (Text box 2).

- 5 The four objectives that Parliament made mandatory relate to the ownership of and access to Canadian services, as well as the financing and availability of Canadian programming. Parliament

said that

- the system as a whole "shall" be effectively owned and controlled by Canadians;<sup>3(1)(a)</sup>
- each of the public, private and community elements of the system "shall" contribute appropriately to create and present Canadian programming;<sup>3(1)(e)</sup>

- all Canadians “shall” have access to a range of broadcasting services in both official languages,<sup>3(1)(k)</sup> and
  - Canadian resources “shall” predominate in the programming created and presented by each radio, television and distribution undertaking.<sup>3(1)(f)</sup>
- 6 Parliament stated these mandatory requirements with reasonable clarity.<sup>1</sup> The Forum’s position is that all CRTC policies, including its policy for commercial radio, must at least meet these four objectives.
- 7 In fact the Federal Court of Appeal recently explained that administrative decision-makers must not ignore or distort the meaning of their enabling statutes to achieve a result they deem to be best:

For a while now, this Court has held that administrative decision-makers interpreting legislative provisions must consider the text, context and purpose of the provisions in order to arrive at the authentic meaning of the provisions [citations omitted], all of which follow the leading decisions of the Supreme Court in this area [citations omitted]. **This Court has also held that administrative decision-makers must interpret legislative provisions in a non-result-oriented manner, refraining from pursuing policy preferences alien to the governing legislation** [citations omitted].

The empowering legislation of some administrative decision-makers gives them a policy-making or policy-applying role and some have expertise and specialization. These features may make them well-equipped to discern and appreciate the policy genuinely behind particular legislation. But it is not for them—or the courts for that matter—to amend that legislation. Absent specific and proper delegation

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<sup>1</sup> *Canada v. Cheema*, 2018 FCA 45 (CanLII), [\[2018\] 4 FCR 328](#):

[78] Seeking “a sensible, practical and common sense result” is quite different from dispassionately and objectively examining the text, context and purpose of the legislation in issue; the latter turns on the nature of the legislation while the former depends on the nature of the judge. One judge may think a result is sensible, practical and in accordance with common sense; another may say it is nothing of the sort.

[79] Judges are only lawyers who happen to hold a judicial commission. Just like the people they serve, judges are unelected and are bound by legislation. What, then, is the right of judges to avert their eyes from the authentic meaning of legislation enacted by the elected and, instead, to choose a meaning that accords with their own particular views of sensibility, practicality and common sense?

[80] This sort of thing, akin to relying upon “what [they] think is best for Canadian society” and choosing “what [they] want the legislation to mean,” has nothing to do with the judges’ real task, which is to discern “what the legislation authentically means”: Williams at para. 48. Today, there is only one accepted way to do this: to cast aside any personal views and predispositions and, instead, to examine the text, context and purpose of the legislation dispassionately and objectively. Doing this might lead to a result that some might call sensible and practical and in accordance with common sense. But if that happens, it is because that is the authentic meaning of the legislation—not because some judge has made it so.

*Williams v. Canada (Public Safety and Emergency Preparedness)*, 2017 FCA 252 (CanLII), [\[2018\] 4 FCR 174](#):

[48] Also wrong would be to permit personal policies or political preferences to play a part in our interpretation of the legislation: for example, to aim for a result we personally prefer, to fasten onto what we like and ignore what we don’t, or to draw upon what we think is best for Canadian society. Common to these practices is an analytical focus on what we want the legislation to mean rather than on what the legislation authentically means.

of the power to legislate, making and changing legislation remains the exclusive preserve of those we elect: [citations omitted]. **Administrative decision-makers, like courts, are limited to discerning the authentic meaning of legislation and applying that meaning faithfully—not ignoring or distorting that meaning to get a result in a particular case or to achieve whatever they imagine is best or right.**<sup>2</sup>

[bold font added]

8 The CRTC’s mandate has been and is to regulate and supervise Canadian broadcasting to implement Parliament’s broadcasting policy for Canada.<sup>3</sup>

9 In reviewing its commercial radio policy, therefore, the CRTC is prohibited by law from setting requirements ‘for practical reasons’ or for any other reason not identified in the *Broadcasting Act*. It must instead ensure that its determinations meet the requirements of Parliament’s broadcasting policy – and at least its four mandatory objectives.

### **B. *The CRTC’s 20<sup>th</sup> review of its commercial radio policy***

10 BNoC 2020-374 is now the twentieth review of commercial radio undertaken by the CRTC since its establishment 53 years ago (**Error! Reference source not found.**). To put this another way, the reviews have happened on average roughly every two and a half years. By comparison the CRTC has never developed a policy for public broadcasting in Canada, and has never completed a review of the Indigenous broadcasting policy it first set out in 1990.

11 These commercial radio reviews often mention the CRTC’s desire to ‘simplify’ and ‘streamline’ its commercial radio regulatory framework. As it happens, the CRTC’s efforts to ‘flexify’ (to coin a phrase) its commercial radio policies are not tied to commercial radio broadcasters’ financial position. Whether their profits go up or go down, the CRTC has made clear its desire to facilitate the success of private broadcasters: Figure 1.

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<sup>2</sup> *Entertainment Software Association v. Society of Composers, Authors and Music Publishers of Canada*, [2020 FCA 100](#) (CanLII), at paragraphs 39-40.

<sup>3</sup> 1968 *Broadcasting Act*, 16&17 Eliz. 2, c. 25, s. 15:

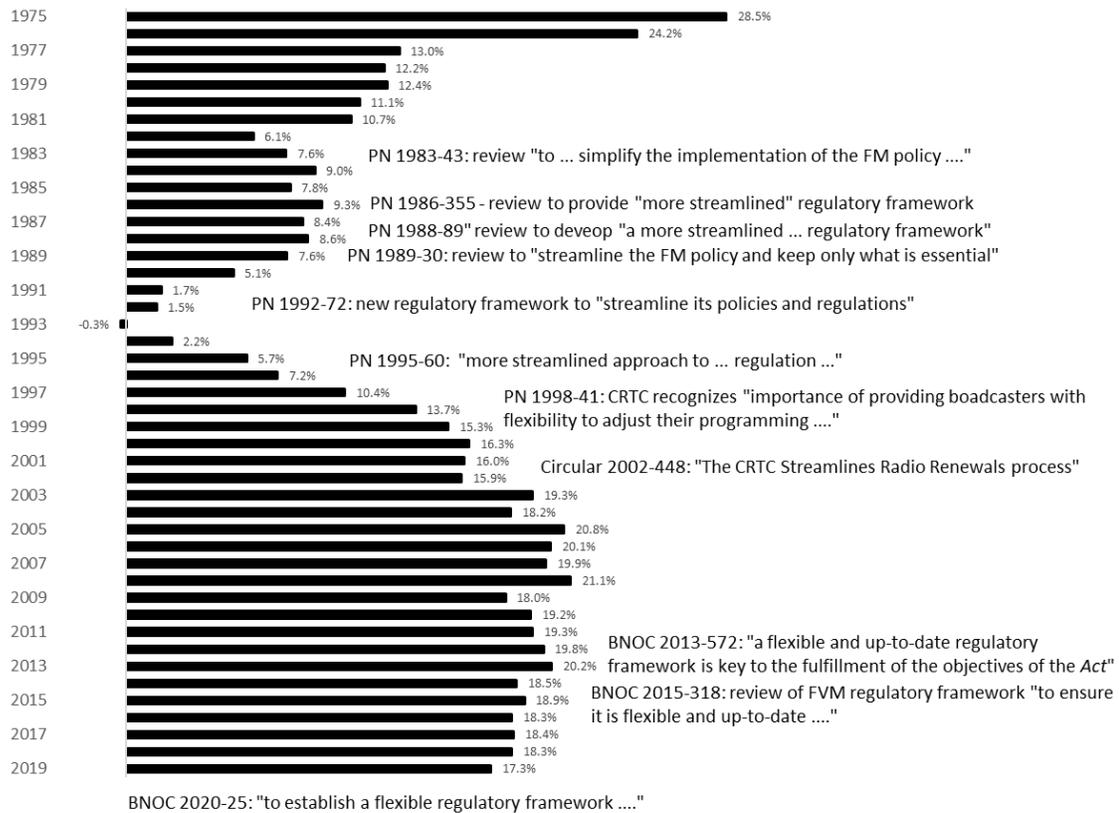
Subject to this *Act* and the *Radio Act* and any directions to the Commission issued from time to time by the Governor in Council under the authority of this *Act*, the Commission shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy enunciated in section 2 of this *Act* .

*Broadcasting Act*, S.C. 1991, c. 11, s. 5(1):

Subject to this *Act* and the *Radiocommunication Act* and to any directions to the Commission issued by the Governor in Council under this *Act*, **the Commission 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)** and, in so doing, shall have regard to the regulatory policy set out in subsection (2).

[bold font added]

**Figure 1 Commercial radio PBIT (profit before interest and taxes) margin and commercial radio reviews**



- 12 It is unclear, however, how many of these CRTC’s reviews have actually implemented the four requirements mandated by Parliament’s broadcasting policy. Where all of section 3 is focussed on ensuring the predominance of programming made by Canadians for Canadians, the CRTC’s determinations have at times spoken instead to “ensuring that Canadians continue to have access to Canadian music and other programming that reflects their communities and their country” [underlining and italics added].<sup>4</sup>
- 13 The CRTC’s regulatory reviews often have a financial impact because they permit broadcasters to increase revenues or cut costs. The CRTC dropped advertising limits for AM radio stations in 1986<sup>5</sup> and for FM stations in 1993, for example.<sup>6</sup> It dropped all requirements for news and other spoken word material for AM in 1993,<sup>7</sup> reduced spoken

<sup>4</sup> A review of the Commission’s Policies for Commercial Radio, Public Notice CRTC 1997-104 (Ottawa, 1 August 1997), <http://www.crtc.gc.ca/eng/archive/1997/PB97-104.HTM>, at paragraph 2.

<sup>5</sup> Regulations Respecting Radio Broadcasting, Public Notice CRTC 1986-248 (Ottawa, 19 September 1986), <http://www.crtc.gc.ca/eng/archive/1986/PB86-248.HTM>.

<sup>6</sup> POLICIES FOR LOCAL PROGRAMMING ON COMMERCIAL RADIO STATIONS AND ADVERTISING ON CAMPUS STATIONS, Public Notice CRTC 1993-38 (Ottawa, 19 April 1993).

<sup>7</sup> Ibid.; Amendments to the Radio Regulations, 1986; Elimination of Minimum Requirements for Spoken Word Content, Public Notice CRTC 1993-113 (Ottawa, 28 July 1993).

word requirements for FM stations to 15%,<sup>8</sup> allowed broadcasters to simulcast programs on their commonly-owned AM and FM stations for a third of the broadcast week<sup>9</sup> and permitted radio broadcasters in the same locations to operate using 'local management agreements'<sup>10</sup> and 'local sales agreements' to minimize common operating costs.<sup>11</sup> (The CRTC first exempted online radio broadcasting in 1999.<sup>12</sup>)

14 By 1995, in fact, the CRTC said that it had "... reduced the level of regulation to that absolutely necessary to ensure the diversity and quality of radio programming and to guarantee exposure for Canadian music and Canadian talent".<sup>13</sup>

15 Little 'symmetry' has been offered to Canadians for the consideration granted by the CRTC to private broadcasters in the form of regulatory streamlining and flexibility. Since 1968 the CRTC has raised musical selections' Canadian content requirement for the majority of radio stations once – increasing the percentage of Canadian musical selections in popular music broadcast by commercial radio stations from 30% to 35% in 1998.<sup>14</sup> Figure 2.

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<sup>8</sup> *POLICIES FOR LOCAL PROGRAMMING ON COMMERCIAL RADIO STATIONS AND ADVERTISING ON CAMPUS STATIONS*, [Public Notice CRTC 1993-38](#) (Ottawa, 19 April 1993); *Amendments to the Radio Regulations, 1986; Elimination of Minimum Requirements for Spoken Word Content*, Public Notice [CRTC 1993-113](#) (Ottawa, 28 July 1993).

<sup>9</sup> *Proposed Amendments to the Radio Regulations, 1986: Changes to Three Areas Related to the Commission's Regulation of Radio: Simulcasting, Ownership, and Canadian Content for Radio Stations Programming High Levels of Instrumental Selections*, [Public Notice CRTC 1996-27](#) (Ottawa, 26 February 1996).

<sup>10</sup> *COMMISSION'S APPROACH TO DEALING WITH LOCAL MANAGEMENT AGREEMENTS IN CANADIAN RADIO MARKETS*, Public Notice CRTC 1996-138 (Ottawa, 16 October 1996),

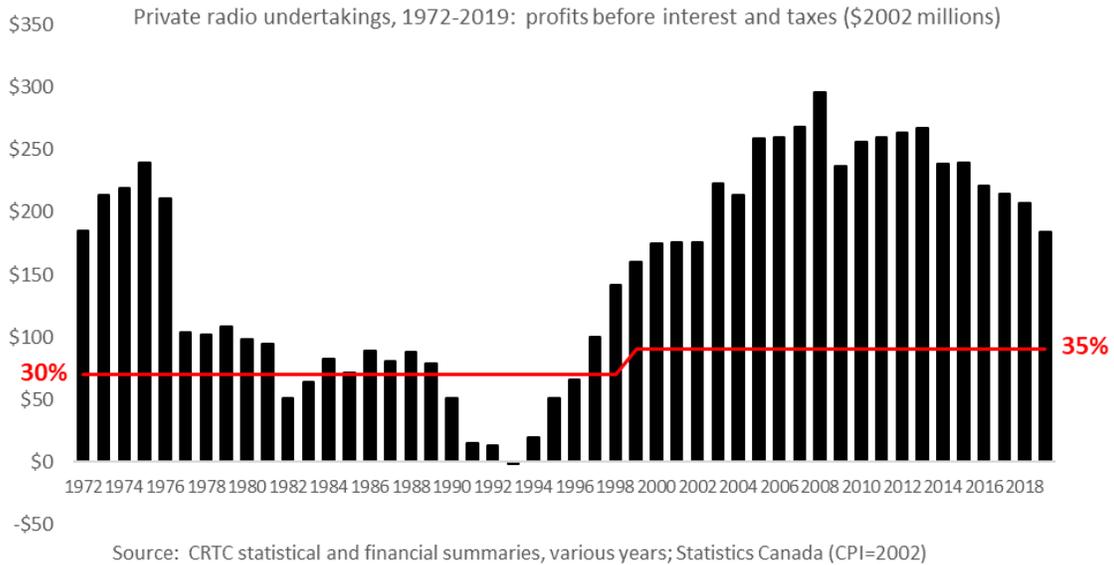
<sup>11</sup> *The Commission's policy on local management agreements (LMAs) - Determinations concerning the appropriateness of various existing and proposed LMAs, including local sales agreements, between licensees of radio stations serving the same market*, [Public Notice CRTC 2005-10](#) (Ottawa, 31 January 2005).

<sup>12</sup> *Exemption order for new media broadcasting undertakings*, [Public Notice CRTC 1999-197](#) (Ottawa, 17 December 1999).

<sup>13</sup> *A Review of Certain Matters Concerning Radio*, [PN CRTC 1995-60](#) (Ottawa, 21 April 1995).

<sup>14</sup> SOR/2008-177 (in effective 1 September 2008).

