

REGULATORY SURVIVAL GUIDE

VERSION 2.1.1



the National Campus and Community Radio Association/
L'association nationale des radios étudiantes et communautaires

Welcome to the updated Regulatory Survival Guide! This handbook was designed to build upon the 2011-2012 Regulatory Support Guide. It includes all the information from the original, with some additional context and information.

We're hoping it will be as useful to the station staff who have been dealing with these issues for many years as it is for the volunteer who just walked in the door.

Of particular note is the self-audit, so you can test how well the station is doing.

The original handbook was written and designed (in both official languages) by David Meffe, with support from the Young Canada Works summer employment program from the Department of Canadian Heritage. This updated version was written and designed by Veronique Hynes in the summer of 2014, with funding from the same program. We will be working on a French version.

Both editions were edited by NCRA Executive Director Shelley Robinson and Regulatory Affairs Director Freya Zaltz, as well as other members of the External Policy committee.

DISCLAIMER: The information below represents our interpretation on of how the Commission functions based on our experience with them to date. This section has not been approved by Commission staff.

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Thanks to all involved! And happy compliance!



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MANDATE



Until 2010, campus and community stations were governed by two separate regulatory policies. These policies defined campus and community stations, in part, as alternative and complementary to commercial and public radio.¹

In 2010, the CRTC unified these policies into one, now called the Campus and Community Radio Policy CRTC 2010-499.²

Definition of c/c stations

We offer significant volunteer opportunities in programming and other parts of the station management.

We are different in both *substance and style* from commercial and public radio, which means we sound different airing different music, interviews, news, etc. And our programming more directly reflects our communities.

We are community owned, managed and operated. We are not-for-profit organizations and cannot be purchased or bought by for-profit organizations.

We reflect the diversity of Canadian society by broadcasting programming that presents the opinions and concerns of many cultural groups and official language minorities.

We accomplish this mandate by:

- Broadcasting local and regional news and other programming relevant to the community.
- Broadcasting Canadian content and programming.
- Broadcasting content that reflects local social, economic and important community issues.
- Promoting local talent and artists.

Campus stations also:

- Emphasize the importance of student involvement and the relationship they maintain with their post-secondary institution.
- Broadcast programming produced by both students and members of the broader community.
- Have access to funding through student levies.

Community stations also:

- Encourage communication between members of the community by emphasizing diversity in opinion and spoken word and musical content.
- Broadcast local programming produced, at least in part, by volunteers and reflect the diversity of their communities.

¹ For reference, the full policy can be found at <http://www.crtc.gc.ca/eng/archive/2010/2010-499.htm>

² Note that this new policy only comes into effect once stations renew their licences or contact the CRTC and request that the new policy apply to them prior to their renewal date.



CATEGORY 2: POPULAR MUSIC

Campus and community radio stations are mandated to provide programming that differs in *substance and style* from commercial and public stations. One of the ways that the CRTC expects stations to live up to this mandate is by requiring stations that broadcast *popular music* (or category 2 music) to also broadcast *special interest music* (or category 3 music). Each of these two broad groups is then divided into musical genres like *pop, rock and dance* and *jazz and blues*, for instance.

Some musical genres like punk or grindcore are known for *micro-songs* — songs that are only seconds in length. Currently, musical selections under one minute long cannot be counted towards a station's music requirements. Instead, they are considered musical productions, or subcategory 41, in the same category as jingles and theme songs.

Since these selections can't be logged as musical selections, they also don't count towards CanCon. Based on member feedback, the NCRA will be advocating for songs under one minute in length to be counted as musical selections in the future, so they can be logged and counted towards music requirements regardless of their duration.

In 2014, we contacted the Commission about reggae music, as we had received many questions from members about how best to classify it: is it category 3 music (World Beat and International) or category 2, subcategory 21 (pop, rock and dance) or does it count towards ethnic broadcasting periods?

The answer they provided is that reggae is generally considered category 2, subcategory 21 (pop, rock and dance), but depending on the nature of the programming and the intended audience, it can also be considered part of an ethnic broadcasting period directed to the Jamaican or broader Caribbean community (see section 3).

- Community-licensed stations must devote at least 20 percent of their category 2 musical selections to subcategories other than 21 (pop, rock & dance – full definition below.) Campus stations don't have to follow this requirement.
- Campus stations must check whether the musical selections they are broadcasting count as hits, since they are limited to broadcasting a maximum of 10 percent hits per broadcast week. (Full details below.)

The Subcategories¹

Subcategory 21 - Pop, rock and dance:

- Includes pop, rhythm & blues from the 50s and 60s, soul, dance, techno, electronic music, rap, hip-hop, urban, and contemporary R&B
- Also includes most forms of rock; from soft rock to heavy metal, punk, classic rock, alternative rock, jazz rock, folk rock and blues

Subcategory 22 - Country and country-oriented:

- Includes all country music recorded after the 1950s, country-western or anything that uses a country-oriented style

Subcategory 23 – Acoustic:

- Includes any acoustic music that falls under the pop/rock genre

Subcategory 24 – Easy Listening:

- Includes easy listening instrumentals, adult standards, middle-of-the-road and lush string music

CATEGORY 3: SPECIAL INTEREST

At least five percent of all musical selections played in a broadcast week (between 6 a.m. and midnight every day, Sunday to Saturday) must be category 3 music.

The Subcategories

Subcategory 31 – Concert

- Includes all forms of classical music, operas, operettas and full-cast songs from musical theatre. Doesn't include classical covers of pop music, even though it's classical in form.

Subcategory 32 – Folk and folk oriented

- Includes both traditional folk music and contemporary folk-oriented music.

Subcategory 33 – World beat and international

- Includes music that draws on traditional styles from countries around the world.
- Also includes all songs sung in languages other than English and French, such as K-pop.

Subcategory 34 – Jazz and blues

- Includes historic and contemporary jazz and blues music. Examples for jazz include ragtime, Dixieland, golden age swing, modern, swing, bebop, cool jazz, modern, avant-garde, Latin-oriented jazz, jazz-funk, soft contemporary jazz, contemporary jazz fusion, and other contemporary jazz styles.

Blues includes classic blues, delta blues, Chicago blues, and contemporary blues music. Rock-blues generally falls under subcategory 21.

Subcategory 35 – Non-Classic religious

- Includes religious music, gospel music, hymns and contemporary Christian music.

Subcategory 36 – Experimental music

- This is the sub-category that was added in the 2010-499 policy because of NCRA input. It is defined as *the unconventional and non-traditional uses of instruments and sound equipment to create new sounds and an orchestration of these sounds*. It includes audio-art, turntablism, musique actuelle, electro acoustic and sound ecology. In order to count as experimental music, the artist must have added something original to the music, therefore this subcategory doesn't include spinning or beat mixing, where two or more existing pieces or samples are simply mixed together.

The CRTC produced a report on turntablism and audio art for the 2010-499 policy review which can be read here: <http://www.crtc.gc.ca/eng/publications/reports/radio/rp0905.htm>

The CRTC recognizes there may be overlap between some musical genres (like acoustic and folk, for instance.) This may mean, if the CRTC audits your programming to evaluate your station's compliance, they may determine that a musical selection you have labeled category 3 music is actually category 2 music. This would then affect the amount of CanCon your station was required to play that week.

Any musical selections that reached one of the Top 40 positions in the charts used by the CRTC to determine hits (the charts are listed in paragraphs 30 and 31 of the Broadcasting Regulatory Policy CRTC 2009-61, <http://www.crtc.gc.ca/eng/archive/2009/2009-61.htm>), are considered as Content Category 2 (Content Subcategory 21) selections. This means that selections which are considered to be "hits" by the CRTC are automatically classified as Category 2 selections, even if they were originally considered as Special Interest Music (i.e., Category 3), in any subcategory.

To be on the safe side, we suggest that you always build in buffers — ensuring that programmers broadcast more than the minimum required amount of category 3 music and exceed all CanCon requirements. Members frequently tell us that the Commission should clarify these sub-categories or add new sub-categories. The NCRA did succeed in convincing the Commission to add sub-category 36 — experimental music — to the latest Campus and Community Radio Policy CRTC 2010-499. Previously, this kind of music would have fallen under sub-category 21 for lack of a better fit and therefore required stations to maintain higher category 2 CanCon levels.

We will continue to advocate for these kinds of changes in the future, but it must be noted that the Commission has no current plans to review the sub-categories and will not review the c/c radio policy again for a few more years, so we may have to wait until then to propose other changes.



ETHNIC BROADCASTING PERIODS



CJSF-FM in Burnaby, B.C. produces *Golbang Vancouver* a Persian community show in Farsi highlighting music, news, and local events. Photo courtesy of Golbang Vancouver

An ethnic broadcasting period is programming that is *specifically directed to any culturally or racially distinct group other than one that is Aboriginal Canadian or from France or the British Isles. It can be broadcast in any language, including English and French.*

This definition is contained in Public Notice CRTC 1999-1171 which governs both commercial ethnic stations and c/c radio stations.

For Example, CFRU-FM in Guelph airs *Alternativa Latinoamericana* every Saturday night for over 20 years. The show covers news and commentary on Latin American issues in Canada and abroad. The collective of programmers have received multiple awards over the

years both within the campus/ community radio sector, as well as locally and internationally

Similarly, CFUV-FM's *Soitellan* (translated as *Let's play music*) is a Finnish-language show focusing on a variety of music from Finland, as well as poetry and interviews. Pirkko Kiansten hosts the show on Saturdays from 9:30-11 am. (The show also received an honorable mention at the 2013 Community Radio Awards for best third language program!)

The proportion of a c/c station's programming in a broadcast week that can be comprised of ethnic broadcasting periods depends on the station's conditions of licence and market. C/c stations without an ethnic station in their market

can devote a maximum of 40 percent (or 50.4 hours) of the broadcast week to third-language programs. Those with ethnic stations already in their market can devote up to 15 percent (or 18.9 hours) of the broadcast week.

The Commission states that stations can apply to increase this amount in certain circumstances. If you would like to change yours, feel free to contact the CRTC directly or contact the NCRA national office for help with your request.

See <http://www.crtc.gc.ca/eng/archive/1999/pb99-117.htm>

CANADIAN CONTENT

Canadian content (or *CanCon*) regulations help promote Canadian artists to Canadian audiences, making sure homegrown artists get the airplay they deserve. Canadians spent most of the 1950s and '60s listening to American music on the radio. Most people lived so close the US border they could easily pick up American radio stations. And many Canadian stations played the American hits their listeners grew to recognize.

In 1968, the CRTC was created to make and uphold standards in the broadcasting industry, mainly by enforcing the Canadian Broadcasting Act.

One of the Act's central tenets was to require radio and TV stations to broadcast a minimum amount of Canadian content. Following an extensive public hearing, the MAPL system, created by Stan Klees (one of the creators of the Juno Awards), was adopted in 1971 to define and identify Canadian content in pieces of music.

A key part of c/c radio stations' mandate is to represent the communities they serve, and our musical selections are no exception, whether they are local, underground, or internationally-recognized.

Each broadcast week (between 6 a.m. and midnight every day, Sunday to Saturday) c/c stations MUST broadcast:

- At least 35 percent Canadian content of all category 2 music
- At least 12 percent Canadian content of all category 3 music
- At least 7 percent Canadian content during ethnic broadcasting periods

The CRTC defines a Canadian as:

A Canadian citizen or permanent resident, or a person who has lived in Canada for at least six months immediately before their contribution to the piece of music.

- CanCon is calculated as a weekly total of all the musical selections broadcast within the broadcast week in each musical category. The calculation is by individual musical selection, not minute by minute. So a musical selection that is two minutes long has the same CanCon *value* as a 21-minute CanCon opus. Therefore, if you broadcast 500 category 2 musical selections in a broadcast week, at least 175 must be CanCon.
- This also means that if a show in a given category doesn't have enough CanCon, it can be balanced out by another show during the same broadcast week that exceeds the minimum amount of CanCon for the same category. That being said, it's easy for programmers to assume that they can fall short of CanCon requirements on their show because other programmers will make up for it. When even just a few people do this, it can mean the station doesn't meet weekly requirements. For this reason, stations often encourage most or all their programmers to regularly exceed the minimum requirements so that the station never falls short.

- A musical selection has to be broadcast in its entirety for it to be counted towards the weekly CanCon requirements.
- As noted on p.4, a musical selection must be at least one minute long in order to be logged as a musical selection (and therefore CanCon).
- A musical selection can't be counted towards CanCon if a programmer uses it as background music and talks while it plays. A programmer can talk for a few seconds during the opening or closing bars of music, but not over the vocals or main melody.
- Music that is broadcast outside of the broadcast day (i.e. between midnight and 6 a.m.) does not count towards your station's CanCon totals.



We use a process called *MAPL* to determine whether a song qualifies as Canadian content.

A musical selection must fulfill at least two of the following four requirements:

M

- Music: The music is composed entirely by a Canadian (or Canadians)

A

- Artist: The music and/or the lyrics are performed principally by a Canadian (or Canadians)

P

- Performance: The selection is a live performance recorded entirely in Canada, or performed entirely in Canada and broadcast live in Canada.

L

Many think the *P* in MAPL stands for production, and sometimes even the CRTC makes this mistake! That said, the Commission further clarified for us that *a performance that takes place in a broadcast studio counts as a live performance and a performance that has taken place in a Canadian studio would fulfill the performance criterion whether it is broadcast live or rebroadcast at a later date.* This means that an album that is produced in Canada, is also performed in Canada.

