



Broadcasting Decision CRTC 2008-45

Ottawa, 25 February 2008

Aboriginal Voices Radio Inc.

Montréal, Quebec; Kitchener-Waterloo, Toronto and Ottawa, Ontario; Edmonton and Calgary, Alberta; and Vancouver, British Columbia

Applications 2007-0151-7, 2007-0152-5 and 2007-0153-3, received 29 January 2007

Applications 2007-0773-9, 2007-0774-7, 2007-0775-5 and 2007-0776-3, received 17 May 2007

*Broadcasting Public Notice CRTC 2007-71
29 June 2007*

CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton, CKAV-FM-8 Kitchener-Waterloo, CKAV-FM-9 Ottawa and CKAV-FM-10 Montréal – Licence amendments

*The Commission **approves** applications by Aboriginal Voices Radio Inc. (AVR) to amend the broadcasting licences for its radio programming undertakings in Edmonton, Montréal and Kitchener-Waterloo, in order to replace their current conditions of licence with those that the Commission imposed on AVR's radio programming undertakings in Toronto, Vancouver, Calgary and Ottawa in Broadcasting Decision 2007-121.*

*The Commission **denies** AVR's request to amend the condition of licence relating to spoken word programming, and confirms that the condition of licence relating to spoken word programming, as set out in Broadcasting Decision 2007-121, shall apply to all of AVR's radio programming undertakings across Canada.*

The applications

1. The Commission received applications by Aboriginal Voices Radio Inc. (AVR) to amend the broadcasting licences for the following Native Type B radio programming undertakings:

Province	Location	Station
Quebec	Montréal	CKAV-FM-10
Ontario	Toronto Ottawa Kitchener-Waterloo	CKAV-FM CKAV-FM-9 CKAV-FM-8

Alberta	Calgary Edmonton	CKAV-FM-3 CKAV-FM-4
British Columbia	Vancouver	CKAV-FM-2

- AVR proposed to replace the conditions of licence for the radio programming undertakings in Edmonton, Montréal and Kitchener-Waterloo¹ with those that the Commission imposed on the broadcasting licences for AVR's radio programming undertakings in Toronto, Vancouver, Calgary and Ottawa in Broadcasting Decision 2007-121. AVR's proposal followed the Commission's expectation set out in Broadcasting Decision 2007-121 that the licensee amend the broadcasting licences for the radio programming undertakings in Edmonton, Montréal and Kitchener-Waterloo so as to adopt the conditions of licence set out in the appendix to that decision, and, ultimately, to standardize its operations across Canada.²
- Further, AVR proposed to amend the condition of licence, set out in Broadcasting Decision 2007-121, relating to spoken word programming, for all of the above-mentioned radio programming undertakings. Specifically, AVR proposed to replace the condition of licence that reads as follows:

The licensee shall devote a minimum of twenty (20) hours per broadcast week to structured enriched spoken word programming. For the purposes of this condition of licence, "structured enriched spoken word programming" shall be defined as:

- spoken word programming of any length and in any language involving some research pertaining to the documentation of current and past events, instruction and information, human interest information, leisure interests, public affairs, cultural programming, storytelling, academic instruction, interviews and the like.
- spoken word programming as described above that does not include song intros/outros, surveillance information (such as news reports, weather and public service announcements), impromptu, casual or spontaneous talk by announcers during music-flow programming, contests, or any programming defined by content categories 2, 3, 4 or 5 as set out in the *Radio Regulations, 1986*.
- spoken word programming as described above and of which the duration shall not include the time devoted to musical selections interspersed with or interrupting such programming.

The licensee shall provide, upon the Commission's request, the schedule for a broadcast week of all the programming defined above.

¹ These conditions of licence are set out in the following decisions: Broadcasting Decision 2004-134 (Edmonton), Broadcasting Decision 2003-195 (Montréal), and Broadcasting Decision 2003-155 (Kitchener-Waterloo).

² In regard to AVR's radio programming undertakings approved for Saskatoon and Regina but not yet in operation, these same conditions of licence are set out in Broadcasting Decisions 2007-155 and 2007-156, respectively.

with the following condition of licence:

The licensee shall devote a minimum of twenty (20) hours per broadcast week to spoken word programming as defined in *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000, that falls within a structured program of any length.

4. In the alternative, AVR proposed the following condition of licence relating to the broadcast of spoken word programming:

In each broadcast week, the licensee shall broadcast, at a minimum, 20 hours of spoken word programming. For purposes of this condition of licence, spoken word programming shall be defined as programming falling within subcategory 11 (News) or subcategory 12 (Spoken Word – Other) and which is identified as such on the daily log of the station.