**Figure 2 Canadian content (category 2 popular music) and private radio station profits (PBIT)**



- 16 The Forum’s concern is that this 20<sup>th</sup> review of commercial radio policy in Canada may have the unexpected outcome of further deregulating Canadian radio, rather than implementing Parliament’s broadcasting policy to ensure finally that, among other things, Canadian content predominates in private radio broadcasters’ schedules. Rather than referring to the CRTC’s current radio regulations for Canadian content, for instance, it refers fifteen times to ‘quotas’.
- 17 Using ‘quota’ in the context of a Canadian commercial radio review may inadvertently suggest that Canadian music and performers would otherwise be unable to gain the airplay that Canadian broadcasters give to foreign music and performers.<sup>15</sup>
- 18 Others may then suggest that ‘quotas’ be replaced by, say, expenditure requirements in areas such as Canadian content development (CCD) – in the same way that the CRTC in 2017 dropped its regulation requiring the amount of 50% of the programming broadcast by television stations from 6pm to midnight to be Canadian programming in exchange for a heightened emphasis on expenditures for Canadian television programming. The implicit assumption underlying this argument is that increased financial support may raise Canadian musical quality faster than regulations requiring more Canadian content. Rather

<sup>15</sup> See e.g. Liz Elting, “Quotas and the Lie of Meritocracy” *forbes.com* (14 December 2018, 12:33pm EST) who discusses the use of quotas to increase the numbers of women on corporate boards of directors:

...  
 The argument against quotas is usually couched in alleged appeals to meritocracy: any quota system, it goes, means lowering standards in order to promote undeserving people just to tick off a diversity box. The tacit insult therein is that, well, the reason these boards are dominated by men (specifically white men) is because that’s the cream that rose to the top, a patriarchal assumption that the playing field is already level and the results already fair, and if women haven’t made it to the top, well, that’s really their own fault. The system, in short, works. This all of course assumes that women simply aren’t qualified or cut out for these positions.  
 ...

than allocating time in the broadcast schedule to Canadian content, some parties may propose re-allocating financial resources to the production of that content.

- 19 A choice between scheduled broadcast time and financial support for content production is, of course, a false dichotomy. First, Parliament considered and required both broadcast time and ‘other resources’. Second, reserving time in the schedule for Canadian content when that is not being produced is as counterproductive as producing Canadian content that radio stations choose not to schedule.
- 20 It is true that Parliament’s regulatory policy in the *Broadcasting Act* recommends – but by using “should” instead of “shall” does not mandate – that the CRTC should regulate and supervise Canada’s “broadcasting system ... in a flexible manner ....”<sup>16</sup> Parliament added, however, that the objectives of its broadcasting policy must always trump the objectives of its regulatory policy.<sup>17</sup> Parties advocating reductions in Canadian content – be it musical selections, spoken word programming, news or local news – must therefore provide specific argument and actual evidence (rather than hypothetical speculation) to explain how their proposals implement Parliament’s broadcasting policy for Canada better than ensuring that Canadians have access to a significant level of Canadian content from commercial radio stations.

**Text box 3**

*Broadcasting Act*, section 3(1)(d)(iii):  
(d) the Canadian broadcasting system should  
...  
(iii) through its programming ... serve the ...  
interests ... of Canadian men, women and  
children ....

- 21 Such evidence should also take into account what Canadians want. Parliament requires the CRTC to consider whether and how broadcasters meet Canadians’ interests (see Text box 3). The Forum notes that the online survey and focus groups commissioned by the

CRTC in 2020 found that more than half (60%) of Canadians support “Canadian content requirements for popular music”.<sup>18</sup>

<sup>16</sup> S. 5(2).

<sup>17</sup> *Broadcasting Act*, s. 5(3):

The Commission shall give primary consideration to the objectives of the broadcasting policy set out in subsection 3(1) if, in any particular matter before the Commission, a conflict arises between those objectives and the objectives of the regulatory policy set out in subsection [5](2).

<sup>18</sup> Ipsos Public Affairs, *Attitudes and opinions towards commercial radio in Canada: Final Report*, (delivery date: 18 December 2020), at page 22.

The Forum notes in passing that Q7A and Q7B of Ipsos’ questionnaire state at page 55:

I’m going to show you a set of Canadian content rules that are overseen by the CRTC. The CRTC is an administrative tribunal that regulates and supervises broadcasting and telecommunications in the public interest.

The mandate established for the CRTC in its enabling statutes does not state that the CRTC is to regulate broadcasting and telecommunications “in the public interest”. As the Federal Court of Appeal noted just over twenty years ago in *Société Radio-Canada v. Métromédia Cmr Montréal Inc.*, [1999 CanLII 8947](#) (FCA), at

- 22 The Forum’s position is that the CRTC’s radio regulations for Canadian content levels in popular and other types of music are not *quotas* – they are how the CRTC brings Parliament’s broadcasting policy to life. Reducing the level of Canadian content in the music broadcast by Canadian commercial radio is not an option. Doing so would transgress the *Broadcasting Act*.
- 23 The Forum instead considers that, as the world becomes more and more ‘globalized,’ it is imperative that Canadians have access to more and more distinctive Canadian content – both in music and spoken word, - not less: allowing Canadian commercial radio stations to become weak, homogenous copies of American stations would not just breach the *Broadcasting Act*, reduce Canadians’ access to Canadian content and impair Canadian musicians’ livelihoods, it would also reduce the distinctiveness of Canadian radio services’. Canada’s private radio broadcasters have for many years explained that while television services offer national and international content, radio stations are intensely local: it is well-known that their audiences often become deeply attached to their local radio stations’ personalities.
- 24 Two major plot twists, so to speak, may be raised in this proceeding: Covid-19 and foreign ownership.
- 25 The Canadian Association of Broadcasters applied for regulatory relief due to the Covid-19 pandemic in mid-2020. While the CRTC has not published its determinations on the matter, the Forum notes that a number of commercial radio broadcasters may have benefitted from the Federal government’s decision in December 2020 to return the Part II fees that Canadian broadcasters, including Canadian radio undertakings, had remitted under the *Licence Fee Regulations*.<sup>19</sup> As for the Canadian economy – with which commercial radio stations’ profitability is closely associated – it has obviously been weakened by Covid-19 and consequent restrictions on social gatherings, but will regain momentum as governments’ temporary restrictions on social gatherings are lifted.
- 26 Revising the *Radio Regulations, 1986* to address a significant but short-term crisis would in our view be a serious error – particularly in light of the fact that any commercial radio licensee may at any time look to the CRTC for regulatory relief through the condition of licence process. Short-term relief to ensure that stations are not closed may well be appropriate; in the longer term, as Figure 1 shows, Canada’s commercial broadcasters are

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paragraph 5, the *Broadcasting Act* does not state that the CRTC must serve the public interest, but that it must implement

... about forty sometimes conflicting objectives which must guide the CRTC in exercising its powers. This leads to a polycentric adjudication process, involving numerous participants with opposing interests, with a view to implementing the broadcasting policy set out in the *Act*.

<sup>19</sup> *Remission Order in Respect of Part II Licence Fees Paid or Payable Under the Broadcasting Licence Fee Regulations, 1997, Canada Gazette, Part II, Vol. 154, No. 26 (SI/2020-77, 23 December 2020)*. Several conditions were attached to the order.

very well-equipped to bear the business risks of a recovering economy, in part because of the significant degree of consolidated ownership permitted by the Commission precisely to ensure the survival of small undertakings.

- 27 The second major plot twist involves foreign ownership. Bill C-10 currently proposes to eliminate the current requirement that Canada’s broadcasting system be effectively owned and controlled by Canadians. Depending on the bill’s passage through the House of Commons and the Senate, a time may come for the CRTC to consider changing its policies to adapt to large foreign online broadcasters or even foreign ownership of Canada’s broadcasting system. But Bill C-10 has not been enacted and that time has not yet come: the CRTC’s policies must therefore continue to implement the current *Broadcasting Act*. The CRTC’s sole concern by law must be the implementation of Parliament’s current broadcasting policy for Canada without regard for a hypothetical future change in its enabling legislation. The CRTC’s policies provide private broadcasters with directions to ensure they meet Parliament’s broadcast objectives.

### 1. Purpose of this proceeding

- 28 The CRTC’s description of the purpose of this proceeding has changed over time. In January 2020,<sup>20</sup> it explained that this review had two general components – discussing with Canadians their needs of and interests in commercial radio, and “the evaluation of programming offered by this sector”. It said these components would “in particular” enable the CRTC to evaluate its current regulatory framework for commercial radio.<sup>21</sup>
- 29 The CRTC’s winter 2020 *Departmental Plan* for 2020-21 then said it “will initiate a proceeding to modernize our regulatory framework for commercial radio.”<sup>22</sup> It also suggested that it planned to implement a “modernized framework [that] will seek to position the radio market to best contribute to Canada’s broadcasting policy objectives” [underlining added].<sup>23</sup> It later said in the *Plan* that it will apply “gender-based analysis plus” in its commercial radio review,

... which includes looking at whether programming adequately and appropriately reflects the diversity of Canadians, including women, Indigenous groups, ethnic and multicultural groups, official language minority communities, children and youth, Canadians with disabilities, and LGBTQ2 Canadians....<sup>24</sup>

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<sup>20</sup> *Commercial radio policy framework review*, [Broadcasting Notice of Proceeding CRTC 2020-25](#) (Ottawa, 28 January 2020).

<sup>21</sup> *Ibid.*, at paragraph 7:

Beginning a conversation with Canadians in regard to their current and future needs and interests regarding commercial radio, and in particular the evaluation of the programming offered by this sector, will enable the Commission to better assess the effectiveness and relevance of the current regulatory framework. ....

<sup>22</sup> CRTC, *2020-21 Departmental Plan*, “From the Chairperson and CEO”, at 3.

<sup>23</sup> *Ibid.*, at 8.

<sup>24</sup> *Ibid.*, at 11.

- 30 Finally, the CRTC called for comments about commercial radio on 12 November 2020.<sup>25</sup> It then said that “[t]he main objective of this proceeding is to assess the relevance and effectiveness of the regulatory tools governing commercial radio” and that “some tools could be removed, changed or added”<sup>26</sup> to meet three results focussed on three groups:
- For Canadian listeners: Provide diverse, relevant and quality programming that serves their needs and interests;
  - For Canadian artists: Ensure that artists (music and spoken word) are best supported by broadcasters in a balanced manner for the creation, presentation and discoverability of Canadian content;
  - For broadcasters: Establish a flexible regulatory framework that enables both English- and French-language radio to remain competitive in the digital environment.
- 31 BNoC 2020-374 also stated that the purpose of the proceeding “is to update the regulatory framework to best serve the needs and interests of Canadians, while taking into account increased competition from online services.”<sup>27</sup>
- 32 From evaluating radio programming and its regulatory framework, to positioning radio to meet Parliament’s broadcasting policy and reflect Canadian diversity, to updating regulation to address Canadians’ needs and online competition – three policy goals in one year. Do they all lead to the same place?
- 33 Reflecting Canadians’ needs and interests is clearly a goal of Parliament’s broadcasting policy – but Parliament made this a discretionary objective.
- 34 Nor does the *Broadcasting Act* specifically require the CRTC to consider the issues such as the impact on licensed commercial radio stations of competition from unlicensed online services. If this requirement existed – and it is not in the *Broadcasting Act* – the CRTC would have to compare the performance of licensed apples with unregulated oranges. (The parallel for the 1990s, when online services did not exist, would have been for the CRTC to compare the performance of Canadian licensed radio services with American services accessible from, but not licensed to serve, Canada.) It is therefore unclear how comparing licensed radio programming services with unregulated online services so as to evaluate competition between the two groups, is part of the CRTC’s mandate to implement Parliament’s broadcasting policy for Canada.

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<sup>25</sup> *Call for comments – Commercial radio policy framework review*, [Broadcasting Notice of Consultation CRTC 2020-374](#) (Ottawa, 12 November 2020).

<sup>26</sup> *Ibid.*, at paragraph 11.

<sup>27</sup> *Ibid.*

- 35 The Forum raises the issue of BNoC 2020-374’s shifting purposes because different evidence is needed for each different purpose. Moreover, the ‘tools’ used to achieve Parliament’s purposes may differ. Including requirements in CRTC policies which are not set out in the CRTC’s regulations or as individual conditions of licence tailored to the unique circumstances of each licensee have, of course, no legal weight whatsoever.<sup>28</sup> Identical conditions of licence, on the other hand, can only be applied to each licensee if the CRTC determines that each licensee’s circumstances so warrant. As for mandatory orders, these are issued for individual broadcasters, rather than all broadcasters.

**Text box 4**

10(2) A regulation made under this section may be made applicable to all persons holding licences or to all persons holding licences of one or more classes.

- 36 Therefore, the only tool available to the CRTC to actually impose requirements on commercial radio stations is found in its power to issue regulations that apply to all broadcasters or to classes of licensee (Text

box 5).

**2. Evidence provided by the CRTC for this proceeding**

- 37 The CRTC has mentioned that it bases its decisions on evidence, most recently on 26 March 2021 when the CRTC’s Chair and several of his senior officials appeared before the House of Commons Standing Committee on Canadian Heritage:

Our goal, as always, will be to develop as complete a public record as possible and to make evidenced-based decisions in the public interest.<sup>29</sup>

- 38 As the sole regulatory authority responsible for broadcasting in Canada, the Commission is best placed to obtain and provide Canadians with relevant information about Canadian commercial radio. This information – this evidence – is needed for the CRTC to chart a course to implement Parliament’s broadcasting policy. If the CRTC does not know what commercial radio stations are scheduling and broadcasting, it cannot know what changes must be made to redirect them to the path set by Parliament.

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<sup>28</sup> *Requests that Rogers Media Inc. reinstate local third-language newscasts on its OMNI stations*, [Broadcasting Decision CRTC 2016-8](#) (Ottawa, 12 January 2016), at paragraph 32 [footnotes omitted]:

As regards the role of the Ethnic Broadcasting Policy and submissions that Rogers has breached that policy, the Commission notes that such policies are non-binding; in other words, they create no obligation in and of themselves. More specifically, section 6 of the Act provides that the Commission may issue policy statements or guidelines, but that these are not binding on the Commission. This is a codification of the common law and reflects the Supreme Court of Canada’s decision in *Capital Cities Communications Inc. et al. v. CRTC et al.* That decision upheld the Commission’s practice of issuing policy statements in light of the broad objectives entrusted to it under the Act, including the supervision of the broadcasting system to implement the broadcasting policy set out at section 3 of the Act. Accordingly, if the Commission were to treat the Ethnic Broadcasting Policy as binding or as having the force of law, it would be fettering its discretion and this would amount to an error of law.

<sup>29</sup> Ian Scott, Chairperson and Chief Executive Officer, CRTC, *Remarks*, House of Commons Standing Committee on Canadian Heritage (Ottawa, 26 March 2021).

- 39 It is beyond the scope of most members of the public and beyond the resources of public-interest organizations to commission content analyses of a representative sample of Canadian radio stations to determine levels and percentages of original news and information, local news, locally relevant spoken word content and syndicated programming that may or may not be Canadian.
- 40 BNoC 2020-374 offers evidence about the hours tuned-in by audiences, commercial broadcasters’ financial performance and types of licensed radio services.<sup>30</sup>
- 41 Yet the focus of Parliament’s broadcasting policy for Canada is **programming**. At least ten sections of the policy describe the programming to be provided by broadcasters: Table 1.

