



# Broadcasting Regulatory Policy CRTC 2025-265

PDF version

Reference: 2024-290

Gatineau, 10 October 2025

*Public record: 1011-NOC2024-0290*

## Modernization of radio processes

### Summary

Radio is in a period of transition. As it adjusts to the growing presence of online streaming services in the broadcasting environment, radio continues to represent a major part of Canadians' listening habits. Through radio, Canadians listen to local news, discover new artists, interact with the hosts, and make their voices heard, offering a proximity and a connection to their communities.

As part of its broader regulatory plan to implement the modernized *Broadcasting Act* (the Act), the Commission launched a public consultation to review radio processes to reduce the regulatory burden on radio stations, while continuing to support Canadian and Indigenous creators.

Based on the public record, the Commission is reducing regulatory burden, modernizing its compliance framework, streamlining its processes, and providing greater flexibility.

To reduce regulatory burden, the Commission is introducing indefinite broadcasting licences for radio stations, so that licensees will no longer need to submit renewal applications. Given that the Commission previously reviewed the compliance record of stations at the time of their renewal, it will now conduct regular audits of a licensee's requirements to more efficiently address non-compliance issues.

The Commission is also simplifying several processes and introducing more flexibility to better respond to today's broadcast reality. Specifically, it is streamlining its processes for obtaining a licence for a developmental station, making it easier for new licensees to enter the market, and is simplifying the process for stations that wish to go from low power to full power. It is also providing greater flexibility by introducing a one-year trial allowing stations to simulcast their AM station on the FM band within the same market, and to broadcast spoken word programming without changing format.

In addition, to better guide licensees in their applications to add rebroadcasting transmitters, the Commission is providing guidance in *Broadcasting Information Bulletin 2025-266*, published today.

Finally, in keeping with the Commission's ongoing work to modernize its frameworks under the new Act, the Commission is seeking comments on proposed amendments to

existing exemption orders and on various orders imposing conditions on the operation of exempt services in Broadcasting Notice of Consultation 2025-267, also published today.

Dissenting opinions by Commissioners Bram Abramson and Joanne T. Levy are attached to this regulatory policy.

## Background

1. Radio is in a period of transition. As it adjusts to the growing presence of online streaming services in the broadcasting environment, radio continues to represent a major part of Canadians' listening habits. Through radio, Canadians listen to local news, discover new artists, interact with the hosts, and make their voices heard, offering a proximity and a connection to their communities.
2. As part of the work to modernize the *Broadcasting Act* (the Act), the Commission committed to reviewing the existing regulatory processes to reduce the regulatory burden on radio stations operating in Canada. By modernizing its processes and requirements, the Commission helps radio remain culturally dynamic and competitive through programming that continues to serve the public interest and respond to market specificities.
3. Section 5 of the Act, which establishes the Commission's regulatory objectives, directs the Commission to regulate and supervise in a flexible manner that is sensitive to the administrative burden that it may impose. Further, paragraph 8(a) of the *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*<sup>1</sup> (the Policy Direction) specifies that the Commission should provide a flexible and adaptable regulatory framework that, where appropriate, minimizes the regulatory burden on the Canadian broadcasting system.
4. In Broadcasting Notice of Consultation 2024-290 (the Notice), the Commission launched a consultation to identify ways to provide flexibility in certain radio processes. The objective of the proceeding was to reduce the administrative burden while continuing to support Canadian and Indigenous creators. In the context of the Notice, the Commission was mindful that this flexibility needed to be paired with regulatory oversight to ensure that programming continued to serve the public interest and respond to market specificities. Specifically, the Commission indicated that it intended to:
  - reduce the barriers to entry for new radio operators, potentially through broadened exemption orders;
  - reduce reporting requirements, if applicable, while ensuring support for Canadian and Indigenous creators;

---

<sup>1</sup> SOR/2023-239, 9 November 2023.

- review the current compliance measures and introduce new measures, including new incentive measures;
  - streamline processes to harmonize them with requirements, where possible;
  - promote the sustainability of broadcasters, especially in underserved markets; and
  - identify barriers faced by equity-deserving groups in obtaining broadcasting licences, and ways these barriers could be removed.
5. Issues that relate specifically to Indigenous stations will be addressed in the proceeding for the co-development of an Indigenous broadcasting policy, Phase 2 of which was initiated in Broadcasting Notice of Consultation 2024-67.