5. At the public hearing commencing 30 October 2006 in Regina, Saskatchewan,³ in response to the Commission's indication that it was seeking a simpler way of measuring the licensee's spoken word programming and that it would consider a reasonable level of "thematic" structured programming that would not include news, AVR noted that its calculations relating to its commitment to broadcast spoken word programming included news and surveillance programming. AVR argued that, to its knowledge, no other licensee is subject to similar requirements, and that the application of the current condition of licence relating to spoken word programming would result in a significant increase in its obligations to provide this type of programming.
6. AVR also argued that the definition of spoken word programming and the parameters imposed by the Commission in Broadcasting Decision 2007-121 extend beyond that which AVR had originally proposed in terms of spoken word programming for its radio stations, as well as beyond that to which it thought the Commission had agreed. AVR also stated its belief that the goal of the Commission was simply to find an easier method of measuring the licensee's compliance with this condition of licence, and not to increase or decrease its commitment to the broadcast of spoken word programming.
7. AVR submitted that the first proposed amendment to this condition of licence would address the Commission's concern regarding difficulties experienced by the Commission, as noted in Broadcasting Decision 2007-121, in evaluating, or measuring, the licensee's spoken word programming. It further submitted that the proposed alternative amendment to this condition of licence would, in addition, take into account any issue that the Commission may have with the term "structured program" as used in

³ As announced in Broadcasting Notice of Public Hearing 2006-9. At that public hearing, the Commission reviewed applications by AVR to renew of broadcasting licences of some of its Native Type B stations, which lead to the short-term renewals set out in Broadcasting Decision 2007-121.

the first proposed amendment. AVR argued that either proposed amendment would facilitate the measuring and reporting of spoken word programming and would make it easier for it to incorporate a mechanism into its logging system to reflect such programming.

8. The Commission received, for each of the applications submitted by AVR, an intervention providing general comments from CKDG-FM Montréal. AVR collectively replied to the interventions. The interventions and the replies to the interventions can be found on the Commission's Web site at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

9. The Commission considers that the issues relevant to its determinations relate to whether AVR has adequately addressed the Commission's expectation, set out in Broadcasting Decision 2007-121, that it standardize the conditions of licence for all of its radio programming undertakings across Canada, and to whether the current condition of licence relating to spoken word programming should be maintained or should be amended as proposed by the licensee.

Standardized conditions of licence for all of AVR's radio programming undertakings

10. In Broadcasting Decision 2007-121, the Commission set out its expectation for AVR to submit applications to amend the licences for its radio programming undertakings in Edmonton, Montréal and Kitchener-Waterloo, in order for these undertakings to adopt the conditions of licence set out in the appendix to that decision. The filing of these applications therefore addresses the Commission's expectation in this regard.

Condition of licence relating to spoken word programming

11. The wording of AVR's condition of licence relating to enriched structured spoken word programming, as set out in Broadcasting Decision 2007-121, was established out of the Commission's concern to strike a balance among the following considerations:
 - the manner in which the Commission currently defines spoken word programming;
 - the manner in which the Commission has approached the definition of thematic or enriched spoken word programming in the past;
 - difficulties in monitoring and measuring AVR's levels of spoken word programming;
 - the programming direction that both AVR and the Commission would like these radio programming undertakings to follow; and
 - the capacity for AVR, as stated by the licensee at the public hearing, to produce enriched spoken word programming within a structured program.

12. At the 30 October 2006 public hearing, the Commission acknowledged AVR's proposed amendments to the condition of licence relating to spoken word programming but at no time did it express its agreement with those proposals. Further, the Commission notes the following deficiencies in regard to AVR's proposed amendments to that condition of licence:
 - the term "structured program" is not defined by Commission regulations;
 - the proposed amendments do not appear to fully address the issue of measurability; and
 - the proposed amendments do not fully reflect the discussion that was held between the licensee and the Commission on enriched and thematic spoken word programming.
13. In the Commission's view, the requirement for AVR to adhere to the current condition of licence would not exceed its stated capacities as noted at the public hearing. As such, the Commission considers that the requirement for AVR to devote a minimum of 20 hours per broadcast week to structured enriched spoken word programming lies within the licensee's capacity to produce this type of programming within a structured program.
14. The Commission considers that enriched and structured programming should not include news, as stated in the condition of licence relating to spoken word programming that is set out in Broadcasting Decision 2007-121. The Commission also considers that the condition of licence relating to spoken word programming, as set out in that decision, provides a strong definition of "structured," and, as currently worded, addresses the manner in which spoken word programming is currently defined and the manner in which enriched and structured programming has been defined in the past. It also considers that the definition is detailed and exhaustive, and provides an easier method for measuring the licensee's compliance with the requirement to broadcast such programming.
15. Finally, the Commission considers that AVR is advantaged in that the condition of licence relating to spoken word programming does not stipulate that this programming be locally produced. As such, AVR could produce much of this programming centrally in Toronto for rebroadcast, in addition to any local programming broadcast by the licensee in its various markets.
16. For the reasons outlined above, the Commission considers that the current condition of licence relating to spoken word programming should be maintained.