**Table 1 Private radio broadcasters’ purpose, role and programming**

**A. Recognition of official language communities**

Requirements for private English-language and French-language radio may differ<sup>3(1)(c)</sup>

**B. Purpose of broadcasters**

Private radio broadcasting should strengthen four aspects of Canada: its culture; political system; society and economy<sup>3(1)(d)(i)</sup>

**C. Role of broadcasters**

Private radio services should provide employment opportunities to Canadians<sup>3(1)(d)(iii)</sup>

Private radio broadcasters must support the creation of Canadian programming<sup>3(1)(e)</sup>

Private radio broadcasters must support the presentation of Canadian programming<sup>3(1)(e)</sup>

Private radio broadcasters should contribute significantly to the creation and scheduling of Canadian programming<sup>3(1)(s)(i)</sup>

Private radio broadcasters should respond to Canadians’ demands<sup>3(1)(s)(ii)</sup>

**D. Programming to be provided**

Canadian resources must predominate in each private radio station’s schedule<sup>3(1)(f)</sup>

Private radio programming should reflect Canadian opinions and ideas<sup>3(1)(d)(ii)</sup>

Private radio services should display Canadian talent<sup>3(1)(d)(ii)</sup>

Private radio services should reflect Indigenous Canadians<sup>3(1)(d)(iii)</sup>

Private radio services should reflect the multicultural and multiracial nature of Canada<sup>3(1)(d)(iii)</sup>

Private radio programming should offer information and analysis about Canada and other countries from a Canadian point of view<sup>3(1)(d)(ii)</sup>

Private radio programming should offer a balance of information, enlightenment and entertainment for all interests and tastes<sup>3(1)(i)(i)</sup>

Private radio programming should include local, regional, national and international content<sup>3(1)(i)(ii)</sup>

Private radio programming should offer different views on matters of public concern<sup>3(1)(i)(iv)</sup>

Private radio programming should include a “significant” amount of independent production<sup>3(1)(i)(v)</sup>

Source: Appendix 3

<sup>30</sup> Hours tuned: Figure 2 - Average weekly hours of tuning in to traditional radio vs listening to streamed audio services, by Canadians 18+; Figure 3 - Listening habits (%) for Canadians 18+ by language and platform, any given month; Figure 4 - Tuning share (as a percentage of total tuning) of the most popular French-language market formats, 2019; Figure 5 - Tuning share (as a percentage of total tuning) of the most popular English-language market formats, 2019

Financial performance: Figure 1 - Estimated revenues in Canada of Internet-based audio services by business model (\$ million); Table 1 - Commercial radio overview, 2019, Table 3 - Radio ownership market composition, 2019

Types of licensed radio services: Table 2 - Type and number of radio services and audio services authorized to broadcast in Canada, by language of broadcast.

- 42 As noted previously BNoC 2020-374 does not provide any information about the programming broadcast by commercial radio stations, the amount of this programming that is Canadian, the amount of local programming broadcast, or the amount of original or first-run news that is being provided.
- 43 As for the gender-based analysis promised by the CRTC in January 2020, BNoC 2020-374 does not provide any information about programming that reflects women, Indigenous groups, ethnic and multicultural groups, official language minority communities, children and youth, Canadians with disabilities and LGBTQ2.
- 44 BNoC 2020-374 also does not describe the state of employment opportunities for Canadians in their radio system or, conversely, the actual level of employment by commercial radio stations.
- 45 As previously noted, the CRTC has also confirmed that since January 2014 it has not analyzed
- the types of programming broadcast by privately owned radio stations in Canada (A-2020-00065),
  - the amount of original locally-relevant content broadcast by Canadian commercial radio stations (A-2020-72), or
  - employment opportunities at commercial radio stations (A-2020-00067).
- 46 BNoC 2020-374 stressed the importance of news and local news:
- Pursuant to section 3(1)(i)(ii) of the Broadcasting Act, programming provided by the Canadian broadcasting system should be drawn from local, regional, national and international sources. Programming should also, to the extent possible, provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern. As indicated in the Commercial Radio Policy 2006, **the broadcast of news programming by commercial radio licensees, especially local news, is an essential aspect of their responsibility** to ensure the provision of this diversity of views.<sup>31</sup>
- [bold font added]
- 47 The CRTC has confirmed, however, that since January 2014 it has not analyzed
- the amount of original local news by Canadian commercial radio stations (A-2020-72);
  - the amount of original local news broadcast by radio stations controlled by large ownership groups (A-2020-00066) or

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<sup>31</sup> BNoC 2020-374, paragraph 80.

- the number of reporters employed by Canadian radio stations from 2014/15 to 2018/19 (A-2020-00024).
- 48 In place of research and data that would provide objective evidence about Canadian commercial radio's programming, the CRTC commissioned an analysis of Canadians' views about radio programming through an online survey and focus groups. These views represent important evidence about Canadians' needs and interests, one of the discretionary objectives of Parliament's broadcasting policy. They do not constitute evidence about what is actually being broadcast to determine whether Parliament's broadcasting policy is or is not being met, and in particular do not establish the level of Canadian content broadcast by individual commercial radio stations, a mandatory objective of Parliament's broadcasting policy.
- 49 In contrast, the CRTC has focussed a great deal of attention on commercial broadcasters' financial condition. It has for decades published annual reports about the financial performance of private and public radio, private and public television, discretionary television programming services and distribution undertakings. Its 2019 *Communications Monitoring Report* sets out 32 'infographics' or 'figures' describing that financial performance.
- 50 The CRTC does not publish annual statistics about the levels of Canadian content, local news or locally-relevant information made available to Canadians by the services licensed to provide that programming to them. It does not publish information about the amount of Canadian spoken word content broadcast by Canadian radio stations, including news, locally relevant information and syndicated programs.
- 51 Individual Canadians and Canadian public-interest organizations have neither the authority nor the resources to gather information about local news, reporters, spoken word content, foreign ownership or control and employment opportunities in Canada's commercial radio sector. While the logs detailing the programming broadcast by Canadian television services each month are published online, the CRTC has not posted any of the logs of Canadian radio services and, indeed, no longer receives these on a monthly basis.<sup>32</sup> In other words, Canadians have no way of analyzing Canadian radio station logs to determine, for instance, the amounts of Canadian and foreign programming or local news broadcast by Canadian commercial radio stations.
- 52 The absence of objective data from the CRTC about commercial radio stations' programming tilts the evidentiary playing field in this proceeding towards private broadcasters. They have and can pick the empirical evidence they need to make their case. Canadians, however, in general are limited to offering their impressions of

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<sup>32</sup> *Radio Regulations, 1986*, s. 8 (4): "A licensee shall furnish, to the Commission on request, its program log or record for any day, with a certificate signed by or on behalf of the licensee attesting to the accuracy of its content" (underlining added).

commercial radio in surveys and focus groups, or through comments filed in this proceeding.

53 The CRTC's decision not to provide elementary information about the key issues for which it seeks Canadians' comments – Canadian programming, local programming and local news – places Canadians at a serious, asymmetrical disadvantage relative to private broadcasters.

54 In the pages that follow the Forum comments on three issues raised in BNoC 2020-374: Canadian content, Indigenous broadcasting and French-language vocal music. We also raise concerns about two issues within the CRTC's jurisdiction: employment opportunities and the issue of funding for public-interest organizations to participate in proceedings such as this.

## II. Canadian content: programming and financial backing

### A. *'Canadian' as a measurable concept*

55 in requiring a predominance of Canadian content Parliament's broadcasting policy refers to programming as a whole. This consists mainly of Music, Commercial content, and the Spoken Word.

56 Most stations, by and large, meet or exceed the 35% requirement for popular music.

57 As for commercial content, it is not at all certain that the level of Canadian content (however defined) is 50%, especially commercials of non-local origin.

58 In our experience the Spoken Word on many stations is less than 10% of all programming ("More Rock, less Talk").

59 It is therefore very doubtful that the overall Canadian content in radio is more than 50% -- that is to say, less than predominantly.

60 An historical perspective: until the 1950s, much of the Featured Programming -- melodrama, comedy, the soaps -- on Canadian commercial radio came from US sources. With the removal of many of these network programs to TV, the arrival of the 45 rpm record and Top 40 radio, radio found a new niche for itself, mainly locally programmed, in a disk-jockey format. It was inexpensive; it was successful. Featured programs as such disappeared from most commercial radio schedules.

61 It is in this environment that the CRTC introduced its Canadian Content regulations in the early 1970s: there were few Featured Programs, and the Spoken Word content was already virtually 100% Canadian. Hence, the focus shifted to the music content.

62 Recently, with the advent of relatively inexpensive yet efficient satellite distribution, network or syndicated programming (many of which have the attributes of Featured

Programs) has more and more found a place on station schedules. Many of these programs are imported from foreign – mainly US – sources. Technology now makes it relatively easy to substitute the required number of Canadian music selections in foreign network or syndicated programming.

### **1. The MAPL system for music**

63 The officials who developed the MAPL system, took a good look at all the elements that contribute to a recording. There are quite a few steps in that process. Among the most important contributors are the following:

The creator of the lyrics

The creator of the music

The performer(s) of the song (singers and/or instrumentalists)

The arranger of the instrumentation

The studio engineer

The producer of the recording (if different from any of the above)

The person mastering the recording

The manufacturer of the recording, if still in tangible form

The designer of the artwork

The printer of the cover and insert, if still in tangible form

The Artist-and-Repertoire manager (if these positions still exist)

The promotor of the recording

64 All of the above contribute to the success of a recording. Current practices – streaming, downloading and other delivery and distribution systems - have made the impact of the last few contributions less clear.

65 To be effective, any regulation must be simple for the regulatee and assessable by the regulator. That is why the original drafters of the regulation chose to limit regulation to only the four elements of the MAPL system.

### **2. MAPL: a simple, assessable, equitable and flexible measure**

66 The MAPL system is easy to apply, and the terms are clearly defined. The music industry has fully adopted it.

67 Moreover, the system is easy to implement. It should be noted that, of the many functions in the chain that produces a recording (or a live performance), only a few are easily verifiable. Insofar as the M and L elements are concerned, the lyricist and the composer of any composition can be identified from the registration with SOCAN or similar organizations. As for the A element, one can be certain that the artist performing is in fact the artist mentioned on the label, otherwise a lawsuit would inevitably follow. As for the P element – the Place of Production or Recording – while it is less verifiable than

the three above, it is unlikely that any large-scale misuse would go unnoticed and not be reported to the Commission.

- 68 Modern technology has introduced a complication in the P element, however: it is now possible for part of, or an entire, production to be done in one location, and the actual taping (recording) in another. This may be more difficult to ascertain with an additional information-gathering step. On the other hand, there is little evidence that misrepresentation is a common practice. The Forum suggests that, absent evidence to the contrary, most recordings made in Canada are made entirely in one studio. The few exceptions that may occur should not be a reason to discard this part of the regulation as it stands.
- 69 The remaining functions identified above in the production of a recording, from arranger and producer, to technical engineer, Artist-and-Repertoire manager, and album designer, etc. are ones that allow an easy substitution of personnel. It would be difficult for the CRTC to be certain that the person claiming to have made a particular contribution was indeed the person who did make it. (See below.)
- 70 The current regulation balances the interests of the four main parties: the lyricist, the composer, the performer and the studio. It is, in the Forum's view, an equitable measure.
- 71 By not insisting that each selection has to qualify on all four MAPL points, the Commission has left some room for Canadian composers and lyricists to have non-Canadians perform their work. At the same time, Canadian performers can record (in Canada) material by non-Canadians. MAPL is therefore also a flexible measurement tool. That this flexibility is not abused is shown by the fact that most recordings that qualify as Canadian, manage to satisfy all 4 MAPL requirements.

### **3. MAPL is both effective and necessary**

- 72 The CRTC's radio regulation has both a cultural and an industrial objective. The MAPL measure has been effective because it has achieved the CRTC's original cultural objective; that is to say, Canadian artists, and the works of Canadian composers and lyricists now occupy at least the originally required 30% of Canadian radio music time for most popular music formats. This is a vast improvement over the situation before 1971, when the highest estimates placed the level of Canadian content at 7% and a more realistic estimate would have been 2%.
- 73 The regulatory requirement's secondary objective was to help establish the infrastructure for the recording of Canadian music. While the Commission cannot claim exclusive credit for the development of a healthy Canadian recording industry, there is little doubt that the regulation played and is still playing a very significant part.
- 74 One hears suggestions that the regulation has worked so well that it is now unnecessary – superfluous, in fact. There have been several instances in the past when Canadian artists

were prominent on the US hit charts, notably in the early 70s. A few years later their influence waned.

- 75 The Forum’s view is that the removal of the regulation would be followed very quickly by a significant reduction in the level of Canadian content on Canadian radio. This is probable because Canadian commercial radio continues to take its cue from US (“proven product”) trends. Once gone, regulations are difficult to reinstate – and relying on conditions of licence may lead to time-consuming debates about regulatory symmetry between broadcasters.
- 76 Moreover, commercial radio has learned to live with, and in many cases, come to appreciate, the regulation. Were the Commission to abolish the regulation and later find it necessary to reinstate it, it would encounter all the difficulties of implementation that the it had to confront in the seventies; moreover, today’s digital technology would be of limited assistance in resolving what amount to conceptual and measurement difficulties.
- 77 Even now, the Commission should be aware that when the original regulation was designed, it fully expected broadcasters, for convenience's sake, to broadcast one Canadian selection in every three – **33%**, rather than three out of 10 selections – 30%. The CRTC’s expectation was not met.
- 78 It is also useful to remember that even with the regulation in place, Canadian radio stations may at any time decide that their musical selections should be 65% foreign. Neither the US Congress nor the FCC would tolerate for a minute a situation where 70% of the music broadcast over American radio stations was foreign.
- 79 Finally, the *Broadcasting Act* does not permit the CRTC to allow commercial radio stations to begin to reduce the level of Canadian content in their programming. First, there is no evidence that stations have actually achieved the predominance of Canadian content throughout their schedules that the *Act* requires. Second, there is no evidence that stations are in any way incapable of meeting of that predominance requirement.

#### **4. Other changes that have been suggested**

##### **a) *Allowing a selection to qualify on the basis of the performer alone.***

- 80 The main problem with focussing solely on the music’s performer is that it upsets the balance between the four MAPL parties, placing it too heavily in favour of the performer. While the performer may be the most “visible” contributor as far as an audience is concerned, the creators of the work – the lyricist and the composer – also make a substantial contribution. Can one exist without the other(s)?
- 81 A second problem is that there would no longer be a need for performers to record in Canada if they were to use foreign material. This would undermine the industrial objective of this CRTC regulation.