- Lyrics: The lyrics are written entirely by a Canadian (or Canadians)

NOTE: The original NCRA Regulatory Support Guide stated that if a group was made up of performers from different nationalities, at least half the credit for composing the music or writing the lyrics must go to Canadians for it to count as Canadian in those categories. This was incorrect. It was close, but not exact.

In fact, the regulation about Cancon in relation to collaborations between Canadians and non-Canadians artists states that:

- IF a musical selection was performed and/or recorded after September 1, 1991; and
- IF the musical selection meets either the artist or performance requirement of MAPL; and
- IF the Canadian(s) who collaborated with a non-Canadian receives at least half the credit for both music AND lyrics; and
- IF that credit is according to the records of a recognized performing rights society like SOCAN

THEN it's CanCon!

There are a few other special cases where a musical selection can also qualify as CanCon even if it doesn't meet all of the MAPL criteria:

- If it was recorded before January 1972, it only needs to meet one MAPL requirement
- If it's an instrumental performance of a musical composition written or composed by a Canadian
- If it's a performance of a musical composition that a Canadian composed for instruments only

- Some recordings that contain CanCon have a MAPL symbol on the cover, but not all. Regardless, a MAPL symbol doesn't necessarily mean that every track on the recording meets the MAPL criteria. Programmers may have to read the liner notes or do additional research to be certain.
- Many stations also label CanCon to help programmers. Again, note that this is usually done by assessing the music/artist/album broadly and does not necessarily mean every track on the recording is CanCon.
- Ultimately, if the CRTC audits your programming to evaluate your compliance and questions any of the musical selections that are designated as CanCon, the station must be able to prove through research that a musical selection meets MAPL criteria.

This is yet another reason we suggest that you build in buffers — broadcasting more than the required amount of CanCon in both category 2 and category 3.

MEDLEYS AND MONTAGES

- A medley is a compilation of one minute or longer in which an artist has combined excerpts from several musical selections within a single performance. A medley counts as, and must be logged as, one musical selection. A medley is classified as CanCon if more than 50 percent of the length of the whole selection is comprised of excerpts that are from Canadian selections, and if the medley is played in its entirety. Eg. The musical artist Girl Talk's work would count as a medley, but rarely, if ever, as CanCon.
- A montage is a compilation of excerpts from various musical selections that are edited and assembled by someone other than the artists or musicians in a performance, either live in studio or pre-produced. The excerpts must be tightly woven and tied together by unifying elements like a common lyrical or musical theme rhythm, or tempo that are easily identifiable by the listener, and the total duration must be one minute or longer. A montage does not include a medley. In general, each montage is considered to be a single musical selection.
- Montages are often produced in-house by the radio station, though less often at c/c stations.
- Unrelated excerpts played back-to-back and montages containing excerpts from

musical selections that are in nearly complete form are not considered to be montages and will be viewed by the Commission as individual musical selections rather than as a montage.

Montages that are interrupted (eg. by spoken word content that breaks the link between the musical excerpts) do not meet the definition of a single musical selection. Montages containing few or no excerpts from Canadian selections are considered inappropriate, as are montages by French-licensed stations that contain few or no French vocal music excerpts. Additional details are set out in CRTC 2011-728.

- To log a medley or montage, identify the start and end time of each montage and identify the theme on a separate sheet, to be attached to the program log, the individual selections used in the montage must also be listed in the order they were played, by artist name, and name of the musical selection. This sheet should also include either the language of each excerpt or an indication that it is instrumental, and whether it is CanCon.

An example about how to log the different musical selections within montages on a separate sheet of paper:

Name of Montage #1. "Songs about the Highway"

1. Steppenwolf	Born to Be Wild	(E)	(CC)
From: 07:34:01 To: 07:35:56			
2. Tom Cochrane	Life is a Highway	(E)	(CC)
From: 07:35:57 To: 07:38:45			
3. Neil Young	Bound for Glory	(E)	(CC)
From: 07:38:46 To: 07:39:50			
4. Tragically Hip	Highway Girl	(E)	(CC)
From: 07:39:51 To: 07:41:53			

A montage can be counted as a single CanCon selection if 50 percent of the total length of the montage is comprised of excerpts from Canadian musical selections and the montage is at least four minutes long.



HITS

FOR CAMPUS STATIONS ONLY

A maximum of 10 percent of the musical selections broadcast during each broadcast week (between 6 a.m. and midnight every day, Sunday to Saturday) can be hits.

What makes something a hit?¹

A hit is any musical selection that has, at any time, reached a Top 40 position on one of the following charts:

Current:

- Billboard Canadian Hot 100²
- Billboard Hot 100 Singles³
- Billboard Hot Country⁴
- Nielson BDS Country Spins

Past:

- Canadian Music Network National Airplay
- Canadian Music Network Country Top 50 Audience
- The Record Country
- RPM 100 Country Tracks⁵
- RPM 100 Singles⁶
- RPM Retail Singles⁷

NOTE: The designation of a musical selection as a *hit* refers to the specific version of the musical selection that charted. Remixes or live versions of that musical selection will not count as a hit, unless the remix or live version itself charted.

Since not all these charts are available online, we would suggest that campus stations err on the side of caution when it comes to hits, trying to broadcast significantly less than 10 percent hits to leave room for error. It is particularly hard to know and check whether older music charted, so we also encourage programmers who broadcast musical selections by well-known artists to choose lesser-known songs or alternate versions of very popular songs.

When did it become a hit?

The latest charts used to determine hits will be those published up to and including two Saturdays before the date of broadcast.

Cancon hits:

Canadian hits are considered NON-HITS for one year from when they first enter the chart.

Any musical selections that reached one of the Top 40 positions in the charts used by the CRTC to determine hits (the charts are listed in paragraphs 30 and 31 of the Broadcasting Regulatory Policy CRTC 2009-61, <http://www.crtc.gc.ca/eng/archive/2009/2009-61.htm>), are considered as Content Category 2 (Content Subcategory 21) selections. This means that selections which are considered to be "hits" by the CRTC are automatically classified as Category 2 selections, even if they were originally considered as Special Interest Music (i.e., Category 3), in any subcategory.

¹ - <http://www.crtc.gc.ca/eng/archive/2009/2009-61.htm>

² - <http://www.billboard.com/charts/canadian-hot-100#/charts/canadian-hot-100>

³ - <http://www.billboard.com/charts/hot-100#>

⁴ - <http://www.billboard.com/charts/country-songs#/charts/country-songs>

⁵ - http://www.collectionscanada.gc.ca/rpm/028020-110.01-e.php?q1=Country+Singles&c1=chart_type_en&brws=1&brws_s=1&t1=TRUE&PHPSESSID=681cr8tjb52csf61vfqa8lcuq4

⁶ - http://www.collectionscanada.gc.ca/rpm/028020-110.01-e.php?q1=Top+Singles&c1=chart_type_en&brws=1&brws_s=1&t1=TRUE&PHPSESSID=2dn0r4p5r15h8q9b7mc950mvc2

⁷ - http://www.collectionscanada.gc.ca/rpm/028020-110.01-e.php?q1=RetailSales&c1=chart_type_en&brws=1&brws_s=1&t1=TRUE&PHPSESSID=5ml0vs6js2b33r3kp66r5974i3

SPOKEN WORD

All stations MUST devote at least 15 percent of the total number of hours they broadcast within the broadcast week (between 6 am and midnight every day, Sunday to Saturday) to locally produced spoken word content.

- For stations that broadcast the standard 126 hours a week, this is 1134 minutes or approximately 19 hours each week. For stations that broadcast fewer hours during the broadcast week: do the math!

NOTE: 126 hours does not refer to the amount of live or original programming a station broadcasts, but to the time (between 6am and midnight) a station is broadcasting anything at all. If you have automated music playing between 6am and midnight when nothing else is scheduled, then you can be considered to be broadcasting the standard 126 hours a week. Check the conditions of your broadcasting licence to confirm the number of hours the CRTC expects you to be broadcasting per week.

What is Spoken word?

Subcategory 11 – News

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

Subcategory 12 – Spoken word other

Includes anything that is not news, advertising or music. For example weather, traffic, sports and entertainment reports.

- The requirement is that at least 15 percent spoken word content must be locally produced, which the Commission defines as spoken word content produced *exclusively by or for* your station.
- Stations may still broadcast spoken word content that is not locally produced, but it won't be calculated as part of the 15 percent minimum requirement.
- Every instance of spoken word in all types of programming may count towards this requirement, if logged. This includes song introductions, local PSAs, banter, community announcements, etc.
- Logged spoken word must indicate the subcategory (e.g. 11 or 12), a brief description of the content, and the length of the segment. Even segments as short as 30 seconds can be included. Stations that do not explicitly log spoken word segments that occur between or during music programs will not be able to count that content toward their locally produced spoken word minimum. In that case, the station can count only shows that are designated on logs as spoken word shows in their entirety.
- Stations that find it difficult to meet this requirement, for example due to insufficient volunteers, may apply to the CRTC for special consideration, but must provide justifications to lower the minimum requirement. Make sure to contact the NCRA national office first so we can help with your application.



WAYS TO BOOST YOUR LOCAL SPOKEN WORD

Producing to 19 hours of spoken word content per week can seem overwhelming to a station short on staff and resources. Some stations have to get creative to meet their quota. Here are some examples:

- Stations may repeat locally-produced programs within a broadcast week and count each instance of a program towards the 15 percent requirement. For example, CJTR-FM in Regina, Sask. airs their show *Game Day* at least twice a week, once on Monday at noon and again on Tuesday afternoon. This helps them meet the spoken word requirement but also ensures that listeners who may have missed the content the first time around get a second chance at it.
- That said, there is a limit on the amount of repetition that will count; a station cannot air the same show five times per week. The CRTC will consider excessive repetition to constitute too little original programming and to violate the spirit of the policy.
- Play-by-plays of sports events count as local spoken word. For example, CIVL-FM in Abbotsford, BC broadcasts live local hockey games. The station also won a Community Radio award in 2014 for its sports talk show *Cascade Check*. Tyler Dyck, Kyle Balzer, and Aaron Levy host the weekly show about University of Fraser Valley sports.
- A few stations air their local town council meetings. CIWS-FM in Stouffville, Ont. has started broadcasting council meetings as a local service, which also boosts their local spoken word content.
- To help make space for new volunteers, without the pressure of producing content on their own, some stations have collectives of volunteers who take on producing a weekly show, with each producer contributing short segments on a rotating basis. This allows volunteers to take breaks when needed while remaining involved with the show. For example, CKUT-FM in Montreal, Que. produces a program called *Hersay* once a month that highlights different aspects of feminism, all produced by different programmers or collectives (including older women, women of colour, Francophone women, etc.).
- A similar idea is to develop four shows that each produce one episode a month and schedule them to share the same timeslot. CJSW-FM in Calgary, AB produces *CJSW Presents*, and *CJSW Talks*. Both are weekly 60-minute long shows that feature interviews and discussions about a specific theme or topic. The shared timeslots are hugely popular, as they allow programmers the time to prepare heavily produced, in-depth shows. Past themes have included the slow food movement and Calgary's theatre community. Similarly at CKUT-FM, the show *Voices of Montreal* encompasses a variety of rotating shows ranging from visual arts to mental health issues.

Programs like CJSR-FM's *Terra Informa* produce amazing spoken word content. Here are Chris Chang Yen Phillips and Nikki Wiart reporting on the aftermath of a flood in Cold Lake First Nation, Alberta.
Photo courtesy of *Terra Informa*



ADVERTISING

What is advertising?

The subcategories:

Subcategory 51 – Commercial Announcements:

- Defined as a commercial announcement for a business, product or service, broadcast in return for money or services

Subcategory 52 – Sponsor Identification:

- Includes Identification of the sponsor of a program or program segment other than under subcategories 51 and 53

Subcategory 53 – Promotion with Sponsor Mention:

- Includes verbal or musical material promoting increased listening to the station or to specific announcers, programs or programming elements, when accompanied by the identification of a sponsor.

FOR CAMPUS STATIONS ONLY:

- Stations can broadcast a maximum of 504 minutes of advertising during any given broadcast week (between 6 a.m. and midnight every day, Sunday to Saturday)
- The 504 minutes doesn't include Sponsor Identification (subcategory 52) or Promotion with Sponsor Mention (subcategory 53)
- There are no longer any limits on the number of ads per hour



CKDU-FM in Halifax.

Photo courtesy of CKDU-FM.

Advertising to Children:

Advertising aimed at children is governed by separate codes and regulations,^{1 2} which contain requirements for ensuring that ads contain only factual content and avoid unduly pressuring young listeners.

- “Children” is defined as anyone under the age of 12
- Advertising to children is prohibited in Quebec

¹ http://www.cab-acr.ca/english/social/advertisingchildren/kids_reference_guide.pdf

² <http://www.adstandards.com/en/clearance/childrens/broadcastCodeForAdvertisingToChildren.pdf>



Advertising pertaining to alcohol is governed by the Code for Broadcast Advertising of Alcoholic Beverages. The full text of the Code is below.