### **Interventions**

6. The Commission received 39 interventions and 10 replies in response to the Notice from broadcasters, associations representing broadcasters and the music industry, associations representing the public interest, trade associations, and individuals. The issues raised in the interventions are addressed below in the relevant sections of this regulatory policy.

### **Issues**

7. After examining the record for this proceeding, the Commission considers that it must address the following issues:
- licence terms;
  - compliance measures;
  - potential exemption orders;
  - streamlining certain licensing processes;
  - the licence renewal process; and
  - other proposed measures in line with the objectives of this proceeding.

### **Licence terms**

8. Under the old Act, the maximum licence term was seven years, regardless of the type of station, and the conditions imposed on broadcasters were tied to that licence. The renewal process was a lengthy one, with licensees filing their renewal applications approximately one year before the expiry date of the licence.

9. This process was onerous for radio stations and for the Commission. The Commission was often processing over 300 renewals a year, with multiple rounds of information requested from each radio licensee. In doing so, the Commission noted that the vast majority of stations were in full compliance at all times, and most of the non-compliance was minor and could be addressed easily.
10. Amendments to the Act decoupled the conditions from the licence and allow the Commission to grant licences for any period of time, including for an indefinite term. This decoupling means that the Commission can not only renew the licence independent from the conditions, but that it may also re-examine or amend the conditions at any time during the licence term, providing it greater flexibility in monitoring and addressing compliance.
11. The Notice included several proposals relating to licence terms:
  - indefinite licence terms for all stations, regardless of the type of licence;
  - indefinite licence terms for all AM radio stations;
  - 20-year licence terms for community and campus radio stations;
  - 15-year licence terms for commercial radio stations with annual revenues of less than \$2 million; and
  - 10-year licence terms for commercial radio stations with annual revenues of more than \$2 million.

#### **Positions of parties**

12. Many of the interveners supported longer or indefinite licence terms as it would reduce the regulatory burden on broadcasters. However, some interveners stressed the need for a regular compliance review, irrespective of the licence term's length. The Forum for Research and Policy in Communications (FRPC) expressed concerns that indefinite licence terms would eliminate the public's ability to participate in regular reviews of broadcasters' service to the communities they are licensed to serve. It added that no indefinite licences should be granted to individual radio stations or broadcast ownership groups if any of these have breached their regulatory requirements in the previous two licence terms.
13. Other interveners submitted alternate proposals. An individual suggested a 7-year licence term for commercial stations with revenues of less than \$2 million and a 5-year licence term for stations with revenues of over \$2 million, while another individual suggested a tiered licensing system based on market share. The Association des radiodiffuseurs communautaires du Québec (ARCQ) supported the notion of tying licence terms to revenues, as proposed in the Notice. Other interveners indicated that differing licence terms would introduce unnecessary complications.

### **Commission's decision**

14. The Commission's proposal to issue licences for longer terms aims to alleviate the regulatory burden that comes with the renewal process, allowing licensees to focus on their operations and the Commission to focus on compliance monitoring and complaint resolution.
15. While the Commission initially considered granting licences for periods between 10 and 20 years, it is of the view that these terms do not offer a real advantage. In theory, it would alleviate some regulatory burden by having fewer licence renewals; in practice, however, such terms would introduce new issues. With long delays between renewals, the renewal process could become more complicated for licensees due to lack of familiarity and practice. Moreover, granting indefinite licences to AM stations while maintaining fixed licence terms for other stations would be difficult to manage for licensees and the Commission.
16. The Commission's initial proposal to tie licence terms to revenues implies the same practical issues. Specifically, since revenues can fluctuate from year to year, licence terms based on revenues would not help alleviate the administrative burden in a changing industry and may, in fact, increase it as some could have revenues that could go above and below the threshold each year. Similarly, the suggested tiered licensing system based on market share, local content, and innovation would be difficult to administer for licensees and the Commission.
17. The Commission considers that indefinite licence terms for all types of stations would simplify the management of licences and ensure all licensees are treated equally while not creating disadvantages to specific types of licensees. In addition, granting indefinite licences would reduce the administrative burden on licensees, including the cost associated with filing renewal applications, consistent with paragraph 8(a) of the Policy Direction. This would be beneficial for all radio licensees, especially smaller ones, including undertakings owned by equity-deserving groups and official language minority communities (OLMCs).
18. The Commission acknowledges interveners' concerns relating to non-compliance and the review of the licensees' regulatory obligations. Fixed licence terms allowed the Commission to analyze radio stations' compliance at fixed and predictable intervals, since complaints and compliance issues were reviewed at the time of licence renewal. However, with this approach, non-compliance issues sometimes went unaddressed for long periods and remedial measures were often not as effective as they could otherwise be.
19. Although indefinite licences will require a shift in the Commission's approach to monitoring, since it is presently typically done at licence renewal, indefinite licence terms would not affect the Commission's ability to deal with non-compliance as it can review compliance at any time.
20. The Commission will continue to monitor compliance and will set out a new approach for audits and complaints, detailed in paragraphs 59-64. This new approach