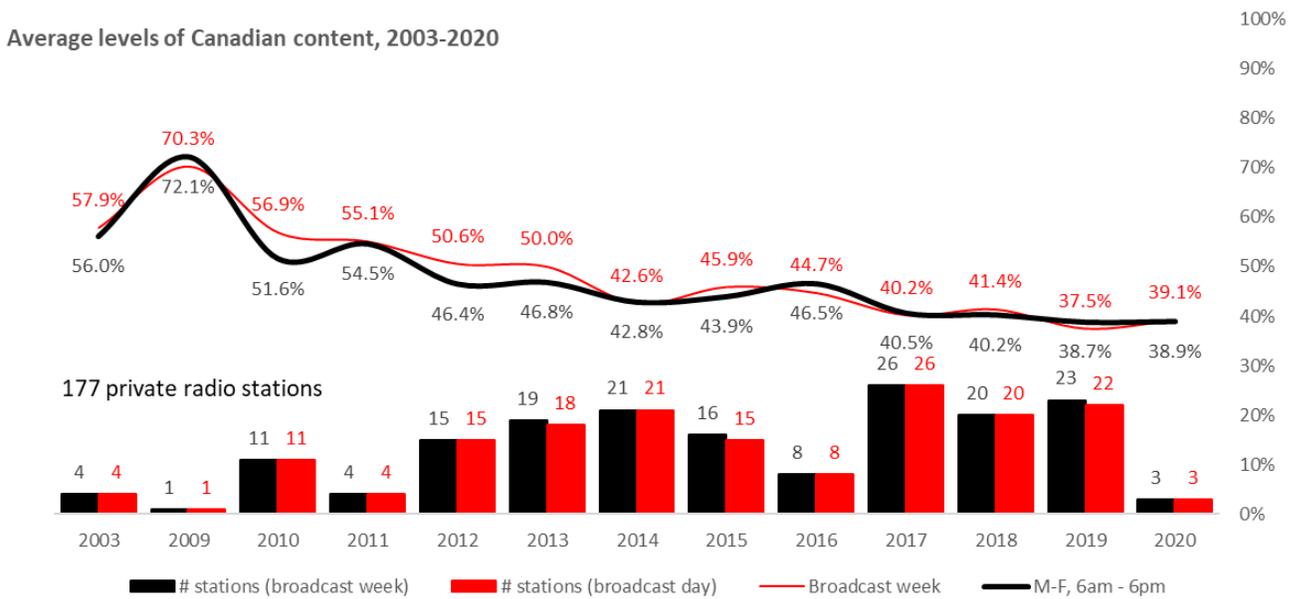
***b) Allowing the producer to be an element of the MAPL system.***

- 82 This suggestion has two problems. First, there is no definition of a producer – what exactly does he or she do? In many, if not most, cases the producer is also the singer-songwriter, the studio engineer or the arranger. Music is often a collaborative effort, or one in which the “producer” occupies several functions. (A similar problem exists in films: consider the endless list of “producers” on the credit lists, from Executive Producers [often more than one] to Producers, to Associate Producers, the Line Producers – what do they all do? In the film, *State and Main* it is, as they say in the trade, a ‘running gag’.)
- 83 The second problem is that one cannot track the producer: neither SOCAN nor any other third-party organization lists it. How would one reliably determine who the real producer is? It may be easy for a foreigner to pay a Canadian to use the latter’s name: who would know? Thus, a Canadian artist and a so-called Canadian producer could use foreign material and record outside Canada – which is scarcely the objective of the CRTC’s regulatory framework or its regulations for radio.

***B. Canadian content regulations and their impact on programming***

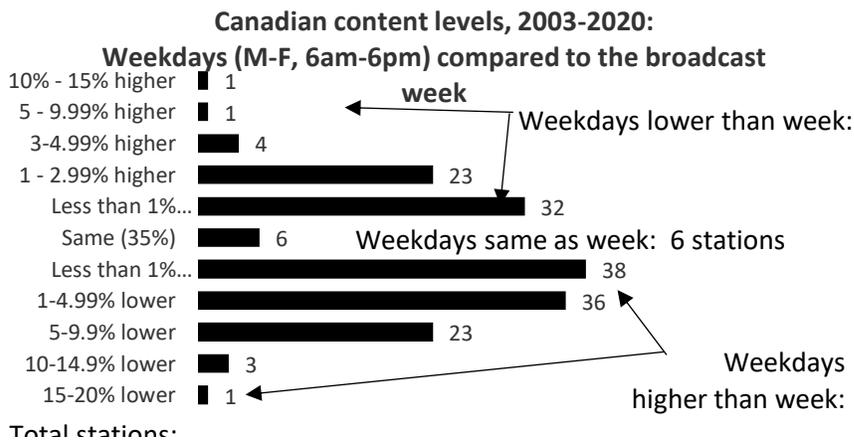
- 84 As noted above BNoC 2020-374 provides Canadians with no information about the actual levels of Canadian content broadcast by Canadian commercial radio stations.
- 85 In response to access-to-information requests for information about the levels of Canadian content broadcast by Canadian radio stations, the CRTC provided results from its analyses of the Canadian and FLVM programming broadcast by 177 private radio stations for 13 years in the 18-year period from 2003 to 2020. Data for the stations’ broadcast week are set out in Appendix 5; Appendix 6 provides data for the stations’ peak listening period (weekdays 6 AM to 6 PM).
- 86 Results from the CRTC’s analyses initially suggest that while average levels of popular Canadian music on commercial radio stations have exceeded 35% over the last decade, the levels have been declining for at least a decade: Figure 3. This is true for the entire broadcast week and for peak listening periods.

**Figure 3 Average levels of Canadian content by broadcast week and peak listening period, 2003-2020**



87 Differences emerge when the week or day are considered. More than half (101 or 60%) of the 168 private radio stations analyzed by the CRTC broadcast a lower level of popular Canadian music during peak listening times – Monday to Friday, 6 AM to 6 PM – than over the week: Figure 4.

**Figure 4 Canadian content levels: broadcast weeks vs peak listening**



88 Of special interest were the results for weekdays. The Forum reviewed the CRTC results for 133 private radio stations whose programming was monitored from 2013 to 2020; these made up 79% of the 168 stations analysed: Table 2. More than half of these

stations – 94 (56%) – reported that 40% or more of their Category 2 musical selections were Canadian.

**Table 2 Levels of Canadian content (Category 2 popular music) by private radio stations, 2013-2020**

Range of Canadian content levels achieved by private radio broadcasters Monday – Friday, 6 AM to 6 PM: 2013-2020			
Canadian content levels – range of values	Stations in range	% of total	
10% - 19.99%	2	1.2%	
20% - 29.99%	1	0.6%	
30% - 34.99%	6	3.6%	
35%	1	0.6%	Canadian content from 35-38.9%: 65 stations (38.7% of total)
35.01% - 35.99%	11	6.5%	
36.0% - 36.99%	25	14.9%	
37.0% - 37.99%	15	8.9%	
38.0% - 38.99%	13	7.7%	
40% - 44.99%	39	23.2%	Canadian content from 40% - 100%: 94 stations (56.0% of total)
45% - 49.99%	19	11.3%	
50% - 54.99%	10	6.0%	
55% - 59.99%	12	7.1%	
60% - 64.99%	6	3.6%	
65% - 69.99%	2	1.2%	
70% - 74.99%	3	1.8%	
75% - 79.99%	1	0.6%	
80% - 84.99%	1	0.6%	
100%	1	0.6%	
<b>Total</b>	<b>168</b>	<b>100.05</b>	

- 89 What is unknown, however, is whether these stations are a representative sample of all private radio stations – serving large, medium-sized and small communities and operating in English and in French. It is therefore impossible to generalize these results beyond these specific stations.
- 90 It would also be incorrect to conclude that Canadian content predominates in the schedules of commercial radio stations based solely on regulated levels of Canadian musical selections. It is generally estimated that music makes up two-thirds of a typical FM radio station’s schedule, with spoken word and advertising making up the remaining programming. The CRTC stopped regulating Canadian content in advertising in the late 1980s and it is unknown what percentage of the broadcast week consists of advertising or public service announcements. The CRTC has apparently neither undertaken nor commissioned any studies that have objectively determined the level of spoken word in programming of commercial radio stations.
- 91 That said, if music comprises two-thirds of stations’ broadcast week, more than half the spoken word and advertising time allocated by broadcasters to this type of programming

would have to be Canadian in order for their complete schedules to be 50% or more Canadian: Table 3.

**Table 3 Hypothetical levels of music and spoken word to achieve 50% Canadian content**

Type of programming	Canadian	Foreign	Total
Music - 66% of broadcast week @ 46% Canadian*	37.9	45.3	83.2
Spoken word and ads – 34% of broadcast week Hours if 50% Canadian	21.4	21.4	42.8
Broadcast week	59.3	66.7	126.0
% of broadcast week total	47.1%	52.9%	100.0%

\* Average from CRTC’s results for Category 2 music for the broadcast week

- 92 Yet in the absence of objective data about commercial radio stations’ spoken word content – in particular about the use of Canadian and non-Canadian syndicated programming – it is unclear whether commercial radio stations are or are not meeting Parliament’s broadcasting policy.
- 93 At this time the Forum does not support changes to the definition or requirements for Canadian content in commercial radio stations’ broadcast schedules, unless the changes increase the level of Canadian content and – in the case of spoken word programming – increase the level of local spoken word content. Ipsos found support for increasing required levels of Canadian content in popular music among 31% of Canadians.<sup>33</sup>
- 94 In particular, the Forum strongly endorses the idea that the *Radio Regulations, 1986* be amended to require all commercial radio stations to provide specified levels of original local, regional and national news to the communities they serve. Ipsos reported that 57% of Canadians “feel it is particularly important ... to have access to ... local news content”.<sup>34</sup> Therefore, in the absence of objective evidence about the current levels of original news now being broadcast by commercial radio stations, the Forum strongly recommends that reductions in news programming by commercial radio stations be disallowed.

### III. Indigenous broadcasting

- 95 BNoC 2020-374 notes that the CRTC “launched a proceeding to co-develop, with Indigenous Peoples, a new framework for Indigenous broadcasting”<sup>35</sup> and asks a number of questions in relation to Indigenous broadcasting. These focus on music and artists and whether there are “specific obstacles” to their success.

<sup>33</sup> Ipsos Public Affairs, *Attitudes and opinions towards commercial radio in Canada: Final Report*, (delivery date: 18 December 2020), at page 23.

<sup>34</sup> *Ibid.*, at page 14.

<sup>35</sup> BNoC 2020-374, paragraph 86.

- 96 After publishing BNoC 2020-374, the CRTC issued an undated report on twelve engagement sessions it held from June 2019 to February 2020 which “included First Nations, Inuit and Métis peoples who play a role in the Indigenous broadcasting and content creation industries in Canada”.<sup>36</sup> Participants addressed the concept of ‘success’:

When asked about what was needed for Indigenous broadcasting to be successful, many attendees stated that it was important to first consider the definition of success, which should be based on their own definition and not on colonial standards, where the focus is often on financial success versus the impact one has in one’s community. Because of this, Indigenous people working in broadcasting need to have a foot in both worlds.

For example, the Numeris system is used to measure success in television viewership and radio listening, but is limited to measuring only certain markets and does not provide a fair comparison between Indigenous versus non-Indigenous listening or viewership. Attendees noted that Numeris does not demonstrate the success of Indigenous broadcasters who have a much higher percentage of Indigenous viewers and listeners per capita in Indigenous communities. Audience sizes needs to be considered along with the target audience.

One solution suggested during the engagements sessions would be for communities to create their own success indicators measured by the number of listeners that tune into radio or watch APTN over the total Indigenous population in a community. Using this example, participants observed that often, colonial standards of measures of success cannot be applied to Indigenous broadcasting.

What, then, might success look like? Participants reiterated the need to establish a new model, one where Indigenous broadcasters and content creators are involved in all aspects (private, public, and community), in all governance structures, and on all platforms in the Canadian broadcasting industry, in order to:

- Provide opportunities for Indigenous creators;
- Share programming;
- Support Indigenous identity and culture;
- Promote content around the world; and
- Provide a new source of programming to non-Indigenous entities.

- 97 The notice provides no information about Indigenous broadcasters themselves and the CRTC does not publish statistics about Indigenous broadcasters or levels of Indigenous musical selections being broadcast. The Forum obtained some financial and statistical information about Indigenous radio broadcasters through several access-to-information requests.

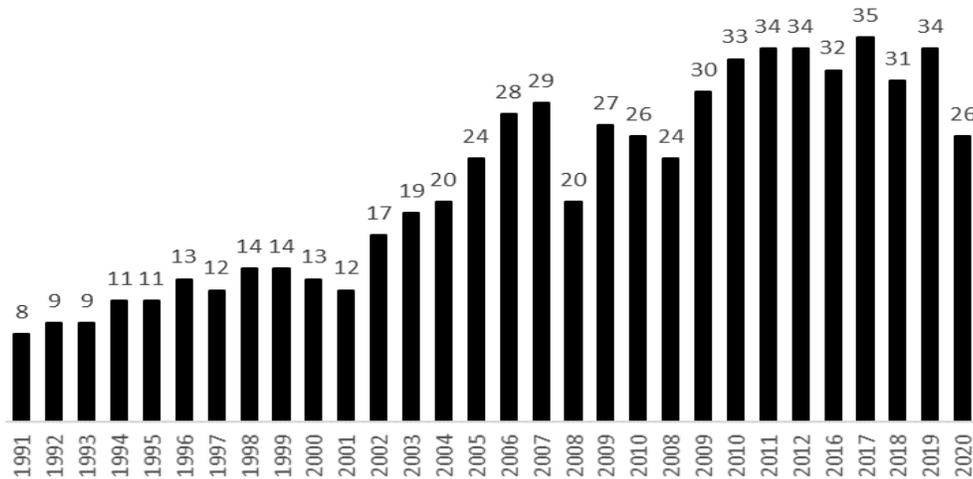
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<sup>36</sup> CRTC, “What You Said” Report: *CRTC Early Engagement Sessions – Phase One of the Co-development of a new Indigenous Broadcasting Policy*, [Cat. No. 978-0-660-37621](#), “Methodology”, page 7.

98 The CRTC's data indicate that just over two dozen (24) Indigenous radio stations currently operate in Canada (; there were roughly 28 times more non-indigenous commercial radio undertakings operating in Canada in 2018/19.

99 Figure 5); there were roughly 28 times more non-indigenous commercial radio undertakings operating in Canada in 2018/19.

**Figure 5 Indigenous radio stations, 1991-2020**  
 Indigenous ("Native (Type B)") radio undertakings, 1991-2020

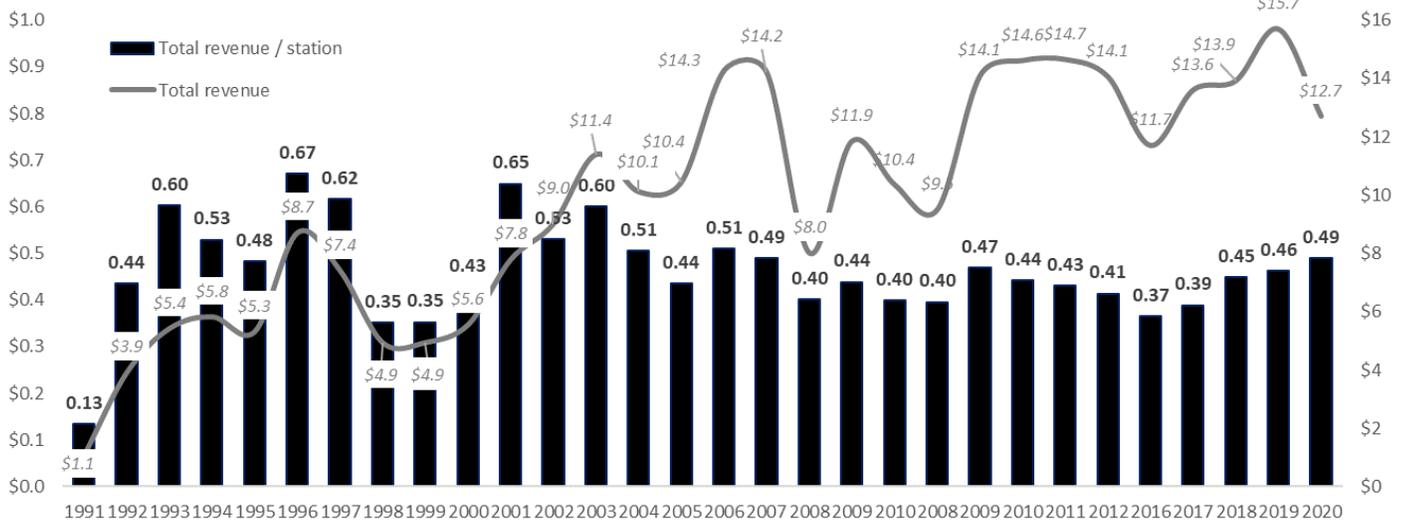


Source: CRTC (Access to information request A-2020-00075)

100 The average revenue of an Indigenous radio station was lower in real terms in 2019 than in 1996 (Figure 6).

**Figure 6 Indigenous radio revenues, 1991-2020**

Indigenous radio station revenue, 1991-2020: total and per-station revenues (\$ millions 2002)



Source: CRTC data (Access to information request A-2020-00075); Statistics Canada (CPI=2002)

101 The Forum is reserving the majority of its comments on Indigenous broadcasting until the Commission launches that proceeding for members of the general public. That said, we believe that Canadian commercial radio stations should begin to devote airplay to Indigenous musical selections not just to implement Parliament's policy requirement to reflect Indigenous peoples in Canada's broadcasting system but because Indigenous content represents a unique and distinctive aspect of Canadian culture.