Advertising for alcoholic beverages shall not:³

- 1 - Attempt to influence non-drinkers of any age to drink or to purchase alcoholic beverages.
- 2 - Be directed at anyone under the legal drinking age, associate any alcoholic products with youth or youth symbols, or portray people underage or anyone who could reasonably be mistaken for underage in a context where any alcohol is being shown or promoted.
- 3 - Show the product in the context of, or in relation to, an activity attractive primarily to people under the legal drinking age.
- 4 - Contain an endorsement of the product, personally or by implication, either directly or indirectly, by any person, character or group who is or is likely to be a role model for minors because of a past or present position of public trust, special achievement in any field of endeavor, association with charities and/or advocacy activities benefiting children, reputation or exposure in the mass media.
- 5 - Attempt to establish the product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of alcohol should take precedence over other activities.
- 6 - Imply directly or indirectly that social acceptance, social status, personal success, business or athletic achievement may be acquired, enhanced or reinforced through consumption of alcohol.
- 7 - Imply directly or indirectly that the presence or consumption of alcohol is, in any way, essential to the enjoyment of an activity or an event.
- 8 - Portray any such product or its consumption in an immoderate way.
- 9 - Exaggerate the importance or effect of any aspect of the product or its packaging.
- 10 - Show or use language that suggests product misuse, product dependency, compulsive behaviour, urgency of need or urgency of use.
- 11 - Use imperative language to urge people to purchase or consume alcohol.
- 12 - Introduce the product in such a way or at such a time that it may be associated with the operation of any vehicle or conveyance requiring skill
- 13 - Introduce the product in such a way or at such a time as it

may be associated with any activity requiring a significant degree of skill, care or mental alertness or involving an obvious element of danger.

14 - Contain inducements to prefer an alcoholic beverage because of its higher alcohol content.

15 - Refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol.

16 - Portray persons with any such product in situations in which the consumption of alcohol is prohibited.

17 - Contain scenes in which any such product is consumed, or that give the impression, visually or in sound, that it is being or has been consumed.

According to CRTC Public Notice 1999-132, all licensees that broadcast alcohol advertising must report information on form 1340 of their annual returns about the number of times they broadcast both alcohol advertising and alcohol education messages (e.g. public service announcements) during the past broadcast year. While you don't have to give details of the specific messages broadcast, the Commission expects stations to retain records of this information. On a case-by-case basis, e.g. in response to a complaint, you might be asked to provide more detail.

The requirement to broadcast alcohol education messages applies to stations that broadcast any alcohol ads under subcategory 51 and/or alcohol-related sponsorships under subcategory 52 or 53. If your station does not broadcast alcohol advertising or sponsorships, no alcohol education messages are required.

The Advertising Standards Canada (ASC) (<http://www.adstandards.com/en/>) offers an alcohol beverage advertising clearance service, which means they will review draft alcohol ads at no charge to confirm whether they comply with the CRTC's Broadcast Code for Alcohol Advertising. The ASC Alcoholic Beverage Advertising Clearance Guide is available here: <http://www.adstandards.com/en/Clearance/alcoholicBeverages/ASCAcoholicBeverageAdvertisingClearanceGuide.pdf>

The ASC also provides clearance services for alcohol beverage advertising in Ontario and British Columbia, both of which have their own regulatory frameworks. If your station is located in Ontario or BC and broadcasts alcohol ads or sponsorships, you should also be familiar with the guidelines in place in those provinces. You can get more information about those guidelines from the Ontario Alcohol and Gaming Commission and the BC Liquor Control and Licensing Branch.

³ Full regulations can be found at <http://crtc.gc.ca/eng/archive/1996%5CPB96-108.htm>

LOGS AND RECORDS

Logs and records are the foundation of proving your regulatory compliance to the Commission (and of being able to spot-check your own compliance internally), so it is important to institute good processes and follow-up regularly to make sure you are maintaining good logs and records.

We made changes to this section from our original Regulatory Support Guide to recognize the distinction between what you **MUST** keep a record of vs. what information you must provide to the Commission **UPON REQUEST**. Theoretically, this means that a station could assemble some of the information when requested, rather than logging it as the content is being broadcast. This distinction is set out in the Radio Regulations.

That said, the CRTC could choose to audit a station's content, based on these audio and program logs, at any time to make sure the station is following regulations and meeting requirements. They are more likely to audit your station if they receive one or more complaints, and during the year before your licence is up for renewal.

If audited, your station will be asked to submit your logs, records or any other documentation to the CRTC for a designated broadcast week or weeks within a licence term, with a letter from the station vouching for their accuracy. The Commission will give you only a short period of time (e.g. less than a month, possibly only a week or two) to gather and submit the material.

Given the limited staff and volunteer capacity at many stations (and the many unforeseen emergencies that can pop up without warning) we suggest that stations always log all of the information they may be requested to provide, rather than waiting for the Commission to request the information, so they are always prepared.

Failure to keep proper audio and program logs, and failure to produce logs that match with your audio logs and prove that you have met the content requirements for spoken word, CanCon, category 3 music, subcategory 21 (for community stations), and hits (for campus stations) is seen as one of the most serious regulatory violations by the CRTC.

Daily Logging Checklist

The following **MUST** be recorded on every program log:

- The date
- The call letters, location and frequency of the station
- The time of each station identification
- The quarter-hour during which advertising was broadcast, the length of each advertisement or sponsorship announcement, and what subcategory it falls under

For every individual program in a broadcast week, a station **MUST** also record:

- The title and a brief description of the show
- The time at which the show starts and ends
- The code set out in the Radio Regulations schedule indicating the origin of the program (i.e. if it is syndicated and which country it is from) and where applicable an abbreviation of the language or the ethnic group to which the programming is directed¹
- If applicable, the code set out in the schedule identifying non-Canadian programming, which is *NC*
- The relevant content category. For shows that fall into more than one category, list the two most prominent categories. For example, music shows that broadcast primarily indie-rock but also include some jazz would be recorded as category 2 and 3.

¹ Stations can find the schedule listing the necessary codes in the very last section of the Radio Regulations: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-86-982/page-9.html#h-20>



You can only be considered to be broadcasting one type of content at one time. So, if a programmer is talking on-air, even though a musical selection may be playing underneath their voice, this would be recorded as spoken word, not music. If a programmer talks over music, be careful if the musical selection is intended to help meet your weekly requirement for category 3 music, non-subcategory 21 music (for community stations) or CanCon. If the programmer talks over more than just the instrumental intro or outro, the song cannot be counted toward your music totals.

AUDIO LOGS:

The station **MUST** keep an audio recording (digital or analog) of everything it broadcasts during the broadcast week (between 6 a.m. and midnight every day, Sunday to Saturday) for at least four weeks after it airs.

Regularly check that your logger is working and promptly report any periods that it was not working to the CRTC. This way, if the Commission requests your audio logs (particularly in relation to a complaint) for that period, you will have a verifiable explanation for why you cannot provide it. That said, your station should also consider having a back-up logger in place in case a problem causes your audio logger to fail (e.g. power outage, hard drive or sound card failure, etc.).

These logs must also be clearly audible. This is easier now that most stations use digital loggers, but still worth regularly checking as some stations have encountered problems with audibility in the past, even with digital loggers. Logs must be exact duplicates of the broadcast signal. If asked, the CRTC always says that they would prefer to have a computer logging the output from a receiver rather than the output from the sound board (before it goes to the antenna) or a recording of a station's web-stream.

PROGRAM LOGS:

These may be in digital or print format and the required information doesn't have to be on a single document. The old requirement is that program logs must be kept for 1 year. In 2015, the commission changed this requirement as part of its Targeted Review of Commercial Radio (CRTC 2014-554), so that stations are only required to keep program logs for four weeks. (Confirmed as per decision CRTC 2015-524) November 25, 2015.

If your station still uses paper logs, be mindful that they must be **LEGIBLE**. If your station is audited by the Commission and asked to provide logs, take time to make sure the logs are in order and are each dated with the correct time and length of the show. Think about stapling multiple pages of logs from the same show together to keep things tidy. You may also need to re-write or complete any logs that are illegible or incomplete.

Remember, it is up to the station to prove it is meeting its regulatory responsibilities. You should make that process as simple as possible for Commission staff, lest they find the station in apparent non-compliance because they can't read or understand the pile of papers you submitted.

Content that your station broadcasts outside of the broadcast day (i.e. between midnight and 6 a.m.) does not have to be logged.

If a complaint is received by the CRTC about your station's programming the audio and program log pertaining to the program at issue must be kept for at least 8 weeks. Therefore, it is a good idea to build in a buffer for this reason, just in case an issue arises.

LOGS CONT'D

LOGGING MUSIC

Some stations also collect additional information for their own purposes, such as new music, music produced by women, etc.

We also recommend stations log the subcategory of their musical selections. While this is not required, it does help a station keep track of the music it broadcasts outside of subcategory 21, which is a requirement for community stations. It is also useful if the Commission challenges the content of a station's logs, like the category of musical selections. For example, a station might log a song as folk (subcategory 32), another might log that same selection as acoustic (subcategory 23), and the Commission might prefer one over the other, which may affect whether a station meets the CanCon, subcategory 21 or category 3 requirements. Stations need to be able to defend their choices.

LOGGING SPOKEN WORD

- The CRTC does not require that you log every instance of spoken word, but since the 2010-499 policy requires stations to devote at least 15 percent of their broadcast week to locally-produced spoken word content, it is in your best interest to log it all.
- Even small instances of spoken word provided by hosts when they introduce music or make other comments count towards the 15 percent locally produced spoken word requirement, and so do public service announcements.
- By the same token, counting block programs of spoken word as entirely spoken word, for example an hour-long show about environmental issues, can be problematic if the show also includes some music. You must log all musical selections towards your weekly totals and, when calculating the amount of spoken word in each spoken word block program, subtract the length of any musical selections from the total length of the show.

Stations must be able to provide the following information to the Commission UPON REQUEST:

- a list of the musical selections in the order in which they are broadcast by the licensee during that period that includes (a) the title and (b) the performer of each musical selection (commonly called a *playlist*), and a legend that identifies:
 - any Canadian musical selection,
 - any hit,
 - any instrumental selection,
 - any category 3 musical selection, and
 - the language of the musical selection, where the musical selection is not an instrumental selection,
 - ethnic periods, if any
- a completed Self Assessment report (which is a form that requires some or all of this information to be summarized. Eg. How many Category 2 musical selections did the station broadcast in the given period? How many of those musical selections were CanCon? etc.

² The full version of these requirements is set out in sections 8 of the Radio Regulations: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-86-982/index.html>

³ <http://laws-lois.justice.gc.ca/eng/regulations/SOR-86-982/page-5.html#h-11>



EMERGENCY BROADCASTING

Emergency broadcasting has been made a condition of license which is effective as of March 31st 2016. The CRTC amended The Radio Regulations of 1986 to include a section on emergency alerts. This new section requires licensees to operate a broadcast intrusive alert system using the National Alert Aggregation and Dissemination System (NAADS).

In order to distribute the alerts, radio stations need a Last Mile Distributor or LMD to broadcast the alerts. The systems are required to be broadcast intrusively, meaning that they be broadcast on top of existing content, without requiring human action. A list of the LMDs is available in the Members' Only section of our website. Palmorex has a website with public facing information about the Alert Ready system. It is currently the most accessible explanation for what the *Alert Ready* system entails.

There are a number of provinces who have recognized the value of the emergency alerts as a public service and offer some funding. Alberta and Nova-Scotia already have programs in place. Some c/c stations have solicited support from their local authorities or lobbied collectively for support from their provinces. The cost for the equipment ranges between \$1500 & \$4500 (as of June/2015).

To apply for an extension or an exemption your station will need to complete a CRTC Part 1 form, the same for exemptions for other conditions of license. In that form you should describe in detail why you are not able to pay, how you are raising funds in order to get the equipment and become in compliance, a reasonable date for when that will be achieved and any other forms of emergency alerting you will be doing until that point.

For more information check out our website in the Member's Only Section for Compliance Resources

CKHA-FM in Haliburton, ON broadcast Public Service Announcements from their municipality about a flood in nearby Minden. They also offered live coverage and broadcast messages overnight when no one was in the studio, telling people where to go and who to contact for more information. They were officially thanked by the Minden Hills Flood Relief Fund for this work via social media.

CFMH-FM in Saint John, NB and CJMQ-FM in Sherbrooke, QC are often the only live local broadcasters to carry emergency messages. For CFMH-FM this has meant, for example, that they broadcast boil water advisories.



ANNUAL RETURNS

Each year since 1993, the CRTC has required all Canadian broadcasters to file annual returns. This means that all stations must provide information about finances and alcohol advertising, and for campus and community radio stations, the number of volunteers and volunteer hours worked in the past year.

The CRTC uses this information to compile the annual Communications Monitoring Report on Canadian broadcasting. This report includes data like how many stations are on the market, and how many hours people listen to different types of radio. For example, c/c radio stations

had an average tuning share of 2.5 percent in 2012. This means that of the 17 hours a week of radio to which the average Canadian listens, c/c radio captures 2.5 percent of that.

The NCRA used the data from this report in fighting a proposed tariff, by showing how little our average advertising revenue was compared to that of commercial broadcasters.

Stations must submit their annual returns by November 30th each year (or the next business day if November 30th is on a weekend) for the previous broadcast year, which runs September 1st to August 31st. This has become one

of the CRTC's regular measures of compliance and filing late, filing incomplete information, or not filing can affect the outcome of a station's licence renewal.