will ensure that stations will be subject to responsible oversight and that apparent instances of non-compliance will be addressed quickly.

21. In light of the unique status of the Canadian Broadcasting Corporation's (CBC) radio stations under the Act, licence terms for these stations will be examined at a later date.
22. In light of the above, going forward, the Commission will grant licences for an indefinite term for all radio broadcasting undertakings requiring a licence.<sup>2</sup> This framework will be phased in as renewals take place for existing stations. New licences issued after the publication of this regulatory policy will also receive indefinite licences.
23. The Commission will continue to hold hearings to examine applications for new stations, for stations moving from developmental status to being full stations (see paragraph 128 below), and possibly in cases where there is a change in ownership or control.<sup>3</sup>
24. The Commission also notes the general agreement for a simplified renewal process. Renewals will no longer be necessary for the vast majority of licensees<sup>4</sup>, but the Commission will still need to renew existing licences in order to transition them to indefinite licences. The Commission process for these renewals will be announced at a later date.

### **Compliance measures**

25. To assess a licensee's compliance, the Commission generally reviews the regulatory requirements according to the type of licence, including those set out in the *Radio Regulations, 1986* (the Regulations) and the conditions of service, with a focus on elements such as: Canadian content development (CCD) contributions and the payment of tangible benefits; the filing of annual returns; programming requirements; the implementation of the National Public Alerting System (NPAS); and ownership requirements. It also examines any complaints received.

### **A modernized framework**

26. In Broadcasting Information Bulletin 2014-608, the Commission set out measures that it may take to remedy an instance of non-compliance. These measures were put in place at a time when the Commission had a more limited set of compliance tools at its disposal. The following measures were applied on a case-by-case basis:

---

<sup>2</sup> Excluding the CBC's radio stations and developmental stations, see paragraphs 21 and 127.

<sup>3</sup> The application process for changes in ownership and effective control is detailed in Broadcasting Information Bulletin 2008-8-2.

<sup>4</sup> Excluding the CBC's radio stations and developmental stations. See footnote 2 above.

- short-term licence renewal;
  - imposing conditions of licence<sup>5</sup>;
  - requiring additional CCD contributions that are over and above those required by the Regulations or by existing conditions of licence;
  - removing the ability to make CCD contributions to discretionary initiatives;
  - requiring licensees to broadcast an on-air announcement regarding their non-compliance;
  - imposing mandatory orders;
  - non-renewal of the licence;
  - suspension of the licence; and
  - revocation of the licence.
27. In the Notice, the Commission requested comments on the effectiveness of current compliance measures as well as the way the Commission addresses complaints and comments. Further, the Commission proposed addressing non-compliance separately from the licence term, as well as introducing additional measures to promote compliance and resolve potential issues as early as possible. Moreover, the Commission solicited comments on measures that could help achieve compliance for equity-deserving groups who may be unfamiliar with Commission processes.