102 In our view, ensuring airtime for Indigenous music can only be achieved by regulations<sup>37</sup> governing all commercial broadcasters<sup>38</sup> along with published bi-annual evaluations of stations' performance with respect to this and other matters. We propose that in addition to increasing the Canadian content requirements set by regulation, the CRTC require commercial broadcasters to incorporate Indigenous musical selections into their schedules.

#### IV. French-language vocal music

103 In its comments on Broadcasting Notice of Consultation CRTC 2015-318, the Forum noted the absence of evidence that the supply of French-language vocal music (FLVM) recordings is insufficient to meet French-language radio stations' needs. It also pointed out that if the current supply of FLVM recordings were insufficient, French-language radio broadcasters could look for other sources of French-language music (such as musicians who make their work available online), invest in French-language music, or call on MusicAction to work to increase the numbers of recordings it supports

104 Insofar as arguments based on audience attraction are concerned, the Forum's position is that the CRTC's decision to deregulate radio stations with respect to formats has left responsibility for choosing the formats or recordings they play to attract audiences entirely with radio broadcasters. Broadcasters' exercise of that responsibility remains subject to Parliament's broadcasting policy for Canada, however. The Forum notes in this regard Parliament's declaration recognizing the different requirements of English-language and French-language broadcasting:

3 (1) It is hereby declared as the broadcasting policy for Canada that

...

(c) English and French language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements; ...

105 In our view, Parliament's declaration applies with equal force to the CRTC's determinations to ensure that French-language commercial radio broadcasters meet the needs of their audiences, which includes not just respect, but support, for French-

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<sup>37</sup> The Forum notes that the better part of a century had passed before Canada's broadcast regulatory authorities mandated at least 30% Canadian content from commercial radio stations.

<sup>38</sup> See paragraph 36, *infra*.

language music and spoken word content. It is unclear, however, what role French-language programming plays in commercial radio stations' schedules. BNoC 2020-374 has not provided any new information about radio stations' broadcast of FLVM or their use of montages.<sup>39</sup>

106 Results from the CRTC's replies to an access-to-information request provided information about both FLVM and montages for 48 commercial radio stations (see Appendix 7). According to the CRTC's analyses, four out of five of these stations exceeded the requirements for FLVM (Table 4).

**Table 4 French-language vocal music results, 2003-2015**

Radio stations and FLVM, 2003-2015				
Outcome of CRTC analysis	Broadcast week (65% or more)		Broadcast day (55% or more)	
	# stations	% of stations	# stations	% of stations
Below requirement	9	16.7%	8	15.1%
Equals requirement	0	0.0%	1	1.9%
Above requirement	45	83.3%	44	83.0%
Total	54	100.0%	53	100.0%

Note: The total number of results exceeds the 48 stations as the CRTC analyzed several stations twice or more.

107 Just over half of the stations analyzed (38 or 51%) achieved FLVM levels of 66% or more over the broadcast week, while 57% (33 stations) achieved FLVM levels of 56% or more during the broadcast day: Table 5.

**Table 5 FLVM levels over the week and during the day**

Radio stations' FLVM – percentages over the broadcast week and weekdays			
Range of values for the week	Total	%	Cumulative percentage
50 - 54.9%	3	6%	
60 - 64.9%	6	11%	17%
65 - 65.9%	17	31%	48%
66 - 69.9%	17	31%	80%
70 - 74.9%	11	20%	100%
Total	54	100%	

Range of values for weekdays	Total	%	Cumulative percentage
30 - 34.9%	1	2%	
40 - 45.9%	2	4%	6%
50 - 54.9%	5	9%	15%
55%	1	2%	17%
55.1 - 55.9%	11	21%	38%
56 - 59.9%	12	23%	60%
60 - 64.9%	12	23%	83%
65 - 69.9%	4	8%	91%
70 - 74.9%	5	9%	100%
Total	53	100%	

<sup>39</sup> The *Radio Regulations, 1986* define a montage as "a compilation of one minute or more in duration containing excerpts from several musical selections but does not include a medley".

108 The CRTC’s analyses of montages broadcast by 55 commercial radio stations from 2003 to 2015 show that nearly half the stations (24 or 44%) chose not to broadcast montages. Of the remaining 31 stations, six used or reported montages incorrectly while nearly half (25 stations, or 45%) broadcast between 8 and 107 montages: Table 6.

**Table 6 Summary of results from CRTC analyses of stations’ montages (2003-2015)**

Results from CRTC analyses	Total stations	% of total
<b>Did not meet requirements</b>		
Disqualified montages	4	7%
Insufficient detail	1	2%
Montages not counted	1	2%
<b>Subtotal, failure to meet requirements</b>	<b>6</b>	<b>11%</b>
<b>Number of montages broadcast</b>		
8 – 34 montages	5	9%
59 – 69 montages	7	13%
75-84 montages	9	16%
101-107 montages	4	7%
<b>Subtotal, montages</b>	<b>25</b>	<b>45%</b>
<b>No montages reported</b>	<b>24</b>	<b>44%</b>
<b>Total</b>	<b>55</b>	<b>100%</b>

109 It is unclear whether the stations analyzed by the CRTC are representative of all French-language commercial broadcasters, however, and it is also unknown whether these stations’ programming has changed since 2015. We therefore reserve our comments for Phase 2 of this proceeding.

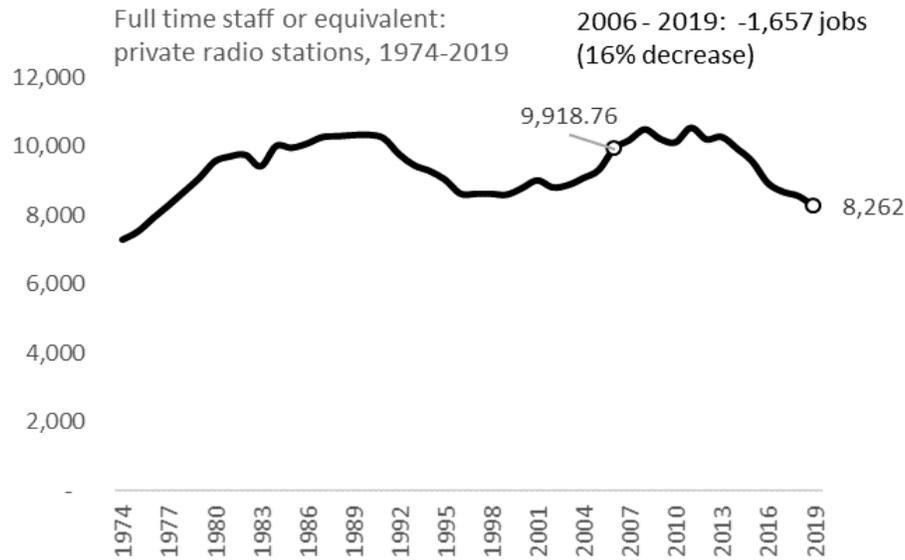
## V. Other issues within the CRTC’s jurisdiction

110 BNoC 2020-374 invited comment on other matters within the CRTC’s jurisdiction. The Forum wishes to address employment opportunities and financial support for public-interest organizations.

### A. *Employment opportunities and Canadian commercial radio stations*

111 The CRTC’s annual statistical and financial summaries include data about the number of full-time or equivalent employees working at broadcasting undertakings. Since the CRTC’s last commercial radio review in 2006, more than 1600 jobs and the employment opportunities they represented have disappeared. In 2019 private radio stations employed 16% fewer people than in 2006: Figure 7.

**Figure 7 Full-time staff or equivalent employed at Canadian private radio stations, 2006-2019**



Source: CRTC statistical and financial summaries, various years

112 It is unclear which types of jobs are being lost or why. The CRTC for several years provided some data about employment by category (see Appendix 8), but has not done so for more than a decade.

113 As for the reasons underlying decreasing employment, it would be one thing if broadcasters were relying on technology – such as voice tracking – to minimize employment costs; Parliament intended broadcasters to use up-to-date technology.

114 It is another matter entirely if broadcasters are using technology to reduce costs by reducing employment. Parliament clearly intended that the broadcasting system should provide opportunities for employment:

3 (1) It is hereby declared as the broadcasting policy for Canada that

...

(d) the Canadian broadcasting system should

...

(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, ....

115 Apart from technology, consolidated ownership has also led to job losses. Rather than using the savings achieved due to technology and ownership changes to strengthen local news and information programming, however, ongoing layoffs in the broadcasting sector suggest that commercial broadcasters continue to cut jobs in news, thereby reducing employment opportunities. It may be argued that radio stations owned by the same

broadcaster in the same community simply operate efficiently when they rely on a single set of journalists. This argument ignores the impact of diminishing competition for news. Canadians and Canadian communities are being deprived of the very information that conventional local broadcasters were licensed to provide.

116 At a minimum the Forum recommends that the CRTC disallow reductions in the weekly hours of original local news broadcast by licensed commercial radio stations. It should then

- a. Call for all commercial broadcasters to submit their broadcast logs for a period not announced beforehand, and
- b. Ask broadcasters to provide information about the overall number of journalists and specifically the number of street reporters working at their radio stations on a full-time or full-time equivalent basis.

117 The CRTC should then make radio logs available to the public – as it does for all television programming services – and should publish on an aggregated basis (though disaggregated by province and territory and by size of communities served) results from its analysis of stations’ employment of reporters. Publication of this evidence would enable Canadians to make informed comments about the levels of original news that are appropriate for the commercial radio stations in their communities to broadcast.

## **B. *Public-interest funding***

118 Since its establishment, the CRTC has invited public participation in its broadcasting and telecommunications proceedings. From the outset the CRTC established a process enabling public-interest organizations to apply for the costs of their participation in telecommunications proceedings, but a similar process was not established for broadcasting until 2013.

### **Text box 5**

Elements Assessed by the Commission in Considering Applications for the Transfer of Ownership or Control of Broadcasting Undertakings, [Public Notice CRTC 1989-109](#) (Ottawa, 28 September 1989).  
The Commission has stated on numerous occasions ... involving applications for authority to transfer effective control of broadcasting undertakings that ... the onus is on the applicant to demonstrate to the Commission that the application filed is the best possible proposal under the circumstances....  
...  
In addition to demonstrating that it has sufficient resources, an applicant is expected to propose a specific package of significant and unequivocal benefits that will yield measurable improvements to the communities served by the broadcasting undertaking and to the Canadian broadcasting system. ....

119 The Broadcasting Participation Fund was created ten years ago through the CRTC’s tangible benefits process. In 2011 the Public Interest Advocacy Centre (PIAC) proposed that the CRTC allocate a portion of the tangible benefits in

- Bell's purchase of CTV to a 'Broadcasting Participation Fund' (BPF).<sup>40</sup> The CRTC accepted PIAC's proposal, concluding that the BPF would "facilitate the participation of public interest and consumer groups across Canada in both official languages", and would "assist in the representation, research and advocacy of these interests."<sup>41</sup>
- 120 In approving Bell's purchase in early 2011 the CRTC required Bell to allocate \$3 million to the BPF once it was established.<sup>42</sup>
- 121 BCE and PIAC subsequently submitted a joint proposal for the BPF<sup>43</sup> which the CRTC approved in August 2012.<sup>44</sup> The CRTC decided that its structure "would allow for future sources of funding as described in Broadcasting Decision 2011-163, including future transfers of ownership for which the BPF may be specified as an eligible initiative for tangible benefits."<sup>45</sup>
- 122 In 2013 the CRTC approved a second tranche of funding in the amount of \$2 million, in its decision approving Bell's purchase of Astral.<sup>46</sup>
- 123 It approved a third tranche of funding in 2018 after approving a change in ownership of Sirius XM as well as Sirius' subsequent tangible benefits proposal.<sup>47</sup> In this case the CRTC had initially
- ... directed Sirius XM to provide one of the following by 26 May 2017: written acceptance of the Commission's proposal to allocate \$4.79 million to the BPF (paid in two installments, one in year 1 and one in year 2); or a proposal for the Commission's approval regarding the discretionary portion of the tangible benefits.
- 124 Sirius subsequently proposed to allocate the \$4.79 million in discretionary tangible benefits by paying \$1 million to the BPF and the remaining amount to a new fund that would support the production and promotion of spoken Canadian musical and spoken word content.

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<sup>40</sup> *Change in effective control of CTVglobemedia Inc.'s licensed broadcasting subsidiaries*, [Broadcasting Decision CRTC 2011-163](#) (Ottawa, 7 March 2011), at paragraph 47.

<sup>41</sup> *Ibid.*, at paragraph 48.

<sup>42</sup> *Ibid.*, at paragraph 46.

<sup>43</sup> *Broadcasting Participation Fund*, [Broadcasting Regulatory Policy CRTC 2012-181](#) (Ottawa, 26 March 2012), at paragraph 3.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*, at paragraph 25.

<sup>46</sup> *Astral broadcasting undertakings – Change of effective control*, [Broadcasting Decision CRTC 2013-310](#) (Ottawa, 27 June 2013), at Appendix 3.

<sup>47</sup> *Tangible benefits proposal by Sirius XM Canada Inc.*, [Broadcasting Decision CRTC 2018-91](#) (Ottawa, 16 March 2018), at paragraph

125 The CRTC approved the \$1 million amount proposed by Sirius “given the relevance and importance of the BPF as a tool to promote the participation of Canadians in Commission radio proceedings” but added that it considered an additional contribution to the BPF to be appropriate, in the amount of \$596,666.<sup>48</sup>

126 Since 2012, the CRTC has approved 21 ownership transactions involving commercial broadcasters.<sup>49</sup> These transactions resulted in the payment of \$4.3 billion to the previous licensees, and \$352 million in tangible benefits. The funding approved for the BPF in its three decisions to date amounts to 1.31% of these benefits. As BNoC 2020-374 notes, however, such benefits (in the case of CCD) “are allocated over several years, and will expire without any guarantee that other transactions will take their place. This means that the future of this type of financial support is unpredictable.”<sup>50</sup>

127 As BNoC 2020-374 also intimated, the number of ownership transactions is falling: Table 7.

**Table 7 Number of decisions in which CRTC approved changes in private ownership or control, 2000-2021**

Decade	Number of decisions	Total price paid (\$M)	Number of decisions citing benefits	Total benefits required
2000s	82	\$13,102.28	64	\$813.97
2010s	48	\$10,140.55	43	\$823.25
2020s	7	\$38.25	7	\$4.40
Total	316	\$28,822.02	126	\$1,739.71

Source: CRTC broadcast licensing decisions

128 While at least one major transaction – between Rogers and Shaw – may result in a broadcast hearing in 2021 or 2022, media reports indicate that the only broadcast licences in the transaction are for distribution undertakings. The CRTC’s tangible benefits policy does not currently require the payment of benefits in such transactions.