Since 2012 the NCRA has run an annual campaign to ensure all of our members file on time. In 2012, of the 69 NCRA members required to file an annual return, 68 did so on time! In 2013, of the 74 members required to file an annual return, all 74 did so on time! And in 2014, all 78 members required to file an annual return did so on time!



NCRA Membership Coordinator Kari Benninghaus brought in this lovely *We did it!* tart to celebrate all 74 NCRA members submitting their annual returns on time in 2013! In 2014, 78 NCRA members submitted their annual returns on time!



Here are our top 10 suggestions to keep up the good work in the future:

1. Start early! November 30th is the latest you can file, but you can file earlier. The Commission website often develops technical issues. You are still required to file on time. Your board or staff members might be on vacation, get sick, quit, or be fired. Your station could face a flood or other emergency. Your computer might break. You are still required to file on time.

2. If you haven't received information from the Commission about filing your Annual Return each year by November 1st, follow up with them (through the Small Undertakings Line: 1-866-781-1911) to make sure they have your updated contact information. Even if they accidentally sent the email to a staff member who left the station ten years ago: you are still required to file on time.

3. You are not required to submit audited financial statements prepared by an accountant or bookkeeper. But you are required to submit financial statements as an attachment to the Annual Return.

4. All the financial data you file MUST correspond to the CRTC's broadcast year, which is September 1 - August 31. If you have audited statements prepared for a different fiscal year, you do not have to change your fiscal year end. You are free to have any internal fiscal year you like, but you must re-jig your data and calculate amounts for your annual return filing that conform to the dates of the CRTC broadcast year. Failure to do so constitutes non-compliance.

5. As mentioned above, in addition to the individual questions about your finances on the annual return form, you are also asked to upload financial statements. Again, these MUST conform to the CRTC broadcast year of September 1 - August 31, but they don't need to be particularly pretty or official. If you only have paper copies, you can submit financial statements by fax or mail, though uploading digital scans is preferable. NOTE: Only financial

statements (adjusted to meet the CRTC broadcast year) can be submitted by fax or mail. Annual returns must be submitted electronically, and cannot be submitted by fax or mail.

6. In the questions about expenses that include *Programming and production, Technical, Sales and promotion and Administration and general* you can assign a portion of staff salaries to each category if it reflects station realities. For instance, if you only have two staff and you each end up doing all of those things as part of your job, you can split your salary costs between the different categories. But if you do this, make a note to yourself and/or future staff and Board members for future years so that they are consistent in the way they report the data each year.

7. The questions about volunteers are relatively new and are specific to the c/c radio sector. They are very important and useful for us. During the last policy review for our sector, the Commission suggested imposing requirements on our stations to prove a minimum amount of volunteer participation each year. Along with other community radio interest groups, we opposed the idea because it would have added to our regulatory burden, and we said it wasn't necessary because our sector already has so many volunteers. Answering the questions on the annual returns about volunteers is one way we can prove our volunteer participation.

Try to get as accurate a count of volunteers as possible, both on-air and behind-the-scenes, including members of your Board of Directors and committees. Estimate the number of hours worked by volunteers (again, during the CRTC broadcast year of September 1 - August 31) including: on-air time, an average estimate of prep time (at least 1:1 for music shows and reasonably 2:1 for spoken word) as well as other station activities, fundraising, and special events.

Don't forget to count Board meetings (if you have 10 directors meeting once a month for 2 hours that's an additional 240 hours a year + prep time)!

As with your financial allocations, make note of how you calculated the numbers so you can use a similar formula in future Annual Returns filings.

8. Aside from financial statements, the only supporting documents you need to provide are executed amended bylaws, which means bylaws where the amendments have been approved at an AGM, and financial statements. Everything else can be filled in manually on the form without supporting documents.

9. Remember that dealing with large bureaucratic organizations like the CRTC can sometimes be frustrating, especially for small grassroots organizations that rely heavily on volunteers. But those issues are systemic, and are not fixed by the NCRA or stations complaining to individual CRTC staff members or in official dealings with the Commission. The better we are, as a sector, at filing Annual Returns on time and complying with the processes in place, the more credibility we have to propose suggestions at suitable times about how the processes can be improved for the future.

10. Call the Commission (either the Small Undertakings Line or the DCS Technical Support Line) with questions but be patient! It's one of the busiest times of the year at the CRTC so it can take up to 48 hours to hear back from them. Also, call the NCRA Office! We can help.

Once you've filed: let us know so we can do the happy-dance!

PROFILE: CFYT-FM

The first radio station in Dawson City was a military-run station that sprang up after the end of World War I. It operated until the 1960s, when the CBC started broadcasting in the Yukon's northernmost city and took its place.

At the beginning of the 1980s, residents felt they deserved more than the talk-only radio they got from the CBC, according to CFYT board treasurer Peter Menzies. They began to plan for a mostly music community station. They got a licence to run a community station in 1982 and some donated equipment from the local CBC station.

CFYT-FM ran uninterrupted until 1996, when it went off the air because of a shortage of volunteers and because it could not find a permanent home. While the station was on hiatus, a group of dedicated volunteers took care of its equipment and funds.

"A lot of people recognized that it was too important to let go, so they kept it going," Menzies said.

That is why it wasn't too difficult to get CFYT-FM running again in 2003.

The Board of Directors got a developmental broadcasting license from the CRTC, and began to broadcast 4 hours per week.

Today, the station broadcasts Wednesday through Sunday from noon to midnight, thanks to its 45 volunteers.

It is quite difficult for such a small station to meet the required 14 hours of spoken word content, said station manager Jonathan Howe.

They have to think out of the box, so participating in NCRA initiatives like the Resonating Reconciliation project has been a great help.

"That's a great topic here, because we have such an important aboriginal community," Howe said.

About 40 percent of Dawson City is aboriginal, so the project allowed CFYT-FM to talk about an issue very important to their listeners, all while amping up their spoken word content, he said.

Like all community stations, CFYT-FM has to do a lot with very few resources, which it manages by teaming up with other players in the local cultural sector.



For years, CFYT-FM operated in an abandoned tourist station without heat or power.

Photo provided by CFYT-FM volunteer Peter Menzies.



CFYT-FM at their annual telethon in 2013

Photo provided by CFYT-FM volunteer Peter Menzies.



BOARD COMPOSITION

Requirements for station board of directors¹:

- At least 80 percent of a station's board of directors must be Canadian (defined as a Canadian citizen or a permanent resident) who is ordinarily a resident in Canada and has been ordinarily a resident not more than 1 year after the date which that person first became eligible to apply for citizenship.
- Most positions like the chair of the board of directors, station manager, program director, or others that have a major role in station decision-making must also be filled by Canadians so that the license is controlled by Canadians

Board requirements (for campus stations ONLY):

- The board of directors of campus stations must also include a balanced representation of:
 - 1 - The student body (including student government)
 - 2 - Station volunteers
 - 3 - The associated college or university (faculty or administration)
 - 4 - The community at large

All stations are required to file annually:

- A list of current board directors, their citizenship, address, appointment date, and length of term
- Campus Stations Only: A breakdown of board representatives from the student body, associated institutions, station volunteers, and the community at large
- You can submit these updates via the CRTC website. DO NOT submit this information as part of your Annual Return filing as that information goes to a separate department of the CRTC.

For both campus and community stations:

- For the sake of continuity, the CRTC encourages stations to establish board positions with terms of more than one year
- Aside from regulatory requirements, stations are also bound by their own bylaws, and by the provincial legislation under which their organization was incorporated, which together set out requirements for the number of directors, qualifications, terms of office, how nominations and elections must occur, etc.
- The CRTC can require changes or modifications to a station's bylaws as part of its licencing and renewal procedures to ensure that the station complies with regulatory requirements

The CRTC recommends using a table like this one to identify board members:

Director name	Complete residential address	Citizenship	Appointment date	Affiliation

¹ as set out in the Direction to the CRTC (Ineligibility of Non-Canadians) SOR 97/192. <https://www.canlii.org/en/ca/laws/regu/sor-97-192/latest/sor-97-192.html>

BILINGUAL STATIONS

There are currently three bilingually-licensed c/c radio stations in Canada: CHUO-FM in Ottawa, Ont., CHIP-FM in Fort-Coulonge, Que., and CFBS-FM in Blanc Sablon, Que.

These stations applied for this licence class to reflect the reality of their communities and have conditions of licence requiring a specific required amount of programming in each official language.

CHUO-FM at the University of Ottawa is Canada's only campus-licensed bilingual station. They were issued a broadcasting license from the Commission in 1991 that included a requirement of 55.25 hours of the week to be broadcast English and 55.25 hours in French. This took up 90 percent of their broadcast week, leaving only 12.5 hours per broadcast week for programming in a third language.

During their 2014 licence renewal, the Commission approved their request to lower that requirement to 35 percent broadcast in each official language giving their programmers and volunteers more flexibility to choose the language they broadcast.

They say being licensed as a bilingual station is important because about half of their volunteers speak French as a first language.

"I think we're fortunate," said station manager Erin Flynn. "We get to bring these two different cultures together. There's a division between the French and English communities so Anglophones miss out on some really interesting things going on in Hull."



Being licensed as a bilingual station means CHUO-FM can produce shows like "Pastiche." Host Denyse Marleau talks about francophone theatre, film and music on Mondays at 6 PM. Photo courtesy of CHUO-FM.

Likewise, CFBS-FM in Blanc-Sablon, Que. broadcasts a 50/50 split of 63 hours each between English and French programming since the station was first licensed in 1986. This allows them to cater to the region's Anglophone majority, while still accommodating their local Francophone community.

Station Manager Janice Letemplier says that being licensed as a bilingual station is important for their community. She says Radio-Canada do a great job with national news, "but when it comes to local news, we're the only option."



FRENCH STATIONS

According to the 2013 CRTC Broadcast Monitoring Report, there are 72 campus and community radio stations that are licenced to broadcast in French in Canada. French-licenced stations must broadcast primarily in French and are subject to the same requirements as all other *c/c* stations, plus a few others as described below.

- The CRTC recognizes that *c/c* radio plays an important role in introducing listeners to Canadian music and artists. It also ensures significant exposure for francophone artists.
- To that effect, at least 65 percent of all category 2 (popular) musical selections broadcast by French-language stations must be French Vocal Music/Musique Vocale Française (FVM/MVF).
- The requirement to broadcast at least five percent category 3 musical selections applies equally to French-language stations, and the category 3 selections can have lyrics in any language (they don't have to be in French).
- A musical montage is considered to be a single French language selection if the excerpts of French vocal musical selections from content category 2 comprise more than 50 percent of the total duration of the montage, and the montage is four minutes long or more. For more information, consult the information regarding montages in the music section of this guide.



French language stations are overseen by two associations the NCRA works closely with: L'Association des radiodiffuseurs communautaires du Québec (<http://radiovision.ca/arcq/>) [Arc Du Quebec - inside Quebec] and Alliance des radios communautaires (<http://radiofa.com/>) [ARC Du Canada - outside of Quebec].

WORKING WITH THE CRTC

All licenced c/c stations will have to deal with the CRTC at some point. It is important to remember that the Commission is a complex bureaucratic organization, and CRTC staff are accustomed to certain protocols. Whether you need to renew your station's license or respond to a complaint, incorporating proper procedure and vocabulary into your submissions can make things go more smoothly.

Below, we have outlined some of the main processes whereby stations interact with the Commission, as well as some general guidelines that apply regardless of the specific process.

DISCLAIMER: The information below represents our interpretation of how the Commission functions based on our experience with them to date. This section has not been approved by Commission staff.

TIPS FOR SUCCEEDING WITH ALL TYPES OF APPLICATIONS

Gather and include evidence of any claims you make in your application: for example, if you say that your station will gain or lose potential advertising revenue if your application is approved or denied, you should try to provide evidence like market analyses (formal or informal), signed advertising agreements, letters from prospective advertisers, and as much number-based data as possible. If you present your case qualitatively rather than quantitatively, it's easier for the Commission to dismiss it as not being supported by evidence.

In a competitive application process (e.g. where more than one station is vying for the same frequency or adjacent frequencies in a market), keep in mind you need to make a good case for your proposed use of spectrum, and this should include economic information as well as details of your station's importance to the community.

Explain why what you're asking for is necessary for the station and the communities you serve and get letters of support from station volunteers, listeners, funders and a diverse group of local organizations and community leaders (as an NCRA member station, the NCRA will also write a letter of support on the station's behalf).

Do not respond defensively to complaints or requests to clarify your station's mandate. DO NOT USE ALL CAPS or exclamation points to show your frustration!!! Instead, aim to show you take the Commission's questions and concerns seriously. Do not make critical comments about other applicants. Instead, focus on the benefits of your own application and the positive contribution your station will make to your community and to the broadcast spectrum.

LICENCE APPLICATIONS

A lot of the information in this guide will be helpful to a community group that is applying to the CRTC for a c/c radio licence, particularly to give context for the full range of regulatory requirements and responsibilities the station will be required to follow once its up and running.

For more specific details on the preparatory work it takes to establish a station and apply for a licence, please consult Chapter 2 of the NCRA's Sounds Co-operative Handbook, available for download at: www.ncra.ca/compliance/sounds-cooperative.pdf



LICENCE RENEWALS

A full licence term for a regular c/c radio station is seven years. A station must renew its licence if it wants to continue broadcasting beyond the expiry of the licence term.