***Position of parties***

28. The majority of interveners agreed that compliance measures and reporting requirements need to remain, but some suggested changes to the compliance framework. Groupe CHCR Inc. stated that non-compliance measures and reporting requirements should be easier to navigate and complete. Stillwater Broadcasting and 5777152 Manitoba Ltd. (together hereafter referred to as Stillwater) indicated that programming requirements should be limited to Canadian content, and it should be monitored weekly using automated means. The FRPC pointed out the lack of a publicly accessible compliance database and argued that the effectiveness of current measures is difficult to assess. SiriusXM suggested that removing the ability to make CCD contributions to discretionary initiatives is an inefficient compliance measure and should no longer be used by the Commission.
29. Golden West Broadcasting Ltd. (Golden West), Pattison Media Ltd. (Pattison), the Canadian Association of Broadcasters (CAB) and Rogers Communications Inc. (Rogers) supported a graduated compliance approach, where minor infractions are

---

<sup>5</sup> Now conditions of service.

addressed immediately, while repeated or serious violations trigger more significant consequences. Rogers specified that this approach should distinguish between inadvertent errors and deliberate violations. Similarly, RNC MÉDIA suggested that the Commission implement a grading system for non-compliance and not consider some minor issues as a non-compliance. Cogeco inc. (Cogeco) and the National Campus and Community Radio Association (NCRA) also indicated that the Commission should notify stations immediately about any minor non-compliance issues to ensure timely intervention. Cogeco stressed that measures should be proportionate to the nature and severity of non-compliance, serve the public interest and help sustain the broadcasting system.

30. SiriusXM, Rogers, and the NCRA argued that short-term licence renewals may not be effective if non-compliance is addressed during licence terms and should be removed. The Alliance des radios communautaires du Canada Inc. (ARCC), however, favoured short-term renewals for non-compliance.
31. The NCRA also indicated that it supports additional measures for minor cases of non-compliance and mandatory orders for serious cases. The ARCC argued that if non-compliance continues after the other measures have proved inefficient, suspension would be justified.
32. Further, Arsenal Media Inc. (Arsenal) indicated that the public interest should guide complaint resolution, with proportionate and corrective intervention by the Commission. Stillwater stated that complaints from the public should be resolved promptly.
33. In regard to potential incentive measures, ARCC stated that improving communication between the Commission and licensees could be a good way to encourage stations to better comply with the requirements. Similarly, Sirius XM indicated that the Commission should devote more resources to ensuring that rules, regulations, and expectations for licensees are clear and unambiguous. SiriusXM also suggested that the Commission could provide more detailed guidance on the eligibility of CCD discretionary initiatives, and rely more on formal warnings and infringement notices, rather than imposing non-compliance measures that add significant costs to a licensee's operations. Golden West, the CAB, and Rogers proposed a monitoring holiday for compliant stations. The Ontario Association of Broadcasters (OAB) proposed using notices of apparent non-compliance that would require confirmation from the station that corrective measures have been taken.
34. Intervenors had different views on monetary incentives. Stillwater indicated that stations should be encouraged to comply by imposing increasing penalties if they do not show an attempt to bring themselves into compliance. However, the OAB suggested that the Commission consider providing monetary incentives as it would ensure a balance between maximizing content and the realities of the marketplace, helping stabilize local station revenues. In the FRPC's view, the only regulatory tool that should be used is the imposition of penalties on non-compliant licensees.

35. In regard to measures that could help achieve compliance for equity-deserving groups, Pattison, supported by the NCRA, made several suggestions including financial support, incentive-based licensing, technical help and licensing support from dedicated Commission staff, training and mentorship, simplified applications, regular reviews, and outreach campaigns. The NCRA added that qualitative data is necessary to assess challenges faced by equity-deserving groups. The ARCQ indicated that the Commission should provide support for the first instance of non-compliance but ensure close follow-up afterward to prevent recurrence. In Cogeco's view, all radio station licensees should be treated equally, unless specific obstacles justify tailored measures, which must be requested through the standard regulatory process.

