



Broadcasting Decision CRTC 2008-119

Ottawa, 2 June 2008

Vancouver Co-operative Radio

Vancouver, British Columbia

Application 2007-1821-5, received 11 December 2007

Public Hearing at Vancouver, British Columbia

25 February 2008

CFRO-FM Vancouver – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language Type B community radio programming undertaking CFRO-FM Vancouver from 1 September 2008 to 31 August 2010. This short-term renewal will permit the Commission to review, at an earlier date, the licensee's compliance with the Radio Regulations, 1986 and in particular those regulations relating to the broadcast of Canadian category 2 musical selections.*

Introduction

1. The Commission received an application by Vancouver Co-operative Radio (Vancouver Co-operative) to renew the broadcasting licence for the English-language Type B community radio programming undertaking CFRO-FM Vancouver. The current licence expires 31 August 2008.
2. In Broadcasting Notice of Public Hearing 2007-18, the Commission noted that the licensee may have failed to comply with its requirements relating to the broadcast of Canadian content for category 2 (Popular Music) selections during the week of 5 to 11 November 2006. Furthermore, the Commission noted that it expected the licensee to show just cause at the hearing why a mandatory order should not be issued requiring the licensee to comply with the *Radio Regulations, 1986* (the Regulations) relating to the broadcast of Canadian musical selections drawn from content category 2 during the broadcast week.
3. The Commission received numerous interventions in support of the application and several in opposition. The Commission also received one intervention offering general comments. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
4. After reviewing the application and interventions, the Commission is of the view that the two primary issues to be considered in its evaluation of this application are the licensee's apparent non-compliance and concerns related to the broadcasting of balanced programming.

Non-compliance

5. The Commission analyzed the programming broadcast on CFRO-FM during the week of 5 to 11 November 2006. The analysis revealed that only 32.8% of all category 2 musical selections broadcast over the broadcast week were Canadian musical selections. These findings constitute a violation of section 2.2(8) of the Regulations, which stipulates that:

2.2(8) Except as otherwise provided under a licensee's condition of licence that refers expressly to this subsection and subject to subsection (6), an A.M. or F.M. licensee licensed to operate a commercial station, community station or campus station shall, in a broadcast week, devote 35% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.
6. At the public hearing, the licensee stated that the Commission, in its calculations of Canadian musical selections, did not include several selections produced by local artists. These selections included spoken word and audio art pieces, as well as pieces mixed by DJs. The licensee explained that the Commission has not yet clearly identified how these non-mainstream genres of music fit within the classification system. According to the licensee, given that a community station's mandate is to broadcast lesser known artistic pieces, the lack of defined categories for non-mainstream musical genres adversely affects community broadcasters.
7. Furthermore, the licensee indicated that the monitoring dates included a holiday long weekend and thus did not accurately reflect the station's regular programming. According to the station's programming schedule, Friday evenings are devoted to category 3 (Special Interest Music) selections. On this particular weekend, however, the regular host of the Friday evening program had to be replaced, and category 2 music was played instead. As a result, the total number of category 2 selections broadcast was higher than usual during the week of 5 to 11 November 2006 and the percentage of Canadian selections for this category decreased.
8. The licensee took full responsibility for the shortfall of category 2 musical selections during the Friday evening program and indicated that it has since put in place measures to ensure that future replacement programming fulfils all regulatory requirements. These measures include sending a reminder to all programmers regarding Canadian content requirements for all music selection categories; instructing programmers that replacement programming must fulfil all regulatory requirements; regularly reviewing and tabulating log sheets for compliance with Canadian content requirements; and adding a new section on Canadian content to its mandatory policy training for all programmers. The licensee is also currently developing a policy for enforcing compliance with Canadian content requirements and outlining consequences for non-compliance, and creating signs that outline Canadian content requirements to be placed in the control rooms.

Balanced programming

9. All of the opposing interventions expressed concern about *Voice of Palestine*, a program broadcast by CFRO-FM. According to these interveners, this program contains unbalanced programming, in particular with respect to the conflict in Israel/Palestine.
10. In response to these interventions, the licensee provided examples illustrating how CFRO-FM provides balanced programming throughout the broadcast week and explained that *Voice of Palestine* “makes deliberate efforts to provide a wide range of perspectives on the issues pertaining to the situation in Israel/Palestine.” Furthermore, the licensee provided the Commission with a copy of its Complaints Policy, which ensures that the station is responsive to its listeners and that constructive steps are taken to address any complaints it receives. The Complaints Policy is available on the licensee’s public file.