On renewal, stations that are found in non-compliance with the Radio Regulations at any point during the previous licence term may be given a shortened licence term by the Commission, often anywhere from two to five years.

You can look up your station's licence term online either through the CRTC website or by googling your station name plus CRTC. Look for the most recent decision. If you are in doubt, call the CRTC's Small Undertakings Line (1-866-781-1911).

The Commission will now be publishing a Call for Applications once per year, usually in the spring, listing all stations whose licences are expiring in the next year, inviting them to apply to renew their licences, providing links to the appropriate forms, and inviting public comments on the renewal of the licences listed. The Commission's goal is to simplify the renewal process.

Commission staff will no longer contact your station directly to notify you that your licence is up for renewal and there will no longer be a Notice of Consultation published for each station's licence renewal (except in unusual circumstances - e.g. non-compliance during the licence term). It will now be your station's responsibility to know when your renewal date is and check the Commission's website to confirm that you're on the list for the upcoming year. Not knowing when your licence expires or checking the annual Call for Applications will not be considered a reasonable excuse for filing your licence renewal application late. If you don't apply early enough to get a decision before your current licence expires, you risk having to go off the air until the application is processed.

If you know your station's licence renewal is coming up and you're not sure what to do, contact the NCRA office and/or CRTC's Small Undertakings Helpline to ask questions and make sure your station doesn't miss any deadlines.

To ensure that you receive all correspondence from the Commission once you submit your renewal application, we also encourage all stations to inform the Commission of any changes to station leadership (board and staff) once a year as well as every time the station's main CRTC contact is changed. We also suggest that you try to keep email addresses the same from year to year (eg. manager@cxxx.ca; regulatory@cxxx.ca), regardless of which person fills the position.

NOTE: Make sure that you submit updated Board and contact information to the Commission via *My CRTC Account* on the CRTC website. Do not submit it as part of the station's Annual Return filing because that goes to a different branch of the Commission.

In recent years, the Commission has been granting some stations administrative renewals of six months to one year while they deal with a backlog of applications. The CRTC grants administrative renewals without reviewing stations' renewal applications, files, or compliance history, so being granted an administrative renewal says nothing about whether your licence will be renewed for a full seven year term after the administrative renewal period ends.

If you are granted an administrative renewal, you will be expected follow all the usual steps to renew your station's licence (described on the next page), but the process will be postponed until the end of the administrative renewal period.

WORKING WITH THE CRTC CONT'D

The process of renewing:

Renewing your station's license used to be a long process that involved writing essays about your station's mandate, its value to the community, and submitting mountains of paperwork. In recent years, the Commission has made the process much simpler. Stations now have to fill out an application form and submit it online, and respond to requests for information from Commission staff.

During the year leading up to your licence renewal date, the Commission may audit your station to determine whether you have been compliant with programming and logging requirements. If you are selected for an audit, you will receive a request to submit all program and audio logs for a given broadcast week or weeks. Please see the section of this guide on logging for more information about what you will be required to submit.

If your station is found in apparent non-compliance based on the results of an audit, the station could face one of the following consequences: a shortened renewal period; a mandatory order to comply with all regulatory requirements, whereby future non-compliance would be treated as a violation of a court order and would result in more severe consequences; a show cause hearing to explain why the station's licence should not be revoked; or revocation of the station's licence.



REQUESTS FOR INFORMATION

Commission staff may contact the designated station representative to ask follow-up questions about any element of the renewal application or station management and operations. Some examples include: requests for information about the percentage of Canadian board members, questions about whether your bylaws adhere to the regulations, requests for an explanation regarding apparent non-compliance, or requests for details about station staff and policies relevant to dealing with complaints.

Stations should be prepared to make changes to their bylaws if the Commission identifies issues that could interfere with the station's ability to comply with the Radio Regulations or Commission policies. Examples include insufficiently balanced campus and community representation on a station's board or in key decision-making roles, not having staggered board terms, allowing entities aside from the licensee to access and control the station's transmission equipment, etc.

If required to make these changes, we suggest you contact the NCRA national office for support, include the proposed changes in your response to Commission staff, and then submit them as part of the annual update of executed bylaw amendments when filing Annual Returns once the changes are approved at the station's next AGM. Make sure you also file them with your provincial not-for-profit corporate registrar if required.

Stations will have to contact the CRTC if they want to increase their broadcasting frequency or move their antenna. Photo courtesy of CJMP-FM.



UNPROTECTED LPFM LICENCES

If a station is licensed to broadcast at 50 watts or less, the frequency is considered *unprotected*. This means if a full power applicant wants to use or cause interference with your frequency and the CRTC approves its application, you will have no choice but to apply for a new frequency, or go off the air.

In the past, unprotected community broadcasters have suffered considerably when commercial broadcasters have applied for full power stations at the same, or an adjacent, frequency. Even if a competing application does not succeed, the process of responding and making back-up plans for the station can take time and resources that the station cannot spare.

In Fall 2014, the CRTC did a targeted review of the Commercial Radio Policy (CRTC 2014-554) and released a decision containing new application procedures that also affect c/c radio stations. These include that:

- low power stations will now have to apply for a new licence if they want to increase their power and obtain frequency protection (an upgrade from low-power to full-power can no longer be done by way of a technical amendment).
- if a station applies for the last frequency in their market, it will trigger a call for applications that allows a public process for other people, organizations and businesses to apply for the same frequency. At that point, the Commission will have a hearing to decide who gets the licence based on their interpretation of the best use of the frequency. In this case, we believe stations will need to bolster their application with economic data about the market and the implications of their proposed station.

DEVELOPMENTAL STATIONS

Developmental licences are low power (five watts or less) c/c radio licences that are intended to allow a station to get established and build community support before applying for a regular licence. The application form is very short and no engineering brief is required.

Thanks to the NCRA's advocacy work during the last c/c radio policy review, policy CRTC 2010-499 says that a developmental licence now has a five-year licence term, versus the original three-year term.

You cannot renew a developmental licence. If a developmental station wishes to continue as a community or campus station beyond its five-year licence term, it must apply for a new regular community or campus radio licence at least nine months prior to the end of its developmental licence term. Some developmental stations have applied to the Commission for extensions to their

developmental licence to allow extra time for the station to submit a regular licence application, but when granted, these are short-term extensions of maximum one-year based on specific situations, and should not be counted upon.

For more information about this process, contact the NCRA National Office and check out the new application process described in the Sounds Cooperative Handbook: <http://ncra.ca/compliance/sounds-cooperative.pdf>

WORKING WITH THE CRTC CONT'D

TECHNICAL AMENDMENTS

This type of application is made when a station wants to change the technical aspects of its broadcasting license. For example, a technical amendment application would be required if your station wants to change its broadcasting frequency, move its antenna location, or increase its power level (thereby increasing its signal range as long as the increase does not involve a change from low power to full power). Most technical amendments are dealt with as non-appearing items, as long as there is no opposition to the application.

Provide the following content in your application:

- * your contact information and the name of the designated representative for your station
- * a website address or email address where people who wish to view an

electronic copy of the application can request one

- * an explanation of why you are proposing this amendment, why the amendment is necessary and in the best interests of your community, and why the Commission should agree to your proposal
- * if you are proposing to use spectrum for which there could be competition by other existing or proposed stations, an explanation of why your proposed use is the best use of this spectrum
- * the decision number that last renewed your licence (or issued the licence if you are in your first term), and any other CRTC decisions that are relevant to your amendment.
- * an explanation of how the proposed amendments take into

account any CRTC policies that might apply to your type of application, and if your application proposes something that is not in line with a policy, an explanation of why the policy is not appropriate in your circumstances (see the related documents for your application on the CRTC website under Forms, and see My CRTC Account for a list of Commission policies and regulations).

Make sure to include all necessary documents:

- Proof that your station submitted the proper technical documents to Industry Canada
- A map that reflects the contours of your existing and proposed service areas
- You may have to submit an engineering brief depending on the nature of the amendments you are seeking

CHANGE OF EFFECTIVE CONTROL AND TRANSFER OF ASSETS

If a different not-for-profit corporation or society is taking over the management of a station, it has to apply for a change of effective control and transfer of assets.¹ The Commission approves these applications in one of three ways:

1. Administrative route

For transactions of low value (e.g. small commercial and c/c stations), and if the application does not raise any concerns with respect to Commission policies or regulations, including conditions of licence. This route usually applies to stations in rural areas with little competition.

This means the Commission will review your application and approve or deny it without holding a public proceeding.

2. Notice of consultation (Notice of Application Received)

If it involves a transaction where the importance warrants (in the Commission's opinion) the issuance of a notice of consultation. The notice of consultation informs the public that the application

has been made, and provides a 30-day public comment period. The Commission then decides application based on the paper record and without a public hearing.

3. Notice of consultation (Notice of Hearing)

This route applies when the Commission has issued a notice of consultation and receives interventions that raise substantive concerns, which warrant (in the Commission's opinion) further discussion at a public hearing.

Your application must include a service area map and the station's income statement for the last year.² You will also have to list the board of directors of the new organization taking control of the station. You do not need to submit an engineering brief.

¹<http://www.crtc.gc.ca/eng/archive/2008/c2008-8-1.htm>

²A list of the necessary documents required for your application can be found at <http://www.crtc.gc.ca/eng/forms/efiles/f138s.htm>

CJHQ-FM in Nakusp, B.C. had their application to change the effective control and transfer assets approved in 2014. The station was originally operated by the Nakusp Roots Music Society, but as the station grew it decided that the licence should be held by a separate not-for-profit society.



INTERVENTIONS

Before making a decision about an application from your station, the Commission will post a Notice of Consultation, which describes applications received, provides 30 days for people to submit interventions (in support or in opposition) and comments, and announces the date of the public hearing where the Commission will consider the application. This is true for new licence applications (including applications made at the end of developmental licences and those to change from low power to full power), most licence amendment applications, applications to change the effective control of a station, and renewals if the Commission has found your station in possible non-compliance. (For uncomplicated licence renewals, there will be a deadline provided for letters of support, but not in the form of a Notice of Consultation.)

During the public comment phase, your listeners, volunteers, funders, local musicians, politicians, and civic leaders can submit interventions in support of your station's application. It is a good idea for stations to encourage people to write letters of support. It tells the Commission about the good work your station is doing. When you ask people to write letters of support for your application, encourage them to say what they like about the station and why it's important to them, using their own words; this is much more powerful than a bunch of form letters. The station can collect and submit these letters itself as a bundle (you must attach the covering letter template for

joint supporting interventions), or encourage people to submit them on their own through the CRTC website.

Conversely, a competing station in your area could submit an intervention in opposition to your station's application, particularly if they are competing with you for scarce radio spectrum or advertising.

For example, a station wishing to start broadcasting or expand their coverage area in your community may see a technical amendment application as an opportunity to safeguard spectrum or the local advertising market for themselves by making an intervention opposing your application. Community members who are unhappy with your station's broadcast content or organizational practices also sometimes submit negative interventions.

Under the CRTC's rules of procedure, stations have 10 days to submit a response to any interventions that were received by the Commission. Your response should be professional and contain any factual clarifications that you may need to make in order to rebut the comments of interveners who are opposed to your station's application. It is important not to make disparaging comments about negative interveners, despite what they may have said about the station or individuals who work or volunteer there, but you can respectfully disagree with the points they have made.

Note that sometimes complaints made about your station in

interventions may pertain to topics that are outside the Commission's jurisdiction (e.g. hiring practices, human rights issues, committee processes), so focus your response on issues that are relevant to the Commission's role in the process. Contact the NCRA national office if you would like help determining what to say in your response.

For most stations, the hearing process for a licence renewal is *non-appearing*. This means that the Commission will make a decision based only on the documents in their file, including the station's application, any correspondence exchanged between the station and the Commission, and all interventions received. There will not be a public hearing to discuss the application and no presentations can be made. For renewal applications, public hearings are usually only held where a station has been found in non-compliance in the past and has been asked to show cause why its licence should not be revoked.

As an NCRA member, you can count on a letter of support from us, as well as an offer of help in going through the renewal process. Stations that need assistance are encouraged to contact the NCRA national office. In most cases, the NCRA can review stations' draft applications and responses to CRTC requests for information, provide feedback, liaise between the station and CRTC staff if procedural issues arise, and assist the station in determining appropriate responses to apparent non-compliance.

Please be sure to request the NCRA's assistance as far in advance as possible so we can set aside time to help.

PROFILE: CHSR-FM



CHSR-FM volunteers remote broadcasting in 2010.
Photo courtesy of CHSR-FM.

CHSR has broadcast out of Fredericton, New Brunswick, for over 20 years. The station went on-air January 22, 1961 as Radio UNB (Radio University of New Brunswick).

It is one of the oldest community radio stations in Atlantic Canada and boasts the largest music library east of Montreal.

The station is known for promoting local music in its programming including *Sessions @ CHSR*, a weekly show of live performances and interviews with touring and local bands, and *Strictly HipHop*, a long-running 90 minute show, that celebrated its 20th anniversary in 2013.

Program director Mark Kilfoil said the station was caught off guard by their last license renewal. They missed the first deadline to send their application to renew their license.

"It could have gone very wrong, had we not caught our mistake in time," said Mark.

Luckily, they were able to scramble and get all the remaining paperwork done on time and had their licence renewed for another seven years.