***Commission's decision***

36. Given that the Commission generally reviewed the compliance record of each station when it considered the renewal of the station's licence, the most frequently used measure for non-compliant stations was the short-term renewal of the licence to allow for an earlier review of a licensee's compliance with its regulatory requirements.
37. However, since licence terms will be indefinite going forward, the Commission considers that it would no longer be appropriate to use short-term renewals or non-renewals as compliance measures. The purpose of the short-term renewal was to allow for an earlier review of a licensee's compliance with its regulatory requirements, which is no longer necessary as the Commission will be able to address non-compliance issues at any time. In addition, the Commission considers that short-term renewals have not proved effective in reducing the instances of non-compliance and have added administrative burden on licensees and the Commission. Further, with the introduction of indefinite licences, non-renewal will no longer be a relevant tool.
38. To address interveners' concerns relating to timely intervention regarding complaints and instances of apparent non-compliance, the Commission will introduce a new compliance plan. In particular, the Commission will conduct regular audits of a licensee's regulatory requirements, including programming and administrative requirements, both on a randomized and complaints-driven basis.
39. The Commission will also use annual returns to examine whether licensees have met their CCD and NPAS requirements. Should a licensee fail to meet a requirement, the Commission would address the issue swiftly.
40. The Commission has also historically had the ability to impose conditions, where appropriate, to address non-compliance; however, given their connection to the licence, it could only do so at time of licence renewal. In light of the decoupling of the conditions from the licence, the Commission can now make orders imposing conditions on the carrying on of broadcasting undertakings at any time. This increased flexibility gives the Commission the ability to be more nimble in

responding to non-compliance. Among other things, the Commission could impose conditions of service relating to the filing of missing annual returns, proof of payment for CCD contributions, or impose conditions relating to programming.

41. Accordingly, the Commission is of the view that imposing additional conditions of service as a measure to address a licensee's non-compliance with its regulatory obligations remains appropriate in certain circumstances and that this regulatory tool should be retained.
42. The Commission also finds that requiring licensees to broadcast on-air announcements regarding their non-compliance and removing their ability to make CCD contributions to discretionary initiatives have been useful tools in certain circumstances and that the record did not demonstrate a need to change them.
43. The Commission finds it appropriate to implement, as suggested by some interveners, a gradual compliance approach as described in the paragraphs below. This approach will better enable it to address minor non-compliance issues quickly. It would also be an appropriate approach for less-experienced licensees, as well as licensees from OLMCs and equity-deserving groups, who may need assistance to familiarize themselves with their conditions of service and the Commission's policies.

#### **Additional CCD contributions**

44. As indicated in Broadcasting Regulatory Policy 2014-554, the Commission can require the payment of additional CCD contributions, over and above those required in the Regulations or by condition of service, to remedy harm caused to the broadcasting system for certain types of non-compliance. This measure is currently used to rectify non-compliance relating to CCD contributions or programming, including music programming.
45. As stated in the Notice, the Commission considers that the payment of over-and-above CCD contributions is an effective measure to remedy the harm caused to the broadcasting system, since such contributions directly benefit Canadian and Indigenous creators. Accordingly, the Commission requested comments on the use of CCD contributions to address any type of non-compliance.

#### ***Positions of parties***

46. Many interveners supported imposing additional CCD contributions as a compliance measure under certain conditions. The ARCQ, SiriusXM, Golden West, Pattison, the CAB, Cogeco, the NCRA, and Arsenal supported this measure for serious and repeated instances, further stating that licensees should continue to have an opportunity to explain the non-compliance. The NCRA specified that additional CCD contributions for non-compliant commercial stations would be appropriate to encourage compliance and would benefit the broadcasting system. Stillwater stated that financial penalties should benefit local communities rather than serve as punitive measures. In addition, the OAB argued that rather than imposing Administrative

Monetary Penalties (AMPs), penalties should be paid into funds and, in lieu of payments into general CCD funds, payments should be directed towards the Local News Fund. In SiriusXM's view, the Commission should allow additional CCD contributions to discretionary initiatives and not deem an entire initiative non-compliant based on a minor problematic element of that initiative.

47. Some of the interveners opposed this proposal for various reasons. The Digital Media Association (DiMA) stated that imposing CCD contributions as an enforcement mechanism or to correct any matter unrelated to CCD or programming is inappropriate and inconsistent with the Commission's mandate. In the FRPC's view, support for CCD should not rely on broadcasters' non-compliance. It added that CCD payments are not a deterrent against non-compliance, as a broadcaster can deduct its CCD expenses to reduce its taxable income.