129 Meanwhile, the BPF’s most recent (unaudited) [Financial Update to December 31, 2020](#) shows that the Fund retained \$732,204 in cash after accounting for claims it had received but not yet approved by the end of 2020. While it anticipated receiving four deferred payments from Sirius in the amount of \$387,832, these payments are not scheduled to be received until 24 May 2021. The absence of conditions of licence of licence in the Sirius

<sup>48</sup> Broadcasting Decision CRTC 2018-91, paragraph 38:  
 In light of all of the above, the Commission:  
 approves Sirius XM’s proposal to contribute \$1 million to the BPF paid in two equal installments of \$500,000 in year 1 and 2;  
 denies Sirius XM’s proposal to allocate \$3.79 million to the Proposed Fund;  
 directs Sirius XM to contribute \$1,596,667 to FACTOR and \$1,596,667 to MUSICACTION, expended in equal amounts over seven consecutive broadcast years and to contribute an additional \$596,666 to the BPF expended in equal amounts over five consecutive broadcast years starting in year 3.

<sup>49</sup> The CRTC has from time to time approved changes in ownership of community radio services; these are excluded from our calculations.

<sup>50</sup> Paragraph 99.

transaction raise the troubling prospect that – due to the Covid-19 pandemic – there may be no way to ensure that these payments are made. Even if the payments are made, it is unclear whether they will suffice to maintain the BPF’s purpose beyond 2021.

- 130 Since January 2021, moreover, the CRTC’s proceeding to consider the CBC's licensing applications has concluded. A number of parties (including the Forum) have submitted applications to the BPF for the reimbursement of their costs in that proceeding which, given its length and complexity, are likely to be significant. This two-phase proceeding for commercial radio, the Indigenous broadcasting review, the accessibility proceeding and other CRTC proceedings that may touch on the public interest will also require public-interest organizations’ involvement.
- 131 The November 2020 introduction in the House of Commons of Bill C-10 highlighted the Federal government’s commitment to ensuring the availability of resources for public-interest organizations to provide the CRTC with arguments and evidence regarding regulatory matters in broadcasting. Whether the Bill is or is not enacted by Parliament, however, the BPF is under its by-laws required to meet its responsibilities until such time as a CRTC broadcast costs process is in place.
- 132 The Forum is therefore urging that the Commission consider modifying the *Radio Regulations, 1986* to provide for a modest payment to the BPF to ensure that it will be able to continue functioning until it is decided whether new broadcasting legislation provides for a CRTC broadcast costs-order process. The CRTC could also consider amending the regulations for television programming and broadcast distribution undertakings to provide for annual payments to the BPF. In the alternative, the CRTC could amend its tangible benefits policy to establish that BDU transactions in excess of a threshold amount (as with unprofitable programming undertakings) are subject to the policy, while smaller transaction or unprofitable undertakings remain exempt from its provisions.

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**Appendix 1 CRTC reviews of radio policy, 1968-2020**

Year	CRTC process
1968	CRTC issues first statement on the licensing of FM stations: "... FM channels are public assets to be developed to contribute to a more varied program service complementing and enriching services already available from existing stations." <sup>51</sup>
1969	Public Notice (Ottawa, 28 April 1969) calls "on the general public, broadcasters, and other interested parties to comment on the future of FM broadcasting in Canada." <sup>52</sup> Public hearing held 10-13 June 1969 on the FM Licensing Policy
1970	"On February 12, 1970, the Commission proposed changes in the allocation of time to Canadian music broadcast by AM Radio stations. Conditions governing the 'Canadian' character of the music were also attached, and these are to be met in two stages if the proposals are adopted. A special hearing on the proposals is scheduled for April 2, 1970, and representations respecting these proposals will be considered at that time." <sup>53</sup>
1973	"On 18 January 1973, phase 3 of the Canadian music regulations for AM radio came into effect. The Commission now stipulates that 30 percent of the music played between 6 AM and midnight must be Canadian on the basis of at least two of the following criteria: performer, lyrics, music, production; and that 5 percent of the musical selections receiving air play must have the music or lyrics composed by a Canadian. The Commission instituted these Canadian programming regulations in order to improve the opportunities for Canadian talent to have access to their own airwaves." <sup>54</sup>
1973	<i>Public Announcement 73-55</i> (Ottawa, 26 January 1973): ... The Commission is concerned with the quality of French spoken on the air and expects that appropriate measures will be taken by all broadcasters to improve this situation appreciably.
1973	A Proposal for an FM Radio Policy in the Private Sector, Public Announcement (Ottawa, 19 April 1973) "The opening of the FM spectrum, with its potential for high-quality audio broadcasting, was seen as a new and unique opportunity to give the Canadian public an improved radio service." <sup>55</sup> ... However, the Commission will require a very high commitment to the use of Canadian talent and resources in the non-musical elements of FM programming. The Commission will "vigorously discourage the purchase of 'off the shelf' foreign produced programs or programming inserts as a means of fulfilling the policy requirement for the reintroduction on FM of a proportion of programs with identifiable themes." The Commission stated that it would "give highest consideration and encourage to the broadcast of extended works written, performed, and produced by Canadians in Canada." <sup>56</sup>
1975	In <i>FM Radio in Canada: A Policy to Ensure a Varied and Comprehensive Radio Service</i> (Ottawa, 20 January 1975), the CRTC seeks greater diversity in spoken word and musical programming content On 4 July 1975 the CRTC delays implementation of its FM policy for one year
1976	Policy regarding the carriage by cable television of FM signals, (Ottawa, 19 July 1976) The CRTC sets out its policy on the carriage by cable systems of FM signals; it limits cable carriage of out-of-market FM stations to those that do not compete with, but 'complement' the market's FM stations
1979	<i>Implementation of the FM Policy</i> , Public Announcement (Ottawa, 20 April 1979)

<sup>51</sup> CRTC, *Annual Report 1968-1969*, at 9.  
<sup>52</sup> CRTC, *Annual Report 1969-1970*, at 35.  
<sup>53</sup> *Ibid.*, at 35-36.  
<sup>54</sup> CRTC, *Annual Report 1972-1973*, at 18.  
<sup>55</sup> CRTC, *Annual Report 1973-1974*, at 13.  
<sup>56</sup> CRTC, *Annual Report 1973-1974*, at 14.

Year	CRTC process
1980	The CRTC proposes to amend its Radio (FM) Broadcasting Regulations, by increasing the commercial limits for FM stations operated by holders of “joint FM” licences (those who own both an AM and an FM station in the same market); it also removes the 6-hour block restrictions on commercial content (SOR/80-784)
1983	In CRTC 1983-215, the Commission proposes to allow joint FM licensees to increase the daily number of commercials they may carry from 120 minutes to 150 minutes; the change is implemented in January 1984 when SOR/84-119 amends the FM regulations, increasing for joint FM licensees commercial limits from 120 minutes/day, to 150 minutes/day
1984	In CRTC 1984-4, the Commission adopts its Consultative Committee recommendations on simplifying implementation of FM policy, by simplifying music subcategories and eliminating enrichment guidelines
1984	In <i>Review of Radio – Simplification of the FM Policy</i> , the Commission presents “a more simplified approach to FM radio .... to allow radio broadcasters to adopt a more flexible approach to programming in dealing with the changing and varied tastes of their listeners.” (CRTC 1984-151)
1984	FM Policy: <i>Additional Flexibility in the Scheduling of Mosaic Programming</i> , CRTC 1984-285 (Ottawa, 26 November 1984) announces additional flexibility in the scheduling of Mosaic programming on FM stations; as “a result of representations from FM broadcasters” gives licensees flexibility to design a mix of existing and new mosaic alternatives appropriate to their stations’ overall programming orientation, and to adjust the proportions of these mosaic programming types throughout the licence term, without informing CRTC; gives licensees double-time credit for certain Mosaic programming without having to detail counting method on their PoP
1986	In PN CRTC 1986-355, the CRTC announces review of radio networking, syndication and other new audio program developments, "to provide a more streamlined and rationalized regulatory framework" and also "to ensure that the various components of the Canadian broadcasting system remain financially viable"
1988	<i>French-language Popular Music</i> , Public Notice CRTC 1988-84 (Ottawa, 26 May 1988), <a href="http://crtc.gc.ca/eng/archive/1988/PB88-84.htm">http://crtc.gc.ca/eng/archive/1988/PB88-84.htm</a> “... “This hearing should enable the Commission to review with the broadcasting and recording industries as well as other interested parties what has been accomplished to date, to discuss appropriate levels for the broadcast of French-language music by AM and FM radio stations and to determine what further measures need to be taken to develop the production of French-language vocal music. ...”
1989	<i>A Plan to Conduct an FM Policy Review</i> , Public Notice CRTC 1989-30 (Ottawa, 14 April 1989): Announces plan for comprehensive review of FM policy to ... allow the Commission ... streamline the FM policy and keep only what is essential to implement the goals of the Broadcasting Act"
1989	<i>Review of Advertising Levels on AM Radio</i> , Public Notice CRTC 1989-106 (Ottawa, 19 September 1989): CRTC concludes that unregulated advertising levels on Canadian AM stations are acceptable
1990	<i>A REVIEW OF THE POLICY FOR FM RADIO</i> , PN CRTC 1990-20 (Ottawa, 16 February 1990), <a href="http://www.crtc.gc.ca/eng/archive/1990/PB90-20.htm">http://www.crtc.gc.ca/eng/archive/1990/PB90-20.htm</a> Announces that the FM policy is to be reviewed in view of CRTC’s goal of "streamlining its policies, regulations and administrative practices to retain only those mechanisms necessary to attain the objectives set out in the Broadcasting Act"
1992	In PN CRTC 1992-32, <i>A Review of the Content Requirements for Canadian Music on Radio</i> (Ottawa, 30 April 1992) CRTC asks for comments on tools used to implement Canadian content requirements for music on radio
1992	In <i>A Review of the CRTC’s Regulations and Policies for Radio</i> , <a href="#">CRTC-PN 1992-72</a> , (Ottawa, 2 November 1992) based on the 90-day review, the CRTC develops new regulatory framework that "will allow broadcasters as much flexibility as possible in responding to the financial difficulties they now face, insofar as these difficulties relate to regulation" and "to consolidate and streamline its policies and regulations .... to develop a simplified, efficient regulatory structure that responds to the requirements of the Broadcasting Act without unduly hindering licensees in their operations"; the CRTC will drop the

Year	CRTC process
	<p>limit on the Maximum Repeat Factor and 850-minimum of distinct musical selections/week for commercial English FM stations; it proposes to drop the 15% spoken word requirement; adding requirement that to sell locally, 1/3 of stations' programming would have to be local too</p> <p>The CRTC would up calling for comments on four items from the 90-day review of regulations, policies and procedures for radio:</p> <ul style="list-style-type: none"> <li>- a proposal to delete the present requirements relating to levels of news and spoken word on FM stations;</li> <li>- a proposal to introduce, in place of the above-noted requirements, a new local programming requirement for licensees of commercial radio stations, both AM and FM, should they intend to solicit or accept local advertising;</li> <li>- a proposal to allow campus radio stations to broadcast limited amounts of conventional advertising; and</li> <li>- a general review of CRTC policies with respect to Canadian talent development.</li> </ul>
1993	<p><i>Changes to the Content Requirements for Canadian Music on Radio</i>, <a href="#">PN CRTC 1993-5</a> (Ottawa, 29 January 1993)</p> <p>Reviews Canadian content requirements for music on radio</p> <p>"In response to the Commission's invitation a task force was formed, consisting of representatives of the Canadian Country Music Association (CCMA), the Canadian Independent Record Production Association (CIRPA), the Canadian Music Publishers Association (CMPA), the Canadian Recording Industry Association (CRIA), the Canadian performing rights organization SOCAN, and the Songwriters' Association of Canada. This task force, representing the views of the Anglophone sector of the industry, reported on 14 January 1992 that:</p> <ol style="list-style-type: none"> <li>1. The existing flexibility and simplicity of the MAPL system should be retained. It has delivered specific, clear benefits to all participants in the Canadian music and broadcast industries.</li> <li>2. In order to recognize the increased amount of collaboration between songwriters in the creation of songs, the existing regulation should be modified so that where a song is co-written by a Canadian and a non-Canadian, [and] where the Canadian songwriter is credited with at least fifty percent of the composer's share respecting the music and at least fifty percent of the writer's share respecting the lyrics, that song should qualify for one of the two required 'points'."</li> </ol> <p>...</p> <p>"...In its review, the Commission set itself the following goals: to keep the Canadian content regulation as simple and flexible as possible, to keep the MAPL system as verifiable and self-regulating as possible, and to maintain an appropriate balance between the interests of the affected sectors."</p> <p>...</p> <p>A large number of the submissions expressed support for the task force proposal. In light of these submissions, the Commission has determined that the benefits of the task force proposal, that a "joint-credit" be granted in respect of collaborations between a Canadian composer-lyricist and a foreign composer-lyricist, outweigh any disadvantages. The Commission will announce a proposed amendment to the Radio Regulations, 1986 (the regulations) accordingly, in a future public notice. This amendment would affect only those musical selections that were recorded or performed live on or after 1 September 1991.</p> <p>Some submissions proposed that a selection having a performing artist who is Canadian be given a double credit under the regulation, while others suggested that such a selection should automatically qualify as Canadian. Still others argued that it should be mandatory that the performing artist of a selection be Canadian in order for that selection to qualify. Some argued that the role of the composer and lyricist should be given greater emphasis. Others suggested that the definition of a "Canadian" be amended to require only Canadian residency rather than citizenship or immigrant status. Still others proposed that new elements, such as copyright ownership, publishing company, record company, or producer be factored into the accreditation system. Proposals were also received that addressed the overall number of qualifying elements, and the number of these elements that should be met to qualify a selection as Canadian."</p>

Year	CRTC process
	<p>“The Commission has carefully considered all of the other suggestions contained in the submissions and has concluded that the interests of the Canadian music industry, the Canadian broadcasting system, and the Canadian public can best be served by not making any changes other than those specified above. The Commission, however, proposes to add to the regulations a provision that was included in earlier forms of the regulation, but was deleted from the Radio Regulations, 1986. This provision stipulates that, once a musical selection has legitimately qualified as Canadian, it will continue to qualify thereafter. This is of particular importance for Canadian musical selections that qualified before 18 January 1972 on the basis of one criterion.</p> <p>“The Commission will invite comments from the public once the text of the proposed regulatory changes has been vetted by the Privy Council Office.”</p>
1995	<p>In <i>A Review of Certain Matters Concerning Radio</i>, <a href="#">PN CRTC 1995-60</a> (Ottawa, 21 April 1995), CRTC announces measures for "a more streamlined approach to its regulation of commercial radio stations.... [it] reduced the level of regulation to that absolutely necessary to ensure the diversity and quality of radio programming and to guarantee exposure for Canadian music and Canadian talent"</p>
1997	<p><i>A review of the Commission’s Policies for Commercial Radio</i>, Public Notice CRTC 1997-104 (Ottawa, 1 August 1997), <a href="http://www.crtc.gc.ca/eng/archive/1997/PB97-104.HTM">http://www.crtc.gc.ca/eng/archive/1997/PB97-104.HTM</a></p>
2006	<p><i>Review of the Commercial Radio Policy</i>, Broadcasting <a href="#">Notice of Public Hearing 2006-1</a> (Ottawa, 13 January 2006)</p> <p>1. On 30 April 1998, the Commission issued Public Notice CRTC 1998-41, Commercial Radio Policy 1998 (the 1998 Policy), which had three major objectives:</p> <ul style="list-style-type: none"> <li>(i) To ensure a strong, well-financed radio industry that is better poised to achieve its objectives under the Broadcasting Act (the Act) and meet the challenges of the 21st century.</li> <li>(ii) To ensure pride of place for Canadian artists.</li> <li>(iii) To ensure that a French-language presence in radio broadcasting is maintained.</li> </ul>
2013	<p><i>Call for comments on a targeted policy review for the commercial radio sector</i>, <a href="#">Broadcasting Notice of Consultation CRTC 2013-572</a> (Ottawa, 30 October 2013)</p>
2014	<p><i>A targeted policy review of the commercial radio sector</i>, <a href="#">Broadcasting Regulatory Policy CRTC 2014-554</a> (Ottawa, 28 October 2014)</p>
2015	<p><i>Review of the regulatory framework for French-language vocal music applicable to the French-language commercial radio sector</i>, <a href="#">Broadcasting Notice of Consultation CRTC 2015-318</a> (Ottawa, 16 November 2015)</p>
2020	<p><i>Call for comments – Commercial radio policy framework review</i>, <a href="#">Broadcasting Notice of Consultation CRTC 2020-374</a> (Ottawa, 12 November 2020)</p> <p>The Commission is initiating a public proceeding to review the regulatory framework for the commercial radio sector. The main objective of this proceeding is to assess the relevance and effectiveness of the regulatory tools governing commercial radio. The purpose is to update the regulatory framework to best serve the needs and interests of Canadians, while taking into account increased competition from online services. If necessary, some tools could be removed, changed or added to best achieve the following results in a balanced manner:</p> <p>For Canadian listeners: Provide diverse, relevant and quality programming that serves their needs and interests;</p> <p>For Canadian artists: Ensure that artists (music and spoken word) are best supported by broadcasters in a balanced manner for the creation, presentation and discoverability of Canadian content;</p> <p>For broadcasters: Establish a flexible regulatory framework that enables both English- and French-language radio to remain competitive in the digital environment.</p>