And Kilfoil plans to spend that time diversifying their programming. The station is trying to recruit more Category 3 music shows.

"It's part of our mandate, but it also makes sure we're representing the full range of music in our community."

They are also looking at ways to increase their spoken word content. They broadcast local sporting events like varsity hockey games.

"Our staff and our board are rebuilding, so it is a great opportunity to learn new things."



COMPLAINTS

Listeners can file a complaint with the CRTC against a station for a number of reasons, but complaints about obscenity or profanity are the most common kind. There are also many complaints that come directly to the station and can be resolved without the complainant contacting the CRTC.

In all cases, stations should have a policy about how to handle complaints. This should include details about who is responsible for handling complaints and preparing a response, as well as what procedures the station will follow for investigating the content complained about. This could include communicating with the programmers involved, reviewing the station's audio logs, making a decision about whether the content violated the station's or CRTC policies, communicating with the complainant, and ensuring that action is taken to address the complaint and if the content did violate policies, prevent the same issue from arising again.

If the Commission receives an official complaint about your station's broadcast content, they will send your station a copy of the complaint and ask for a response.

The station must then file a response with the Commission within 20 days after the day on which you received a copy of the complaint. You do not have to send separate responses to the complainant and the Commission.

In your response:

- describe your station's policies that are relevant to the complaint (e.g. obscenity/profanity policy, balance policy) and how they apply to the situation complained about

- show you are aware of the relevant CRTC policies regarding tolerance for obscenity/profanity (times of day, warnings), programming balance, call-in shows, and other topics and how they apply to the situation complained about
- describe the station's complaints procedure and disciplinary procedure, including who is responsible for reviewing complaints and listening to the audio recording, what happens next, etc.
- clearly explain whether you support the content at issue and why, or whether you agree that a mistake was made when the content was aired
- if a mistake was made, explain any steps taken to fix it; getting defensive or making excuses will not help your case.

If the Commission is not satisfied with a response to a complaint, it may take any measures that it considers necessary. If the station responds in a way that satisfies the Commission, that will resolve the complaint. If not, Commission staff may correspond in writing with the station to seek more details about the station's policies and procedures, and in some cases they may ask the station to change its policy or create a new one.

If the complaint is not adequately resolved in the Commission's opinion, or if the station receives an inordinate number of complaints, the Commission will place copies of complaints received and correspondence between the licensee and the Commission about the complaints in the station's file to be considered at the time of its licence renewal. This might affect the station's licence renewal. Always feel free to contact NCRA national office for advice if your station has received a complaint.

THE BALANCE POLICY

Each station must provide balanced treatment of matters of public concern in its programming. When it comes to politics and other current events, the station's right to freedom of expression is not placed above the public's right to hear differing views. While stations do not have to give equal airtime to all sides of an issue, they do need to take steps to offer and acknowledge a variety of viewpoints.¹ Your station should have a policy regarding what steps programmers should take to ensure balance in public affairs programming.

¹ Public Notice CRTC 1988-161

PROFANITY AND OBSCENITY

There are no clear guidelines to define profanity or obscenity in broadcasting. Profanity is generally defined as offensive language. Obscenity is generally defined as material that goes against accepted standards of common decency, including sexual and violent content. These are subjective terms and the Commission decides if a station's broadcast content is profane or obscene on a case-by-case basis.

Most complaints submitted to the CRTC by listeners pertain to instances of obscenity or profanity.

While it is up to the station to define what it feels is acceptable programming (within limits imposed by the CRTC), and to develop station-specific policies to guide programmers' content choices, the Commission has stated in past decisions that the following types of content are inappropriate:

- content featuring significant swearing, graphic sex or violence at times where children are likely to be listening particularly before 9pm
- any of the above content at any time without warning listeners beforehand
- swearing, sex or violence at any time that is gratuitous or cannot be justified based on some artistic, educational or political merit

PROFANITY, OBSCENITY, AND ABUSIVE COMMENT

This is one of the most common issues that arises when working with volunteer programmers, especially since c/c radio strives to create space for a range of diverse voices and opinions and often features content that may push boundaries.

ABUSIVE COMMENT

Section 3 of the Radio Regulations stipulates various other types of content that stations must not broadcast, including that *a licensee shall not broadcast...any abusive comment that, when taken in context, tends or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability.*¹

The Commission also adopted the Equitable Portrayal Code in 2008, 1 developed by the Canadian Association of Broadcasters, to ensure equitable portrayal of all persons in television and radio programming and prohibit negative portrayals of individuals and groups with respect to race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status, or mental or physical disability.

¹Section 3 of the Radio Regulations also states that a licensee must not broadcast content in contravention of the law, false or misleading news, obscenity or profanity, or telephone interviews or conversations unless the person interviewed provided consent to the content being broadcast or phoned the station for the purpose of participating in a broadcast.

The code states that it is unacceptable for broadcasts to contain any of the following:

- stereotyping,
- negative and inaccurate portrayals,
- use of inappropriate language when referring to these groups,
- stigmatization or victimization,
- derision of myths, traditions or practices,
- degrading material, or
- exploitation.

The code and section 3 of the Regulations are complaints-driven. This means the Commission will usually only investigate your station for violating the code or Regulations if someone submits a written complaint (See *Complaints* section).

See Broadcasting Public Notice CRTC 2008-23.



Complaints : Best Practice - policies are your friends!

It is important for all stations to have a written policies about profanity, obscenity and abusive comment approved by their board of directors that lays out guidelines for acceptable programming. If a complaint is made about your station's programming, the Commission might ask to see your policies in these areas to be sure they are suitable, so make sure you are prepared. The station should ensure that all programmers are aware of this policy and its content. Some stations also post these documents on the their website. And we encourage stations to submit their policies to the NCRA's Policy Exchange to help other stations

as they develop similar policies for their stations

In addition to providing guidelines for programmers about how to determine whether content is appropriate, your station's policies should also describe how your station will respond if programmers have broadcast profane, obscene or abusive material: Will the station issue an apology? How will you educate programmers to make sure it does not happen again? Under extreme circumstances, how will you discipline programmers who repeatedly disrespect the station's policy?

For programmers:

If you are going to broadcast challenging or controversial material, or material that could offend listeners, contextualize it for your listeners. It is easier for the station to stand behind a programmer who can explain the political or artistic merit of the content they included in his or her show and who communicated this explanation to listeners.

If a guest or caller uses language that could be considered profane or obscene on air, the host of the show is held responsible. We suggest writing your questions down beforehand, pre-interviewing guests to get a sense of what they will say on air, and giving guests clear parameters about what is and isn't acceptable on air.

Use similar protocol during call-in shows. One programmer should pre-screen callers, to find out what each caller wants to say. Make sure callers are told what is and isn't appropriate to say on air. The host or another programmer should be ready to hang up the phone if the caller does not respect the guidelines laid out for them. Some stations also have seven-second delays for live-to-air call-ins so programmers have time to react if someone on the phone says something inappropriate.

SUCCESSES WITH THE COMMISSION

NCRA members have made huge strides in the last few years with the Commission. Here are a few of the highlights:

- The Campus and Community Radio Policy Review (2010-499) originally stated the Commission's intention to increase CanCon to 40 percent for category 2 music and 15 percent for category 3 music for all c/c stations. They also stated that they might require c/c stations to start tracking and reporting on their number of local volunteers. Instead, and due in part to a joint submission by the NCRA, ARC du Canada and ARC-Q, they kept CanCon at current levels, and ask stations to self-report about volunteers during their Annual Returns.
- In 2013, 74 NCRA members with licences were required to submit an annual return to the CRTC in and all did so on time! In 2014, 78/78 stations filed on time!
- CFEP-FM in Eastern Passage, N.S. had a proposed power increase from 1,680 to 2,443 watts approved by the CRTC. The move will help the station reach more people with their popular local music and news programming.
- CJSW-FM in Calgary, AB. got approved to increase its broadcasting signal to 18,000 watts.
- CJAM-FM in Windsor, ON. got approval to expand its effective radio power from 456 to 1,007 watts.
- Since 2012: CJPE-FM in Picton, Ont; CJQC-FM in Liverpool, NS; CKTZ-FM on Cortes Island, BC; CKAR-FM in Huntsville, Ont; The Scope at Ryerson University in Toronto, Ont and many other new stations got their licences!

PROFILE: CFRO-FM

CFRO-FM had to fight to get its broadcasting license renewed in 2011. Through a series of misunderstandings, the station failed to submit its annual return on time. Given that it also had compliance infractions in past years, the Commission stated CFRO would have to show cause why its license should not be revoked at its renewal hearing.

CFRO-FM had been broadcasting from downtown Vancouver since 1975. It started as a combined effort between two groups, the Muckrakers and Neighbourhood Radio — who were producing materials for radio stations and alternative press services on issues that were usually ignored.

The group set up the station in a long abandoned bank and had to scrape two inches of pigeon droppings from the floors before they could set up any radio equipment.

Since then, CFRO-FM has provides programming 24 hours a day, thanks to its 400 volunteers. Its programs cover everything from news, to music, and is broadcasting 20 percent of its programming in other languages, including Farsi and Spanish. The station is particularly known for its social justice programming, including *The Mainlander*, and their news collective program *Red Eye*.

During its licence renewal in 2011, the CRTC stated that because of previous non-compliance, the station could face mandatory orders, a shortened renewal period or might not be renewed at all.

After all that work, the threat of losing their license came as a big shock, said Leela Chinniah, Director of Programming Administration at CFRO.



Robin Puga is a former Board member at Co-op Radio and the host of *Each for All: The Co-operative Connection*, a show exploring the co-op model. *Each for All* airs live every second Tuesday from 12noon - 1pm. Photo courtesy of CFRO-FM

"It definitely scared us, but the reality is, like every other station, we're dealing with very limited resources," she said.

To prepare for the hearing, the station took a number of steps to show it took compliance seriously. It implemented a new system to make sure it didn't miss any important deadlines. CFRO-FM also appointed a compliance officer to their board of directors, whose duties are to make sure compliance doesn't "slip through the cracks," Chinniah said.

"We're a big organization, this makes sure there's accountability somewhere," she said.

Ultimately, the Commission decided to renew CFRO-FM's license, because the station made significant efforts to remedy its issues with non-compliance.

Today, CFRO-FM has a triple-checking system to make sure it doesn't miss an annual return again. It is so effective "that our Director of

Financial Administration gets really pestered by people asking her about it," Chinniah said.

They also reward their volunteers for respecting CanCon. The radio shows which play the most Canadian music get awards at their annual general meeting.

All of these procedures have made Chinniah feel much more confident about facing the Commission at their next license renewal in 2016.

"I feel good about it," she said. "We're much more intimately knowledgeable about radio regulations than we were before."



THE CRFC

The NCRA/ANREC first started working to create a fund specifically for c/c radio stations, along with our colleagues at the two French c/c radio associations – ARC du Canada and ARC du Quebec – in 2004.

Based on this work, in 2007 the Community Radio Fund of Canada (CRFC) was incorporated as an independent not-for-profit organization and elected its first Board of Directors, all people who had a history with c/c radio but no current ties to stations, to avoid conflict of interest. The three founding associations were also represented on the Board, but in a non-voting capacity.

In 2008 the CRTC recognized the CRFC as eligible for Canadian Content Development (CCD) contributions. At that point, Astral Media earmarked some of its required CCD contributions to the

CRFC, which made them the CRFC's first funding programs – Local Talent Development and the Youth Internship program.

The next year, when the NCRA and the ARCs submitted a joint submission to the Call for Comments on the updated campus and community radio policy, a key part of our submission asked the Commission to make the CRFC a recipient of mandatory CCD contributions.

In 2010, when the revised Campus and Community Radio Policy (CRTC 2010-499) was released, the Commission agreed. Accordingly, the Radio Regulations now state that commercial and ethnic broadcasters with revenues in excess of \$1.25M per year must earmark 15 percent of their annual CCD contributions to the CRFC. The Commission also decided that the Fund was eligible for 0.5 percent of tangible benefits, which

are the CCD contributions paid when ownership of stations is transferred between broadcasting corporations.

From 2008 to 2014, the CRFC has distributed more than \$4-million in funding for projects that included the following grants for NCRA members:

- CJJJ-FM in Brandon, Man., was able to hire a new staff member to put together spoken word projects in 2012.
- CHBB-FM in Norris Point, N.F. was able to conduct an extensive survey of its listeners and obtain suggestions to improve their local programming.
- CHRW-FM in London, Ont. received \$18,000 to hire a staff member trained in music production, giving them the capacity to train and record musicians for live performances.

WHAT ARE CCD CONTRIBUTIONS?

Canada's Broadcasting Act (1991) requires that each element of the Canadian broadcasting system (public, commercial and community) contribute to the creation and presentation of Canadian programming.

Since the 1990s, Canadian Content Development (CCD) contributions, formerly known as Canadian Talent Development (CTD) contributions, have been a required mechanism for commercial radio licensees to financially support Canadian programming initiatives. The initiatives funded by CCD contributions provide "support, promotion, training and development of Canadian musical and spoken word talent, including journalists."

Commercial broadcasters that have annual revenues of more than \$1.25-Million are required to contribute to CCD funding each year, based on their revenues for the previous year.