#### **Commission's decision**

48. The Commission continues to consider that the payment of over-and-above CCD contributions is an effective measure to remedy the harm caused to the broadcasting system, since such contributions directly benefit Canadian and Indigenous creators. However, this measure must be used judiciously. As mentioned by DiMA, additional CCD contributions should only be used in cases of non-compliance with CCD contributions and programming requirements, such as levels of Canadian content and French-language vocal music.
49. Further, to alleviate the burden on licensees and the Commission, the Commission considers that additional CCD contributions imposed as a remedial measure should only be made to eligible funds, such as FACTOR, Musicaction, or the Community Radio Fund of Canada (CRFC). This will help prevent potential non-compliance relating to contributions to discretionary initiatives.
50. In light of the above, the Commission will continue to use additional CCD contributions as a remedial measure where appropriate.

#### **Administrative monetary penalties**

51. In addition to the existing tools, the modernized Act now provides the Commission with additional enforcement powers through its ability to impose AMPs.<sup>6</sup> AMPs are monetary penalties that can be imposed if a person commits a violation of a Commission regulation, order or other types of regulatory obligations set out in the Act.<sup>7</sup> The Act provides for maximum penalties and details how the Commission should establish the amount of a penalty in a given case, based on specific criteria which are also set out in the Act.<sup>8</sup>

---

<sup>6</sup> See section 34.4 of the Act.

<sup>7</sup> See subsection 34.4(1) of the Act.

<sup>8</sup> See *An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*, S.C. 2023, c. 8, Part II.2, section 34.5.

52. In the Notice, the Commission suggested imposing AMPs only if there has been severe non-compliance, repeated non-compliance or both. The Commission also stated that the purpose of imposing a penalty is not to punish, but rather to encourage compliance with the *Broadcasting Act* or, in the case of a penalty for a violation referred to in paragraph 34.4(1)(h), with the *Accessible Canada Act*.

#### **Positions of parties**

53. In general, interveners supported the use of AMPs and specified that they should be used for serious and repeated instances of non-compliance, but only after due process. The FRPC stated that the Commission did not impose compliance measures on 25.7% of radio stations that were in non-compliance and was concerned that unequal application of AMPs in a similar manner could discredit the Commission.
54. SiriusXM, Trent Radio, and one individual opposed AMPs, arguing they would unfairly burden smaller broadcasters, redirect money out of the industry, or encourage large groups to ignore regulations and pay fines.

#### **Commission's decision**

55. The Commission has experience promoting compliance through AMPs in its work under the *Telecommunications Act* and Canada's Anti-spam Legislation. It allows penalties to be tailored based on the severity of the violation, compliance history, and other relevant factors. The risk of monetary penalties also creates a deterrent that can encourage licensees to remain in compliance. As noted above, the purpose of imposing a monetary penalty is not to punish, but rather to promote compliance with regulatory obligations.
56. The Commission acknowledges the interveners' comments regarding the use of AMPs in serious or repeated instances of non-compliance, and the importance of giving licensees an opportunity to explain the non-compliance. Specifically, the Commission considers that AMPs should only be used for serious non-compliance, repeated non-compliance, or both, for which the other measures mentioned above have not produced the expected results.
57. With respect to the interveners' concerns regarding additional burden, fairness, and the fact that money would be redirected outside the broadcasting system, the Commission considers that these concerns can be mitigated by using AMPs for instances of serious or recurrent non-compliance and by establishing a process that would allow licensees and the public to comment on the proposed AMPs. A framework for an AMP regime will be developed at a later date.
58. In light of the above, the Commission may use AMPs as a measure to promote compliance in cases of recurrent or serious non-compliance.