Commission’s analysis and determinations

Non-compliance

11. The Commission notes that following a breach of the Regulations with respect to logger tapes at the time of its last licence renewal, CFRO-FM was granted a four-year renewal, from 1 September 2004 to 31 August 2008.¹ This short-term renewal represented the second consecutive non-compliance finding and followed the short-term renewal set out in Decision 2001-143. CFRO-FM was monitored on one occasion during its new licence term and was found once again in apparent non-compliance with the Regulations, this time with respect to the broadcast of Canadian category 2 musical selections.
12. The Commission recognizes that community stations face particular challenges, especially with respect to their reliance on volunteers and their limited resources. Nonetheless, the Commission notes that other community stations operate under the same terms and conditions and remain in compliance with the Regulations.
13. The Commission is satisfied with the commitments and measures outlined by Vancouver Co-operative to ensure CFRO-FM’s compliance with the Regulations at all times. The Commission is therefore of the view that a mandatory order is not necessary at this time.
14. As set out in Circular No. 444, the Commission notes that when apparent repeated non-compliance is observed, and the Commission is satisfied with the measures that the licensee has put into place and confident that non-compliance will not likely reoccur, the station is normally granted a two-year licence renewal. This is the third time that CFRO-FM has been found to be in non-compliance with respect to the Regulations. As such, the Commission finds it appropriate to renew the licence for CFRO-FM for a period of two years, in accordance with Circular No. 444. This short-term renewal will enable the Commission to assess, at an earlier date, the licensee’s compliance with the Regulations with respect to the broadcast of Canadian category 2 musical selections and

¹ See Broadcasting Decision 2004-341.

with its conditions of licence.

Balanced programming

15. The Commission is satisfied with the licensee's response to the opposing interventions and with its Complaints Policy. The Commission reminds the licensee of its obligations under section 3(1)(g) of the *Broadcasting Act*, which states that "the programming originated by broadcasting undertakings should be of high standard," as well as those obligations under section 3(b) of the Regulations, which states 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.

Conclusion

16. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language Type B community radio programming undertaking CFRO-FM Vancouver from 1 September 2008 to 31 August 2010.
17. The licence will be subject to the **conditions** set out in Public Notice 2000-157, as well as to the terms and **conditions of licence** set out in the appendix to this decision.

Secretary General

Related documents

- Broadcasting Notice of Public Hearing CRTC 2007-18, 19 December 2007
- *CFRO-FM Vancouver – Licence renewal*, Broadcasting Decision CRTC 2004-341, 13 August 2004
- *Licence renewal for CFRO-FM*, Decision CRTC 2001-143, 27 February 2001
- *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000

This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.

Appendix to Broadcasting Decision CRTC 2008-119

Terms, conditions of licence, expectation and encouragements

Terms

The licence will expire 31 August 2010.

Conditions of licence

1. The licence will be subject to the conditions set out in *New licence form for community radio stations*, Public Notice CRTC 2000-157, 16 November 2000.
2. During each broadcast week, the licensee may devote a maximum of 25 hours and 30 minutes to third-language ethnic programming.
3. During each broadcast week, the licensee shall provide programming directed to a minimum of 12 ethno-cultural groups in a minimum of 12 different languages.
4. The licensee shall devote, in each broadcast week, a minimum of 12% of its musical selections from content category 3 (Special Interest Music) to Canadian selections broadcast in their entirety.

For the purposes of these conditions, the term “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Expectation

Canadian content development and participation of volunteers

The Commission expects the licensee to implement the initiatives set out in its plan for Canadian content development and to give effect to the measures designed to encourage the participation of volunteers.

Encouragements

Canadian content monitoring and programming

The Commission encourages the licensee to network with other community and campus radio stations to find ways for CFRO-FM Vancouver to improve its monitoring and programming procedures related to the broadcasting of Canadian content.

Employment equity

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