## Appendix 2 TV stations that rebroadcast radio programming

CIVI-DT Victoria has broadcast a radio newscast from CFX Victoria as original and local television news since at least late 2009.<sup>57</sup> In November 2009 CIVI-TV's program logs showed that 31.1 hours (34.4%) of CIVI-TV's original local news hours came from CFX:

November 2009 Original news produced and originated by CIVI-TV	Program composition		Total hours
	First play	Recorded live	
<i>A News</i>	47.90		47.90
<i>CFAX Live</i>	26.75		26.75
<i>CFAX Live 1</i>	0.28		0.28
<i>CFAX Live 2</i>	1.62		1.62
<i>CFAX Live 3</i>	1.19		1.19
<i>CFAX Live 4</i>	1.28		1.28
<i>News Tease</i>		0.08	0.08
<i>News Update</i>		0.36	0.36
<i>Remembrance Day Special</i>	0.58		0.58
<i>Vancouver Island Report</i>	10.45		10.45
Total hours of local station news	90.04	0.43	90.48
Average per week (total % 30, x 7)	21.01	0.10	21.11
Weekly average, excluding radio	13.75	0.10	13.85

Source: CIVI-DT's program log for November 2009

In November 2014 CIVI-DT's program logs showed that 31.01 hours (34.5%) of its original local news came from CFX:

November 2014 Original news produced and originated by CIVI-DT	Program composition		Total hours
	First play	Recorded live	
<i>CFAX Live</i>	30.01		30.01
<i>CTV News Vancouver Island</i>	0.50		0.50
<i>CTV News Vancouver at Six</i>	19.99		19.99
<i>CTV News Vancouver Island</i>	16.03		16.03
<i>CTV News Vancouver Island at Five</i>	20.01		20.01
<i>News Tease</i>		0.03	0.03
<i>News Update</i>		0.40	0.40
Total hours of local station news	86.54	0.43	86.96
Average per day, times seven ( <i>i.e.</i> , per week)	20.19	0.10	20.29

<sup>57</sup> The CRTC licensed CIVI-TV in 2009 after a competitive process; CHUM promised "extensive local news, as well as local programming falling into other categories" for the new station: Broadcasting Decision CRTC 2000-219, (Ottawa, 8 June 2007) at para. 32. CHUM also "proposed to broadcast 26 hours per week of original local programming, including 19.5 hours per week of local news." *Ibid.*, para. 33. CIVI-TV went on air in October 2001. The CRTC approved CTVgm's purchase of the station in June 2007, stipulating that due to the "importance of diversity of voices in the context of cross-ownership of media", it required "the independent management of news departments and the maintenance of separate presentation structures." Transfer of effective control of CHUM Limited to CTVglobemedia Inc., Broadcasting Decision CRTC 2007-165, <http://www.crtc.gc.ca/eng/archive/2007/db2007-165.htm>, at paras. 73-74

November 2014 Original news produced and originated by CIVI-DT	Program composition		Total hours
	First play	Recorded live	
Weekly average, excluding radio	13.19	0.10	13.29

Source: CIVI-DT's program log for November 2014

Rogers and CBC have also begun to broadcast radio on their television news stations. Rogers replaced City-TV Winnipeg's Breakfast Television "with a televised version of radio station 92 CITI FM's morning program" in January 2015, and CBC made a similar announcement in August 2015:

"The show will still air from 5:30 a.m. ET to 8:30 a.m. on Radio One. We're simply providing you another way to access the program. You'll see the Daybreak team broadcasting from Studio 20 in La Maison Radio Canada"<sup>58</sup>

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<sup>58</sup> Shelagh Kinch, CBC news, "Managing Director's blog: Daybreak on TV begins", (posted 22 August 2015, 6:01 AM ET, last updated 22 August 2015, 6:01 AM ET), <http://www.cbc.ca/news/canada/montreal/managing-director-s-blog-daybreak-on-tv-begins-1.3199561>.

### Appendix 3 Parliament's broadcasting policy for private broadcasting

#### Subsection 3(1)

- (c) English and French language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements;
- (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;
- (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; ....

#### Appendix 4 Purposes of the CRTC's 2021 Commercial Radio Review

*Commercial radio policy framework review*, [Broadcasting Notice of Proceeding 2020-25](#) (Ottawa, 28 January 2020), at paragraph 11:

10. The Commission may, without limitation, examine issues relating to the current and future environment in which AM and FM commercial radio operates, as well as the impact of rapid changes on this sector, specifically in regard to profitability and competition.

11. To evaluate whether commercial radio's offering of musical and spoken word programming (including news bulletins) most effectively serves the needs and interests of Canadians, it is essential, on the one hand, to consider the programming offering already available through other aspects of the broadcasting system and on other platforms. The Commission must also ensure that the regulatory tools governing radio are effective and relevant. As such, the Commission plans, more precisely, to review the effectiveness and the relevance of the following:

- the number of stations that a licensee can own in a given market (Common Ownership Policy);
- definitions relating to local programming, as well as levels, relevance and quality of such programming, including news bulletins and other spoken word programming;
- Canadian content development contributions;
- the regulatory framework for musical programming, including the following elements:
  - the definition of a "musical selection," including French-language vocal music (FVM) and Canadian selections (MAPL system);
  - quotas relating to FVM and Canadian content;
  - musical montages;
  - peak listening hours;
  - the policy regarding hits for bilingual markets;
  - the policy regarding emerging artists; and
  - content categories and sub-categories for radio.
- measures to retain, modify or put in place so that commercial radio continues to support, to the greatest extent possible, through funding, programming or any other appropriate method, the creation, broadcast, promotion and discovery of Canadian content (musical and spoken word content);
- the role of commercial radio in maintaining and enhancing linguistic duality in Canada;
- the issues addressed in the proceeding for the review of the FVM regulatory framework applicable to the French-language commercial radio sector, originally announced in the *Review of the regulatory framework for French-language vocal music applicable to the French-language commercial radio sector*, Broadcasting Notice of Consultation CRTC [2015-318](#), 20 July 2015; and
- the role of commercial radio in reflecting and supporting Indigenous peoples.

*Call for comments – Commercial radio policy framework review, [Broadcasting Notice of Consultation CRTC 2020-374](#) (Ottawa, 12 November 2020)*

11. Therefore, the main objective of this proceeding is to assess the relevance and effectiveness of the regulatory tools governing commercial radio to update the regulatory framework to best serve the needs and interests of Canadians. If necessary, some tools could be removed, changed or added to obtain the following results in an optimal and balanced manner:

- For Canadian listeners: Provide diverse, relevant and quality programming that serves their needs and interests;
- For Canadian artists: Ensure that artists (music and spoken word) are best supported by broadcasters in a balanced manner for the creation, presentation and discoverability of Canadian content;
- For broadcasters: Establish a flexible regulatory framework that enables both English- and French-language radio to remain competitive in the digital environment.



**Appendix 5 CRTC Canadian content statistics for the broadcast week for private radio stations (A2020-00043)**

**Category 2 music: Broadcast week - % of musical selections that were Canadian**

Callsign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
CFAM										39.60%			
CFAN-FM					38.20%								
CFCP-FM											37.40%		
CFDC-FM										41.50%			
CFEI-FM					36.40%								
CFEL-FM								52.10%					
CFGE-FM								57.40%					
CFGL-FM			55.40%										
CFHK-FM													38.80%
CFIX-FM			58.20%		47.00%								
CFJB-FM													36.90%
CFJO-FM								64.90%					
CFLM-FM						67.90%							
CFLY-FM										36.06%			
CFMC-FM								37.00%					
CFMG-FM												35.80%	
CFMP-FM												41.20%	
CFMS-FM											40.40%		
CFMV-FM					65.70%								
CFMX-FM													
CFOM-FM								42.00%					
CFOR-FM						69.00%							
CFPG-FM								36.50%					
CFPV-FM											35.80%		
CFRY										47.06%			
CFTX-FM			54.80%					68.00%					
CFVM-FM								58.40%					
CFVR-FM											41.10%		
CFXL-FM												36.80%	
CFXN-FM										39.35%			
CHAW-FM												63.10%	
CHBE-FM												36.06%	
CHBN-FM												41.00%	
CHBY-FM										43.24%			
CHEQ-FM				52.10%							59.00%		
CHER-FM											36.87%		
CHFT-FM												37.20%	
CHGB-FM										40.43%			
CHHI-FM									37.30%				
CHIK-FM					32.40%								
CHKX-FM												37.22%	
CHLC-FM								66.00%					
CHLG-FM								40.20%					
CHLQ-FM											37.00%		
CHLX-FM						50.40%							



**Category 2 music: Broadcast week - % of musical selections that were Canadian**

Callsign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
CHMZ-FM										35.20%			
CHNO-FM												36.59%	
CHOO-FM						41.80%							
CHOY-FM							80.70%						
CHPR-FM	53.60%												
CHRC-FM										35.00%			
CHSM										36.10%			
CHUC-FM							40.90%						
CHWK-FM												41.06%	
CHXX-FM			60.30%										
CHYC-FM											67.40%		
CHYK-FM	60.90%												
CICS-FM										41.40%			
CIDC-FM								32.50%					
CIDG-FM								45.30%					
CIDR-FM								23.70%					
CIEL-FM-4					59.20%								
CIHI-FM									41.30%				
CIKR-FM											35.86%		
CIKZ-FM							41.00%						
CIMF-FM			58.20%										
CIMG-FM							44.40%						
CIMM-FM										46.60%			
CIMX-FM												23.49%	
CIND-FM										41.86%			
CINU-FM													
CIOO-FM										36.42%			
CIRR-FM											40.20%		
CISF-FM												41.60%	
CISN-FM												36.90%	
CISO-FM													
CIXM-FM											35.39%		
CJ EC-FM						42.00%							
CJBP-FM							39.30%						
CJBQ											35.86%		
CJCH-FM												36.95%	
CJCS-FM												38.80%	
CJCW						37.70%							
CJDJ-FM							36.30%						
CJDM-FM					46.90%								
CJEB-FM								57.30%					
CJEC-FM			52.30%										
CJEM-FM			60.00%										
CJFH-FM													
CJGM-FM							40.90%						
CJJM-FM										43.00%			
CJKC-FM							42.20%						



**Category 2 music: Broadcast week - % of musical selections that were Canadian**

Callsign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
CJKR-FM										36.10%			
CJMB-FM									100.00%				
CJMC-FM					71.00%								
CJMJ-FM											35.30%		
CJML-FM												43.29%	
CJMS		70.30%											
CJMV-FM					46.20%								
CJMX-FM											35.77%		
CJOI-FM					46.70%								
CJOT-FM							42.40%						
CJPG-FM												45.70%	
CJPT-FM										36.62%			
CJPX-FM													
CJQQ-FM							36.60%						
CJRB										42.04%			
CJSD-FM										36.54%			
CJSO-FM						61.40%							
CJSP-FM											35.90%		
CJUV-FM										40.84%			
CJVA	58.80%												
CJWF-FM												36.21%	
CJWL-FM										42.40%			
CJXR-FM										44.56%			
CKCK-FM						37.60%							
CKCN-FM					67.20%						57.80%		
CKCR-FM								39.50%					
CKDH-FM						38.30%							
CKDR-FM						40.30%							
CKEA-FM							40.10%						
CKEZ-FM									22.50%				
CKFG-FM								13.30%					
CKFU-FM									35.60%				
CKGC-FM												35.20%	
CKHY-FM							41.40%						
CKIK-FM												40.50%	
CKIX-FM							36.40%						
CKKL-FM										44.40%			
CKKW-FM							37.40%						
CKLC-FM							36.70%						
CKLD-FM								62.90%					
CKLE-FM	58.30%												
CKLJ-FM							40.80%						
CKLO-FM											40.10%		
CKLP-FM										41.10%			
CKLX-FM						67.60%							
CKMF-FM					41.90%								



**Category 2 music: Broadcast week - % of musical selections that were Canadian**

Callsign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
CKMO-FM											41.57%		
CKMW-FM										44.60%			
CKNI-FM											40.00%		
CKNO-FM									41.50%				
CKNW												0.00%	
CKOB-FM				57.80%									
CKOI-FM		43.80%			35.60%	55.60%							
CKOY-FM				54.80%									
CKPK-FM													41.70%
CKPM-FM										30.50%			
CKPP-FM										44.10%			
CKRA-FM								38.33%					
CKRO-FM						74.00%							
CKRS-FM				55.70%									
CKSA-FM												39.62%	
CKTF-FM		49.30%			39.80%	60.00%							
CKTG-FM							38.40%						
CKTO-FM											38.35%		
CKUV-FM						43.50%							
CKVM-FM					65.80%								
CKWM-FM						37.90%							
CKWR-FM									37.90%				
CKXA-FM												37.32%	
CKXO-FM		62.00%											
CKY-FM							36.40%						
CKYQ-FM						53.10%							
CKZM-FM								40.30%					
CIPC-FM		71.90%			56.70%								
VOWR						33.60%							



**Appendix 6 CRTC Canadian content statistics for peak listening period for private radio stations (A2020-00043)**

**Category 2 music: Peak listening (Monday-Friday, 6am – 6pm) - % of musical selections that were Canadian**

Call sign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
CFAM										45.54 %			
CFAN-FM						37.70%							
CFCP-FM											36.60 %		
CFDC-FM										41.80 %			
CFEI-FM					32.3 0%								
CFEL-FM								46.70 %					
CFGE-FM								50.50 %					
CFGL-FM			49.10%										
CFHK-FM													39.00 %
CFIX-FM			51.90%		45.7 0%								
CFJB-FM													36.40 %
CFJO-FM								56.40 %					
CFLM-FM						71.30%							
CFLY-FM										36.21 %			
CFMC-FM							36.90%						
CFMG-FM												35.00 %	
CFMP-FM												41.30 %	
CFMS-FM											40.50 %		
CFMV-FM					66.6 0%								
CFMX-FM													
CFOM-FM								37.20 %					
CFOR-FM						69.90%							
CFPG-FM							35.90%						
CFPV-FM											38.30 %		
CFRY										49.54 %			
CFTX-FM			49.00%				63.80%						
CFVM-FM								56.20 %					
CFVR-FM											41.05 %		
CFXL-FM												36.40 %	
CFXN-FM										38.81 %			
CHAW-FM												59.00 %	
CHBE-FM												35.88 %	
CHBN-FM												41.30	