#### **Gradual compliance approach**

59. In the Notice, the Commission indicated that it intends to move towards an incentive-based compliance framework by proposing measures that encourage licensees to remain compliant. Consistent with this approach, the Commission considers it appropriate to implement a gradual compliance approach that will better enable it to address minor non-compliance issues quickly. It will also provide assistance for less-experienced licensees, as well as licensees from equity-deserving groups and OLMCs.
60. Under this approach, as a first step, the Commission would generally send a warning letter to notify the licensee of apparent non-compliance and open a dialogue. The Commission considers that using warning letters to inform licensees of instances of apparent non-compliance and offering licensees a chance to correct issues that have been identified would be an effective measure to bring them into compliance quickly. This step would also be an opportunity to provide guidance to licensees in an effort to prevent future or recurrent non-compliance.
61. If the Commission is not successful in bringing the licensee into compliance at the first step, the non-compliance could be escalated and one of the other compliance tools employed. For example, consistent with subsection 9.1(4) or 11.1(7) of the Act, the Commission could initiate a process to impose additional conditions of service relating to the non-compliance, including for additional CCD, where the circumstances of the licensee warrant such a step.
62. Where there is severe or recurring non-compliance, and these initial steps are not successful, the Commission could then progress to additional measures such as requiring on-air announcements, imposing AMPs, or making mandatory orders. Finally, as a last resort, where the licensee has demonstrated an unwillingness to comply with its regulatory obligations, the Commission could suspend or revoke the licence.
63. This graduated approach to non-compliance will be based upon a new approach for compliance monitoring using audits and complaints with a goal of more timely identification and correction of non-compliance.
64. The compliance measures included in this regulatory policy replace the measures in Broadcasting Information Bulletin 2014-608.

### **Exemption orders**

65. Subsection 9(4) of the Act provides that the Commission shall exempt persons who carry on broadcasting undertakings from any or all of the requirements of Part II of the Act or an order or regulation made thereunder if it is “satisfied that compliance with those requirements will not contribute in a material manner to the implementation of the broadcasting policy set out in subsection 3(1).”
66. Broadcasting exemption orders establish the terms and conditions under which such undertakings must operate to be eligible to broadcast without a licence. Exempt broadcasting undertakings must comply at all times with the criteria set out in the

exemption order that is relevant to them and adhere to certain technical requirements from the Department of Industry (also known as Innovation, Science, and Economic Development Canada, hereafter, the Department) when using the airwaves.

67. As indicated in Broadcasting Regulatory Policy 2018-137, the purpose of exemption orders is to ease the regulatory burden on broadcasters and use fewer Commission resources for small, temporary, or niche radio services that will have little impact on licensed broadcasters.

#### **Existing exemption orders**

68. The existing exemption orders include the following:
  - Exemption order for low-power tourist information related radio programming undertakings (see Broadcasting Regulatory Policy 2018-137);
  - Exemption order for low-power radio programming undertakings providing programming that is derived solely from houses of worship (see Broadcasting Regulatory Policy 2018-137);
  - Exemption order respecting certain Indigenous radio undertakings (see Broadcasting Regulatory Policy 2018-137);
  - Exemption order respecting radio and television temporary network special event type 1 undertakings (see Broadcasting Regulatory Policy 2018-137);
  - Exemption order respecting low-power radio: limited duration special event facilitating undertakings (see Broadcasting Regulatory Policy 2018-137);
  - Exemption order respecting low-power radio: ultra low power announcement service undertakings (see Broadcasting Regulatory Policy 2018-137);
  - Exemption order respecting carrier current undertakings whose services are not carried on distribution undertakings (see Broadcasting Regulatory Policy 2018-137);
  - Exemption order for radiocommunication distribution undertakings (see Broadcasting Order 2014-446);
  - Exemption order respecting network operations (see Broadcasting Public Notice 2006-143);
  - Exemption order respecting public emergency radio undertakings (see Public Notice 2000-11);
  - Exemption order respecting low-power radio: Temporary resource development distribution undertakings (see Public Notice 2000-10); and

- Exemption order respecting shortwave broadcast undertakings (see Public Notice 1991-105).
69. In the Notice, the Commission requested comments on whether the existing exemption orders were still relevant and on what amendments could be made to them.

***Positions of parties***

70. In its intervention, the OAB submitted that the existing rules surrounding exemptions are effective and relevant. South Asian Broadcasting Corporation, Multicultural Broadcasting Corporation Inc. and CIRC Radio Inc. (SABC *et al.*) suggested that the Commission not permit the operation of tourist and house of worship exempt stations in any other languages than English, French or Indigenous languages. Finally, the NCRA suggested, for the sake of greater transparency, that existing exemption orders be amended to require exempted campus, community, commercial and news radio undertakings to provide additional information to the public and other broadcasters in their markets.<sup>9</sup>
71. All interveners supported imposing an obligation for exempt stations to register with the Commission. They noted it was necessary in scenarios of non-compliance or if any complaints are received. They also supported imposing obligations relating to audio recordings, music lists, and, with the exception of the FRPC, program logs. Golden West suggested limiting the obligations if the station is operating in a market with no commercial stations.