Annual CCD contributions include mandatory contributions to FACTOR (The Foundation Assisting Canadian Talent on Recordings) or MUSICACTION, a similar organization for Francophone music; the Community Radio Fund of Canada; as well as to additional CCD-eligible activities that the commercial broadcaster chooses.

Broadcasters are also required to pay *tangible benefits* when there is a transfer of ownership between commercial broadcasters (except where the Commission approves an exemption in circumstances where the undertaking has suffered significant financial losses over at least five years after the first licence term and there is a public interest in maintaining the failing undertaking). Tangible benefits related to the transfer of commercial radio holdings must amount to at least six percent of the value of transaction and include mandatory contributions towards Radio Starmaker Fund/Fonds Radiostar, FACTOR or MUSICACTION, the Community Radio Fund of Canada, and to CCD eligible activities of the commercial broadcaster's choice. These contributions must typically be made annually throughout the licence period, which is usually seven years.

NCRA/ANREC Regulatory Compliance Audit

Station Information

Date: _____

Station Call Letters: _____

Station Name: _____

Person doing the audit: _____

Station Manager (or other authorized station representative): _____

Board Chair/President: _____

Licence Basics

- A current copy of your licence from the CRTC, publicly posted at the station.
- When does your licence expire? _____
- How many watts is your station licenced for? _____

For stations with developmental licences: _____

- How long is the term for developmental licences? _____
- Are developmental licences renewable? _____
- Have you taken steps to start applying for a regular licence yet? _____

Does the CRTC have updated contact information for the station, including mailing address, relevant email addresses and a current list of Board members? _____

If not, when do you plan to send it? _____

Who can you contact at the CRTC if you have questions? Spot check on names, numbers and emails.

Does the station fall under the old or new CRTC campus and community radio policy? Campus or Community? (2010-499, 2000-12, 2000-13 or another) _____

What is the broadcast week? _____

Percentage spoken word required: _____

Minimum percentage locally-produced spoken word required: _____

Minimum percentage Canadian Content category 2 Musical Selections Required: _____

Minimum percentage Canadian Content category 3 Musical Selections Required: _____

Minimum percentage Canadian Content musical selections during ethnic broadcasting periods: _____

Maximum percentage hits allowed (for campus stations only): _____

Minimum percentage of musical selections that must be from a category other than subcategory 21 (for community stations only): _____

Minimum percentage of category 3 musical selections required: _____

Maximum minutes of ads per hour (for campus stations only): _____

Maximum minutes of ads per week (for campus stations only): _____

Maximum percentage ethnic (third language) programming: _____

Other Conditions of Licence: _____

- What is the station's Promise of Performance? (Bit of a trick question.)
-
-

Annual Returns

- What is the CRTC's broadcast year? _____
 - What is the station's fiscal year according to the CRTC? _____
 - When are annual returns due? _____
 - Did the station submit last year's annual return on time? _____
 - Did you know that for the purposes of the annual return, your finances don't need to be audited or prepared by an accountant? _____
 - In submitting your most recent Annual Return did you also attach financial statements for the station that were adjusted to reflect the CRTC broadcast year? _____
 - How many hours per week did your station commit to broadcasting in your latest licence decision? _____
 - Has the station submitted its annual return late anytime within the current licence period? _____
 - If yes, what are your plans to address this to ensure it doesn't happen again, and by what date? Commit! _____
-
- How do you track the number of volunteers at the station each year? _____
 - How do you track the (approximate) number of hours volunteers contribute to the station each year? _____

Logs: program and audio

- Go through Regulatory Support Guide Logging Requirements (see p.15-16). Are all of the requirements reflected on the station's log sheets or logging software? _____

If you really want this audit to be meaningful, we suggest you don't just check this box off with breezy confidence, but actually go through your logs NOW to compare them to what the Commission requires (and what the station must provide upon request) to see if anything is missing.

- Do you know of any shows that consistently don't complete their logs or log incorrectly? _____
-
-
- What can you do to address this issue? _____
-
-
- Does the station log the total amount of spoken word programming per week? How? _____
-
-
- Do spoken word shows log the musical selections they play? _____

- Do music shows log the number of minutes of spoken word content? _____
- Does the station log syndicated and automated programming? How? _____

Spot check that there are a year's worth of (complete) program logs (print or digital.) [Shortly only 4 weeks will be required] *When we say spot check we actually mean stop, get out of your chair and GO CHECK NOW!*

Spot check that the audio logger is working
When we say spot check we actually mean stop, get out of your chair and GO CHECK NOW!

Spot check that you have the past 30 days of audio logs on file
When we say spot check we actually mean stop, get out of your chair and GO CHECK NOW!

Has the audio logger been down anytime within the last month? _____

What steps have you taken to fix the problem and ensure it doesn't happen again? _____

Is your audio log recorded from the output of a radio receiver _____

How's the sound quality of your audio logs? Are they clearly audible _____

Canadian Content

What criteria make musical selections count as Canadian Content? _____

What makes an artist *Canadian*? _____

Is this information posted in the studio for programmers? _____

How is Cancon music labelled at the station? _____

Are Category 2 and Category 3 musical selections tracked and calculated separately for each broadcast week (Sunday at 6am to Saturday at midnight)? _____

Spot check your Category 2 Canadian Content by going through at least 10 different show logs. *This means get up and grab ten show logs, if they're print, or call them up on the computer if they're digital and get counting! How many songs are category 2? How many of those are Cancon?* _____

Category 3 Cancon spotcheck based on at least 10 show logs.

Same as above, but with Category 3 music.

Advertising

If you're at a campus station, spot check that you're within your weekly limit of 504 minutes of advertising per week. *Like, ACTUALLY DO IT.*

Calculating Compliance

- What do you do to regularly track and measure your compliance against all programming requirements? Explain.

- If the CRTC asked tomorrow for both your mandatory program logs and the additional logs they can request, from 3 weeks ago to audit your programming compliance, what would you need to do to prepare all the necessary material?

THIS IS AN AWESOME QUESTION ! (If we do say so ourselves.) To really benefit from this audit, we suggest you actually go through this process to assess how workable your programming compliance really is so you'll be ready if and when you need to.

Board Composition

- Is your board at least 80% Canadian? _____
- If a campus station, does your Board include a *balanced representation* of the student body (including student government), station volunteers, the associated college or university faculty or administration, and members from the community at large? _____
- Do you update the CRTC annually after your AGM on the names of your current board directors and the correct contact information for the station? _____

Industry Canada

- Do you have a copy of your broadcasting certificate? _____

CONGRATULATIONS!

If you really went through that thoroughly, that was a big job! Please let us know how you did and if there's anything we can do to help your station get and stay compliant!

NCRA/ANREC Regulatory Compliance Audit

ANSWER KEY

Date: _____

Station Call Letters: _____

Station Name: _____

Person doing the audit: _____

Station Manager (or other authorized station representative): _____

Board Chair/President: _____

Licence Basics

- A current copy of your licence from the CRTC, publicly posted at the station.

NB. The Commission is not currently sending hard copies of stations' licences but presumably will again at some point. In the meantime, it makes sense to post a copy of the station's licence decision from the CRTC website as this contains the station's licence term, any special conditions of licence etc.

- When does your licence expire?

Note that the standard licence term is seven years but stations may have shortened licence periods if they have been found in non-compliance in the past. It is important to keep track of when your licence renewal is in part so you can prepare and submit the necessary paperwork in advance of the expiry date.

- How many watts is your station licenced for?

This matters because if the station is licenced for less than 50 watts, your frequency is unprotected, which means another station could take your frequency either by applying for it directly or by expanding their power on a nearby frequency.

We suggest all stations with unprotected frequencies work to apply for a full power license as soon as possible, particularly those in or near urban centres where spectrum is scarce. Please contact NCRA national office for more information.

For stations with developmental licences:

- How long is the term for developmental licences?

Five years.

- Are developmental licences renewable?

No, stations with developmental licences must apply for a regular licence before the term of the developmental licence expires.

- Have you taken steps to start applying for a regular licence yet?

If not, you should probably start! Contact the NCRA office for more information.

-
- Does the CRTC have updated contact information for the station, including mailing address, relevant email addresses and a current list of Board members?

This does not count information uploaded during your Annual Return as this goes to a separate department of the CRTC. You can upload this annually through your My CRTC account. (If you're having trouble getting access or remembering your login or password, call the DCS technical helpline at 1-866-845-6036.)

- If not, when do you plan to send it? _____

- Who can you contact at the CRTC if you have questions? Spot check on names, numbers and emails.

The best people to call if you have a general question is the Single Point of Contact for Small Undertakings; 1-866-781-1991. Leave a message but know that they might not be able to get back to you right away, particularly if it's a super busy time of year, like the Annual Returns filing deadline on November 30th.

If you have been contacted by a specific Commission staff person about an official process like licence renewal, technical amendment etc, you're probably best off contacting (by email or phone) the person listed on the letter.

If you ever have trouble hearing back from the Commission, let the NCRA national office know and we may be able to help.

☐ Does the station fall under the old or new CRTC campus and community radio policy? Campus or Community? (2010-499, 2000-12, 2000-13 or another)

If your licence has been renewed since 2010, you are under the new policy. (As of the end of 2014, this is almost all NCRA members.)

If you are not currently under the 2010-499 policy, you can apply to be. Contact the NCRA national office for more information.

What is the broadcast week?

CRTC requirements only apply to the broadcast week, and stations may be audited according to their compliance within a given broadcast week. A broadcast week is everyday from Sunday to Saturday, 6am until midnight.

The CRTC does not care about or consider the material you broadcast between midnight and 6am (except for programming that may generate listener complaints or programming that breaks the law in some way) so an all-Canadian metal show at 2am does not help your Canadian content requirements. You're free to log all the musical selections and other content broadcast during these periods, but make sure you don't use these numbers in calculating your Cancon and spoken word percentage requirements because it will not be accurate.

Percentage spoken word required:

Under 2010-499 there is no longer any requirement for spoken word, only locally-produced spoken word.

Also note that under the new policy, the type A and type B distinctions for community radio licences have been abolished – these used to carry different spoken word requirements.

Minimum percentage locally-produced spoken word required:

15% of the broadcast week or 18.9 hours per week of the standard 126 hour broadcast week. Note that locally-produced programming is defined as programming produced "exclusively by or for" the station.

Minimum percentage Canadian Content category 2 Musical Selections Required:

35%

Minimum percentage Canadian Content category 3 Musical Selections Required:

12%

Minimum percentage Canadian Content during musical selections ethnic broadcasting periods:

7%

Maximum percentage hits allowed (for campus stations only):

10%

Minimum percentage of musical selections that must be from a category other than subcategory 21 (for community stations only):

20%

Minimum percentage of category 3 musical selections required:

5%

Maximum minutes of ads per hour (for campus stations only):

Under 2010-499 there are no longer any restrictions on the number of ads per hour. Under the 2000-12 policy, it is four minutes per hour.

Maximum minutes of ads per week (for campus stations only):

504 minutes per week (during the official broadcast week)

Maximum percentage ethnic (third language) programming:

This is dependent on the station's condition of licence but generally it's maximum 15% for stations in communities with an existing ethnic broadcaster and maximum 40% for stations not served by an ethnic broadcaster. Stations can apply to the Commission for an increase. Contact the NCRA national office if you have questions about this process.

Other Conditions of Licence:

You can find these on your licence decision. _____

What is the station's Promise of Performance? (Bit of a trick question.)

This no longer exists! But many stations still talk about it — you can stop now. The Commission used to require c/c radio applicants to state a "promise of performance" in their licence application which would be used to evaluate the individual station during licence renewals. They abandoned this for "conditions of licence", which refers to standard requirements for all stations in the sector, as well as any station-specific requirements. Conditions of licence are often shortened to the term COLs.

Annual Returns

What is the CRTC's broadcast year?

September 1 – August 31

What is the station's fiscal year according to the CRTC?

The station itself can maintain any fiscal year it wants, internally. But when filing financial statements to the Commission during the Annual Returns period, you must file according to the standard Broadcasting year, which is September 1 – August 31.

When are annual returns due?

November 30th. Sometimes they may be due a day or two later if November 30th falls on a weekend.

Did the station submit last year's annual return on time?

This is one of the most important ways the Commission evaluates your station's compliance. So if you don't know 100% for sure if last year's Annual Return was filed (or filed correctly), you should call the Small Undertakings line (1-866-781-1911 to doublecheck. ASAP.)

Did you know that for the purposes of the annual return, your finances don't need to be audited or prepared by an accountant?

This is true for all broadcasters with annual revenue of less than \$2-M.

In submitting your most recent Annual Return did you also attach financial statements for the station that were adjusted to reflect the CRTC broadcast year?

This means that you may have to print or calculate your finances to show the period from Sept 1 to Aug 31, even if your own station's fiscal year starts and ends on different dates from these. If you did not submit financial statements as part of your Annual Return, or submitted them using different dates, you should contact the Commission ASAP to address this.

How many hours per week did your station commit to broadcasting in your latest licence decision?

The maximum is 126 hours per broadcast week, but stations can apply for fewer hours and the 15% requirement for locally-produced spoken word is based on the number of hours broadcast each week.

Has the station submitted its annual return late anytime within the current licence period?

This is worth knowing (and keeping records of) because it may well come up during the station's next licence renewal. You can mitigate the negative effects of this by making sure you always file future Annual Returns on time and possibly by addressing the reasons why the previous returns were late, taking responsibility for it, and explaining the steps you have taken to ensure it doesn't happen again. Feel free to ask national office for advice on this.