**Category 2 music: Peak listening (Monday-Friday, 6am – 6pm) - % of musical selections that were Canadian**

Callsign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
													%
CHBY-FM										42.57			%
CHEQ-FM				55.00%							50.20		%
CHER-FM											35.51		%
CHFT-FM												36.20	%
CHGB-FM										42.48			%
CHHI-FM									35.10				%
CHIK-FM					30.70%								
CHKX-FM												37.18	%
CHLC-FM								60.30					%
CHLG-FM								40.00					%
CHLQ-FM											36.90		%
CHLX-FM						45.40%							
CHMZ-FM										36.30			%
CHNO-FM												38.21	%
CHOO-FM						41.60%							
CHOY-FM							82.40%						
CHPR-FM	55.90												%
CHRC-FM										36.40			%
CHSM										36.80			%
CHUC-FM							39.60%						
CHWK-FM												40.88	%
CHXX-FM			55.40%										
CHYC-FM											63.20		%
CHYK-FM	58.00												%
CICS-FM									42.50				%
CIDC-FM								35.50					%
CIDG-FM								40.50					%
CIDR-FM													
CIEL-FM-4					57.30%								
CIHI-FM									41.50				%
CIKR-FM											35.91		%
CIKZ-FM							41.00%						
CIMF-FM			52.10%										



**Category 2 music: Peak listening (Monday-Friday, 6am – 6pm) - % of musical selections that were Canadian**

Call sign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
CIMG-FM							43.80%						
CIMM-FM										48.60 %			
CIMX-FM												22.46 %	
CIND-FM										41.84 %			
CINU-FM													
CIOO-FM										36.64 %			
CIRR-FM											40.20 %		
CISF-FM												41.40 %	
CISN-FM												37.20 %	
CISO-FM													
CIXM-FM											36.02 %		
CJ EC-FM						35.20%							
CJBP-FM							40.40%						
CJBQ											35.10 %		
CJCH-FM												36.82 %	
CJCS-FM												39.60 %	
CJCW						37.70%							
CJDJ-FM							36.20%						
CJDM-FM					42.9 0%								
CJEB-FM								49.60 %					
CJEC-FM			49.80%										
CJEM-FM			60.50%										
CJFH-FM													
CJGM-FM							40.50%						
CJIM-FM										44.30 %			
CJJC-FM							45.40%						
CJKB-FM										36.80 %			
CJMB-FM									100.0 0%				
CJMC-FM					73.6 0%								
CJMJ-FM											36.90 %		
CJML-FM												41.72 %	
CJMS		72.10%											
CJMV-FM					42.6 0%								
CJMX-FM											35.93 %		
CJOI-FM					46.4 0%								
CJOT-FM							45.50%						



**Category 2 music: Peak listening (Monday-Friday, 6am – 6pm) - % of musical selections that were Canadian**

Callsign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
CJPG-FM												45.92	
												%	
CJPT-FM										36.41			
										%			
CJPX-FM													
CJQQ-FM							37.30%						
CJRB										43.67			
										%			
CJSD-FM										36.62			
										%			
CJSO-FM						54.90%							
CJSP-FM											35.60		
											%		
CJUV-FM										40.67			
										%			
CJVA	58.20												
	%												
CJWF-FM												35.76	
												%	
CJWL-FM										37.10			
										%			
CJXR-FM										45.58			
										%			
CKCK-FM						36.60%							
CKCN-FM					59.30%						46.40		
											%		
CKCR-FM								39.10					
								%					
CKDH-FM						37.60%							
CKDR-FM						39.00%							
CKEA-FM							40.60%						
CKEZ-FM									37.00				
									%				
CKFG-FM								14.90					
								%					
CKFU-FM									36.30				
									%				
CKGC-FM												33.40	
												%	
CKHY-FM							40.10%						
CKIK-FM												40.38	
												%	
CKIX-FM							37.20%						
CKKL-FM										39.43			
										%			
CKKW-FM							36.10%						
CKLC-FM							37.40%						
CKLD-FM								54.70					
								%					
CKLE-FM	52.00												
	%												
CKLJ-FM							42.70%						
CKLO-FM											40.60		
											%		
CKLP-FM										41.30			
										%			
CKLX-FM													
CKMF-FM						36.0							



**Category 2 music: Peak listening (Monday-Friday, 6am – 6pm) - % of musical selections that were Canadian**

Callsign	2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
					0%								
CKMO-FM											42.52 %		
CKMW-FM										44.60 %			
CKNI-FM											37.80 %		
CKNO-FM									40.80 %				
CKNW													
CKOB-FM				54.70%									
CKOI-FM			36.90%			30.7 0%	48.90%						
CKOY-FM				53.00%									
CKPK-FM													41.20 %
CKPM-FM										29.00 %			
CKPP-FM										45.20 %			
CKRA-FM								36.50 %					
CKRO-FM							76.70%						
CKRS-FM				55.40%									
CKSA-FM												37.94 %	
CKTF-FM			42.50%			32.7 0%	51.90%						
CKTG-FM								39.20%					
CKTO-FM											38.80 %		
CKUV-FM							45.10%						
CKVM-FM						61.0 0%							
CKWM-FM							37.90%						
CKWR-FM									38.60 %				
CKXA-FM												37.96 %	
CKXO-FM			59.10%										
CKY-FM								36.10%					
CKYQ-FM							40.90%						
CKZM-FM									40.20 %				
CIPC-FM			60.80%			38.6 0%							
VOWR							33.50%						

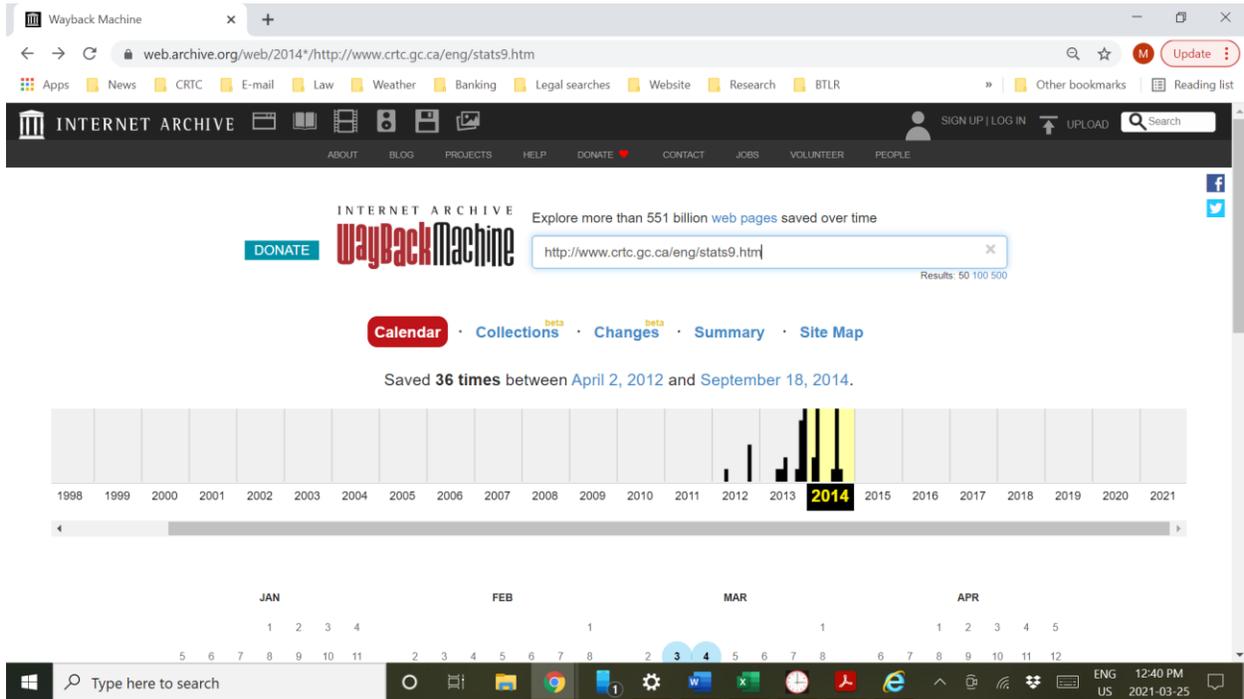
**Appendix 7 Commercial radio stations' broadcast of French-language vocal music**

<b>Callsign</b>	<b>Year</b>	<b>Broadcast week (Required: 65%)</b>	<b>Weekdays (Required: 55%)</b>
CFEI-FM	2012	65.30%	53.10%
CFEL-FM	2015	66.00%	56.00%
CFGE-FM (M)	2015	65.40%	56.80%
CFGL-FM	2010	65.20%	55.30%
CFIX-FM	2010	64.40%	55.40%
	2012	65.40%	56.90%
CFJO-FM	2015	65.90%	56.50%
CFLM-FM	2013	67.30%	71.60%
CFMV-FM	2012	72.80%	70.00%
CFOM-FM	2015	65.50%	55.70%
CFOR-FM	2013	73.80%	74.70%
CFTX-FM	2010	63.10%	50.00%
	2014	68.50%	62.60%
CFVM-FM	2015	70.40%	62.10%
CHEQ-FM	2011	68.30%	62.10%
CHIK-FM	2012	51.60%	42.40%
CHLC-FM	2015	70.10%	63.60%
CHLX-FM	2013	66.90%	58.50%
CHOY-FM	2014	71.60%	72.90%
CHPR-FM	2003	72.40%	66.60%
CHXX-FM	2010	60.80%	50.30%
CHYK-FM	2003	65.40%	61.30%
CIEL-FM-4	2012	72.20%	66.60%
CIMF-FM	2010	64.60%	55.10%
CJ EC-FM	2013	66.10%	55.60%
CJDM-FM	2012	65.70%	55.90%
CJEB-FM	2015	65.10%	55.60%
CJEC-FM	2010	63.70%	55.10%
CJEM-FM	2010	68.50%	66.10%
CJMC-FM	2012	74.00%	72.20%
CJMS	2009	65.10%	64.70%
CJMV-FM	2012	66.10%	57.20%
CJOI-FM	2012	65.80%	58.10%
CJPX-FM	2013		
CJSO-FM	2013	67.80%	62.20%
CJVA	2003	68.30%	62.70%
KCCN-FM	2012	71.90%	60.30%
CKLD-FM (M), CJLP-FM (T)	2015	65.80%	56.20%
CKLE-FM	2003	68.10%	60.40%
CKLX-FM	2013	66.40%	
CKMF-FM	2012	65.20%	55.00%
CKOB-FM	2011	71.30%	61.10%



<b>Callsign</b>	<b>Year</b>	<b>Broadcast week (Required: 65%)</b>	<b>Weekdays (Required: 55%)</b>
CKOI-FM	2010	50.60%	34.60%
	2012	66.50%	54.80%
	2013	65.10%	55.10%
CKOY-FM	2011	67.20%	60.40%
CKRS-FM	2011	63.00%	56.50%
CKTF-FM	2010	54.60%	44.20%
	2012	65.20%	56.10%
	2013	65.80%	56.40%
CKVM-FM	2012	71.90%	68.40%
CKXO-FM	2010	65.10%	56.30%
CKYQ-FM	2013	68.60%	55.10%
CIPC-FM	2010	68.40%	53.80%
	2012	68.60%	55.20%
48 stations			
# below requirement		9	8
# meeting requirement		0	1
# above requirement		45	44
Total		54	53

**Appendix 8 CRTC data on Over-the-air Radio and TV employees by Staffing Category**



Canadian Radio-television and Telecommunications Commission  
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**Over-the-air Radio and TV Employees by Staffing category**

	# of Employees for Privately-owned Radio Undertakings				Total
	Programming & Production	Technical	Sales & Promotion	Administration & General	
1989-1990	5,849.8	406.7	2,458.4	1,675.3	10,390.2
1990-1991	5,761.7	380.6	2,407.5	1,746.2	10,296.1
1991-1992	5,358.2	386.9	2,375.1	1,649.2	9,769.3
1992-1993	5,171.1	364.8	2,411.0	1,552.3	9,499.3
1993-1994	4,958.5	363.9	2,417.4	1,564.9	9,304.7
1994-1995	4,792.1	365.7	2,442.7	1,598.9	9,199.5
1995-1996	4,531.6	351.8	2,416.6	1,322.1	8,622.1
1996-1997	4,521.9	345.0	2,423.1	1,334.2	8,624.1
1997-1998	4,506.5	339.6	2,403.6	1,367.2	8,616.9
1998-1999	4,431.8	369.4	2,435.2	1,355.1	8,591.6
1999-2000	4,679.8	333.0	2,501.7	1,272.9	8,787.4
2000-2001	4,811.1	336.1	2,513.4	1,354.0	9,014.6
2001-2002	4,582.2	341.4	2,561.8	1,306.3	8,791.7
2002-2003	4,471.1	347.2	2,731.7	1,299.7	8,849.7
2003-2004	4,579.5	360.2	2,888.4	1,263.0	9,091.1
2004-2005	4,706.5	361.3	2,924.9	1,406.2	9,398.9
2005-2006	5,114.6	350.9	3,024.3	1,411.6	9,901.4
2006-2007	5,201.5	358.2	3,177.4	1,420.5	10,157.6
2007-2008	5,487.1	360.4	3,184.5	1,435.3	10,467.3
2008-2009	5,270.1	358.1	3,130.4	1,433.0	10,191.7



Over-the-air Radio and TV Empl... x +

web.archive.org/web/20140918232258/http://www.crtc.gc.ca/eng/stats9.htm

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	# of Employees for Privately-owned OTA TV Programming Undertakings				Total
	Programming & Production	Technical	Sales & Promotion	Administration & General	
1989-1990	5,340.7	949.5	1,094.1	1,261.8	8,646.1
1990-1991	5,401.6	856.0	1,151.2	1,146.3	8,555.0
1991-1992	5,183.7	818.0	1,107.0	1,181.5	8,290.2
1992-1993	5,241.8	733.3	1,095.6	1,074.7	8,145.3
1993-1994	5,453.3	663.9	1,059.1	1,087.3	8,263.7
1994-1995	5,359.5	664.5	1,093.4	1,058.4	8,175.8
1995-1996	5,189.2	648.3	1,112.3	1,017.1	7,966.8
1996-1997	5,069.5	623.1	1,105.6	863.6	7,661.8
1997-1998	5,192.8	575.4	1,081.9	858.3	7,708.3
1998-1999	5,109.2	547.5	1,110.6	828.6	7,595.9
1999-2000	5,097.5	530.1	1,133.3	821.4	7,582.3
2000-2001	5,425.4	428.9	1,093.9	736.9	7,685.1
2001-2002	5,545.0	435.2	1,107.6	726.4	7,814.1
2002-2003	5,698.8	406.9	1,104.7	704.0	7,914.4
2003-2004	5,723.0	435.7	1,115.6	739.7	8,014.0
2004-2005	5,849.1	427.2	1,071.3	719.8	8,067.4
2005-2006	5,923.7	493.6	1,059.3	720.0	8,196.6
2006-2007	5,649.7	487.5	1,009.9	726.3	7,873.4
2007-2008	5,065.8	728.8	983.8	623.1	7,401.6
2008-2009	4,525.3	764.9	869.6	587.1	6,746.9

**Notes:**  
The CRTC no longer has employment information for the broadcast year 1988-1989.  
Minor discrepancies are noted between the total staff count figures above and those previously released in financial summary publications. This is due to licensees filing annual returns subsequent to the date of publication of the related financial summary.  
The figures are compiled from the annual returns completed for each licensed undertaking by the licensee on a yearly basis for the period Sept. 1 - Aug 31.

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