Conclusion

17. In light of all of the above, the Commission **approves** the applications by Aboriginal Voices Radio Inc. to amend the broadcasting licences for its radio programming undertakings in Edmonton, Montréal and Kitchener-Waterloo, in order to replace their current conditions of licence with those that the Commission imposed on the radio programming undertakings in Toronto, Vancouver, Calgary and Ottawa in Broadcasting Decision 2007-121.
18. The Commission **denies** AVR's request to amend the condition of licence relating to spoken word programming, and confirms that the condition of licence relating to spoken word programming, as set out in Broadcasting Decision 2007-121, shall apply to all of AVR's radio programming undertakings across Canada.
19. The licences for all of the above-mentioned undertakings will be subject to the terms and **conditions of licence** set out in the appendix to this decision.

Secretary General

Related documents

- *Licensing of new radio stations to serve Regina, Saskatchewan, and technical change for CJLR-FM La Ronge, Saskatchewan, Broadcasting Decision CRTC 2007-156, 28 May 2007*
- *Licensing of new radio stations to serve Saskatoon, Saskatchewan, Broadcasting Decision CRTC 2007-155, 28 May 2007*
- *CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary and CKAV-FM-9 Ottawa – Licence renewals, Broadcasting Decision CRTC 2007-121, 27 April 2007*
- *Commercial Radio Policy 2006, Broadcasting Public Notice CRTC 2006-158, 15 December 2006*
- *Broadcasting Notice of Public Hearing CRTC 2006-9, 31 August 2006, as amended by Broadcasting Notices of Public Hearing CRTC 2006-9-1, 11 September 2006; 2006-9-2, 20 September 2006; 2006-9-3, 16 October 2006; and 2006-9-4, 20 October 2006*
- *Native FM radio station in Edmonton, Broadcasting Decision CRTC 2004-134, 5 April 2004*
- *Native FM radio station in Montréal, Broadcasting Decision CRTC 2003-195, 2 July 2003*

- *Native FM radio station in Kitchener-Waterloo*, Broadcasting Decision CRTC 2003-155, 14 May 2003
- *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000, as amended by *Community radio policy – Correction to the French-language version of paragraph 58 of the notice*, Public Notice CRTC 2000-13-1, 2 February 2000

This decision is to be appended to each 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 2008-45

Terms, conditions of licence and encouragement for the radio programming undertakings CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton, CKAV-FM-8 Kitchener-Waterloo, CKAV-FM-9 Ottawa and CKAV-FM-10 Montréal

Terms

The licences for CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton and CKAV-FM-9 Ottawa will expire 31 August 2010, their current expiry date.

The licences for CKAV-FM-8 Kitchener-Waterloo and CKAV-FM-10 Montréal will expire 31 August 2009, their current expiry date.

Conditions of licence

Where the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” appear in the following conditions of licence, they shall have the same meaning as that set out in the *Radio Regulations, 1986*.

1. The licensee shall devote a minimum of 25% of its weekly broadcast schedule to the broadcast of local programming within twelve (12) months of the date of this decision.

For the purposes of this condition, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006, as amended from time to time.

2. The licensee shall broadcast regular daily local newscasts within twelve (12) months of the date of this decision.
3. The licensee shall devote a minimum of twenty (20) hours per broadcast week to structured enriched spoken word programming. For the purposes of this condition of licence, “structured enriched spoken word programming” shall be defined as:
 - spoken word programming of any length and in any language involving some research pertaining to the documentation of current and past events, instruction and information, human interest information, leisure interests, public affairs, cultural programming, storytelling, academic instruction, interviews and the like.

- spoken word programming as described above that does not include song intros/outros, surveillance information (such as news reports, weather and public service announcements), impromptu, casual or spontaneous talk by announcers during music-flow programming, contests, or any programming defined by content categories 2, 3, 4 or 5 as set out in the *Radio Regulations, 1986*.
- spoken word programming as described above and of which the duration shall not include the time devoted to musical selections interspersed with or interrupting such programming.

The licensee shall provide, upon the Commission's request, the schedule for a broadcast week of all the programming defined above.

4. The licensee shall ensure that a minimum of 2% of all spoken word programming broadcast during each broadcast week is in a Canadian Aboriginal language.
5. The licensee shall ensure that a minimum of 2% of all vocal musical selections aired during each broadcast week is in a Canadian Aboriginal language.
6. The licensee shall ensure that a minimum of 35% of all musical selections from content category 2 (Popular music) aired during each broadcast week are Canadian selections, broadcast in their entirety.
7. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB's) *Sex-Role Portrayal Code for Television and Radio Programming*, as amended from time to time and approved by the Commission.
8. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' (CAB's) *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.