If yes, what are your plans to address this, and by what date? Commit!

It is easy to get busy and put compliance on the back burner. Don't. Once you start the process, you can get it handled

pretty quickly. Contact the NCRA office for help if you'd like: that's what we're here for!

How do you track the number of volunteers at the station each year?

This information has been required on Annual Returns by the CRTC since 2011 and like the financial information, must be measured during the CRTC broadcast year of September 1-August 31. Use your best guess of regular/active volunteers throughout the year, both on-air and behind-the-scenes. And don't forget to count Board members!

As above, make note for yourself of how you calculated the numbers so you (or anyone else) can use a similar formula in the future to keep the numbers consistent.

How do you track the (approximate) number of hours volunteers contribute to the station each year?

We suggest you count: on-air time, an average estimate of the time programmers spend prepping (at least 1:1 for music shows and 2:1 for spoken word), as well as other station activities, committees, special events etc. And don't forget to count Board meetings (if you have 10 directors meeting once a month for 2 hours that's an additional 240 hours a year.)

As above, make note for yourself of how you calculated the numbers so you (or anyone else) can use a similar formula in the future to keep the numbers consistent.

Logs: program and audio

Go through Regulatory Support Guide Logging Requirements. Are all of the requirements reflected on the station's log sheets or logging software?

If you really want this audit to be meaningful, we suggest you don't just check this box off with breezy confidence, but actually go through your logs NOW to compare them to what the Commission requires (and what the station must provide upon request) to see if anything is missing.

Do you know of any shows that consistently don't complete their logs or log incorrectly?

Almost every station has at least one or two of these. Sometimes this may be for a good reason: people may have limited literacy skills or they may do a live show that makes it hard to log things as they happen. If so, we suggest that the station come up with a solution that works for everyone so that all logs are being completed.

What can you do to address this issue? _____

Does the station log the total amount of spoken word programming per week? How?

Note that if you count spoken word programming as a block, you may be over-estimating the total amount, depending on how much music each spoken word show plays.

Do spoken word shows log the musical selections they play?

This is a must, but easy to overlook.

Do music shows log the number of minutes of spoken word content?

You are not required to log spoken word programming, particularly during music programming. But if you do, you can count those minutes towards your 15% locally-produced spoken word programming requirement.

Note that if you count spoken word programming that occurs during music shows, you must ask programmers to time the start and end of each spoken word portion so it can be recorded accurately on your logs.

Does the station log syndicated and automated programming? How?

Again, easy to overlook. But a must. If you are broadcasting programming obtained from other sources including the NCRA program exchange, you must log all musical selections. You may have to ask the producer of the show for details about the music if they're not automatically provided to you.

Spot check that there are a month's worth of (complete) program logs (print or digital.) Note: if a complaint is received, logs must be kept for two months, and you may not receive the complaint until the end of the previous month, so a best practice is to keep at least two months' worth of complete program logs.

When we say spot check we actually mean stop, get out of your chair and GO CHECK NOW!

Spot check that the audio logger is working

When we say spot check we actually mean stop, get out of your chair and GO CHECK NOW!

Spot check that there are a month's worth of (complete) program logs (print or digital.) Note: if a complaint is received, logs must be kept for two months, and you may not receive the complaint until the end of the previous month, so a best practice is to keep at least two months' worth of complete program logs

When we say spot check we actually mean stop, get out of your chair and GO CHECK NOW!

Has the audio logger been down anytime within the last month?

If so, you should write to the Commission to notify them about those periods so that you will not be found in non-compliance if they request those logs.

What steps have you taken to fix the problem and ensure it doesn't happen again? _____

Is your audio log recorded from the output of a radio receiver?

Logs are supposed to duplicate the signal as heard by listeners, so you should not be logging the output of your sound board before it reaches your transmitter.

How's the sound quality of your audio logs? Are they clearly audible?

Stations have been found in non-compliance for this requirement in the past because their audio logs were not clearly audible.

Canadian Content

What criteria make musical selections count as Canadian Content?

MAPL = Music. Artist. Performance. Lyrics. Did you say P was production?! It ain't. Go back and re-read that section.

What makes an artist Canadian?

An artist is considered Canadian if they are a Canadian citizen, a permanent resident, or resided in Canada for at least six months immediately before their contribution to the musical selection.

Is this information posted in the studio for programmers?

We would suggest it.

How is Cancon music labelled at the station?

Just be careful and let your programmers know that a red dot or sticker or whatever doesn't GUARANTEE that every song on the album is CanCon: what if it's a cover of a non-Canadian song and not performed in Canada or they have a bunch of non-Canadian guest musicians join them for that track?

Are Category 2 and Category 3 musical selections tracked and calculated separately for each broadcast week (Sunday at 6am to Saturday at midnight)?

This is not required but must be available upon request. And CFRO-FM in Vancouver, BC was asked exactly this question by the CRTC as part of a station audit...We suggest you re-read the section on Category 2 and 3 Music and the related musical sub-categories because we've refined our suggestions for the best ways to handle them. (p.4-5)

Spotcheck your Category 2 Canadian Content by going through at least 10 different show logs. This means get up and grab ten show logs, if they're print, or call them up on the computer if they're digital and get counting! How many songs are category 2? How many of those are Cancon?

We have done this audit in-person with more than 12 stations and every time, stations were shocked (shocked I tell you!) at how shows they assumed played lots of CanCon, played less than expected, leaving them non-compliant.

Better to be surprised now, by yourself, than when the CRTC comes calling with an audit. And if you pass with flying colours: good feelings all day!

Category 3 Cancon spotcheck based on at least 10 show logs.

Same as above, but with Category 3 music.

Advertising

- If you're at a campus station, spot check that you're within your weekly limit of 504 minutes of advertising per week

Like, *ACTUALLY DO IT.*

Calculating Compliance

- What do you do to regularly track and measure your compliance against all programming requirements? Explain.

We suggest:

1) training and educating all your programmers about their responsibilities: from regular workshops to lots of posters and maybe an annual round of compliance Jeopardy with some pizza?

2) Carrying out monthly spot checks to get a sense of how the station is measuring up.

3) If you can, building or adapting a digital logging program to calculate requirements for you is great. Run digital spot checks every week! *BUT*, you still might want to manually spot check every once in a while for human error, especially if your numbers are close to the required percentages. (For eg. are programmers ticking a box for Cancon when they shouldn't?)

4) Build in buffers! By playing more than the required amount of Cancon and broadcasting more than the required amount of Category 3 music and more than the required 15% of locally-produced spoken word, you can breathe easy: even if someone accidentally mis-records something as Cancon that isn't, you have enough of a buffer to cover it!

- If the CRTC asked tomorrow for both mandatory and additional logs they can request from 3 weeks ago to audit your programming compliance, what would you need to do to prepare all the necessary material?

THIS IS AN AWESOME QUESTION ! (If we do say so ourselves.) To really benefit from this audit, we suggest you actually go through this process to assess how workable your programming compliance really is so you'll be ready if and when you need to. _____

Board Composition

- Is your board at least 80% Canadian?

By "Canadian" the requirements are that at least 80 percent of the Board's directors must be Canadian citizens or permanent residents who is ordinarily a resident in Canada and has been ordinarily a resident not more than 1 year after the date which that person first became eligible to apply for citizenship.

- If a campus station, does your Board include a "balanced representation" of the student body (including student government), station volunteers, the associated college or university faculty or administration, and members from the community at large?

The CRTC has taken this requirement more seriously lately, including asking some stations to change their Board structure during licence renewals. If you have questions about your Board structure, contact the NCRA's national office.

- Do you update the CRTC annually after your AGM on the names of your current board directors and the correct contact information for the station?

Same as in Annual Returns section about making sure this is through GC Key/My CRTC and not just through the Annual Returns.

Industry Canada

- Do you have a copy of your broadcasting certificate? _____

A station's broadcasting certificate is automatically renewed by Industry Canada shortly after its broadcasting licence is renewed by the CRTC. If your station has not received its Broadcasting Certificate within 90 days of its CRTC licence renewal, contact: DBCE-APPS@ic.gc.ca. (Or ask the NCRA office for help in connecting you to the right people.)

CONGRATULATIONS!

If you really went through that thoroughly, that was a big job! Please let us know how you did and if there's anything we can do to help your station get and stay compliant!

GLOSSARY

Administrative renewal:

When the Commission has a backlog of broadcasting licensing applications, they will occasionally grant a station an automatic license renewal of up to one year. The station's licence renewal, including addressing any issues that may arise with respect to the renewal of the licence, is then postponed until the end of the administrative renewal period.

ARC du Canada:

Alliance des radio communautaires du Canada, an association representing French-licensed campus and community radio stations across Canada outside Quebec.

ARCQ:

Association des radio diffuseur communautaires du Québec, an association representing French-licensed community stations in Québec.

Broadcasting certificate:

A certificate issued by Industry Canada that acknowledges, to the best of their knowledge based on monitoring and auditing, that a station is complying with the technical parameters (broadcasting frequency, wattage etc.) of its broadcasting license. A station's broadcasting certificate is automatically renewed by Industry Canada shortly after its broadcasting licence is renewed by the CRTC. If your station has not received its Broadcasting Certificate within 90 days of its CRTC licence renewal, contact: DBCE-APPS@ic.gc.ca. (Or ask the NCRA's national office for help in connecting you to the right people.)

Broadcast day:

The period between 6 a.m. and midnight every day.

**Broadcasting licence
(for a radio undertaking):**

A licence issued by the CRTC that allows radio stations to operate a terrestrial AM or FM radio station in Canada.

Broadcast week:

The period between 6 a.m. and midnight every day, calculated from Sunday to Saturday, which totals

126 hours. Anything outside this period is unregulated by the CRTC. Some stations may broadcast fewer hours within a broadcast week if specified in their conditions of licence.

CAB:

Canadian Association of Broadcasters, an industry association primarily for commercial broadcasters that has developed some codes for broadcast content that are approved by the CRTC and administered by the Canadian Broadcast Standards Council (CBSC) and are required by the CRTC as conditions of licence for c/c stations.

Canadian:

For purposes of the Board of Directors or key employees at radio stations, the CRTC defines a Canadian as a Canadian citizen, or a permanent resident who is ordinarily a resident in Canada and has been ordinarily a resident not more than 1 year after the date which that person first became eligible to apply for citizenship. For purposes of Canadian Content, the CRTC defines a Canadian as a Canadian citizen, a permanent resident or a person whose ordinary place of residence was Canada for at least six months preceding their contribution to a piece of music.

CanCon:

Required Canadian content, as stipulated in the Radio Regulations.

CCD:

Canadian Content Development (CCD) contributions, formerly known as Canadian Talent Development (CTD) contributions, are required and voluntary contributions by commercial broadcasters to financially support Canadian programming initiatives.

CRFC:

Community Radio Fund of Canada (www.communityradiofund.org), established in 2007 by the NCRA, ARC du Canada and ARC-Q.

**CRTC:**

Canadian Radio-television and Telecommunications Commission

Designated representative:

When applying for a broadcasting licence (or applying to renew or amend a licence), each station must list the name and contact information of a person (usually the station manager or President of the Board of Directors) to represent them for purposes of correspondence with the CRTC.

Ethnic Broadcasting Period:

A program in any language that is specifically directed to any culturally or racially distinct group, other than one that is Aboriginal Canadian or from France or the British Isles.

Hit:

A hit is any musical selection that has, at any time, reached a top 40 position on one of the 11 music charts used by the CRTC.

Mandatory order:

A warning given by the CRTC to a station for regulatory non-compliance that has the weight of a court order. The station is warned that it will face additional measures, including suspension, non-renewal or revocation of the licence if it is found in non-compliance again in the future.

MAPL:

Music, Artist, Performance, Lyrics. The system used to determine whether a musical selection qualifies as Canadian.

Musical selection:

A term used by the CRTC to refer to a song or an individual musical work. This includes any live or recorded music of one minute or more in duration that is broadcast uninterrupted, and includes a medley and a montage.

NCRA/ANREC:

National Campus and Community Radio Association
L'association nationale des radio étudiantes et communautaires. Us!

Notice of consultation:

The type of online document used by the CRTC to announce upcoming proceedings for licence applications and policy reviews. The notice contains a list of applications or policies being considered in the proceeding and a description of each, and provides a deadline, usually 30 days after the Notice is posted, for anyone to submit comments and interventions in support or in opposition of the applications or proposed policy changes.

Promise of performance:

This term is no longer in use by the Commission. It formerly referred to a list of commitments made by licencees to adhere to particular conditions of licence, including broadcasting particular amounts of spoken word and particular categories of music. A promise of performance has been replaced by standard conditions of licence for all campus and community radio stations, and occasionally a few additional specifications (e.g. the number of hours per week that a station will broadcast), which are also referred to as *Conditions of Licence*.

PSA:

Public Service Announcement

Supplementary brief:

An additional document that stations may submit along with their applications to the CRTC (eg. new licence applications and technical amendments). The brief is a document where stations can add any information that they feel is relevant to the application but is not included on the application form (e.g.: information about why the station is important to its community, policies and procedures, governance and staff structures, volunteer training and supervision, market surveys, fundraising, etc.). It is optional to submit a supplementary brief, but it is a good idea because it helps the Commission understand the context for a station's application.