***Commission's decision***

72. The Commission considers it appropriate to maintain the existing exemption orders with certain modifications.
73. Subsection 9(4) of the Act has always allowed the Commission to impose terms and conditions on exempt undertakings. Such terms and conditions have historically been contained in the exemption order and have allowed a class of undertakings to operate under a common set of rules. However, if the undertaking was found to be in non-compliance with one of those terms or conditions, this automatically put the undertaking in a position where it was no longer operating within the bounds of the exemption order. This placed the undertaking in a potentially precarious legal position where it could be found to be broadcasting without a licence or otherwise in accordance with another authority contrary to the Act. The modernized Act provides increased flexibility to limit that legal jeopardy by making it possible for the Commission to make orders imposing conditions of service on exempt undertakings. The Commission considers that imposing conditions of service which are separate

---

<sup>9</sup> I.e. a short service description, information about whether the exempted service is a business, a non-profit, or otherwise, and the date the service expects to begin broadcasting.

from the exemption criteria under which exempt undertakings are eligible to operate is an efficient way to approach the imposition of regulatory obligations.

74. As presently worded, the Commission's exemption orders preclude the making of orders imposing conditions of service. As a result, the Commission considers it appropriate to update the existing exemption orders to reflect the Act and allow for the imposition of conditions of service, pursuant to subsection 9.1(1) of the Act, on exempt undertakings. In doing so, there will continue to be criteria which must be met in order to be eligible to operate under the exemption order. In this respect, the Commission notes that the majority of complaints regarding exempt radio stations relate to stations that operate under the Exemption order for low-power tourist information related radio programming undertakings (tourist information stations). Therefore, as an additional remedial step, the Commission will require tourist information stations to keep audio recordings and program logs similar to the requirement currently imposed on licensed undertakings. This requirement will facilitate monitoring in case of complaints, should an exempt station broadcast programming that it is not permitted to broadcast under its exemption order.
75. The Commission also considers it appropriate to clarify the wording of the exemption order for tourist information stations, to respond to concerns raised on the record of this proceeding that relate to instances of misinterpretation or uses of those exemption orders beyond their intended purpose.
76. With regard to the issue of registration, the Commission notes that operators of tourist information stations are already required to register with the Commission. This provides the Commission with an accurate account of the number of radio stations operating under this exemption order, which is helpful when addressing complaints or monitoring this segment of the radio industry. Further, the Commission acknowledges concerns about radio stations that operate under the Exemption order for low-power radio programming undertakings providing programming that is derived solely from houses of worship (house of worship stations) raised on the record of this proceeding. The Commission considers that, as part of its ongoing role of monitoring and supervising the industry, it would be helpful to also obtain this type of information from house of worship stations. As indicated in Broadcasting Regulatory Policy 2018-137, registration would provide an additional measure to incite broadcasters to comply with the rules. As a result, the Commission considers it appropriate to impose an obligation to register on undertakings operated by houses of worship. At this time, it does not consider it necessary to require other types of exempt undertakings to register.
77. In Broadcasting Notice of Consultation 2025-267, the Commission is seeking comments on the proposed amendments to existing exemption orders including on the orders imposing conditions on operators of exempt services.

#### **Potential new exemption orders**

78. In the Notice, the Commission requested comments on whether to broaden the exemption orders and to identify new classes of undertakings that could benefit from an exemption order, particularly to facilitate the entry of new broadcasters into the market. More specifically, the Commission called for comments on the following proposals:

- exemption orders for campus stations;
- exemption orders for certain community stations in markets where no station other than the CBC is authorized to broadcast in the same language as the community station;
- exemption orders based on stations' revenues;
- exemption orders for certain low-power commercial stations operated by owners who own only one station, based on their revenues; and
- exemption orders for radio stations dedicated to broadcasting news content focused on local news.

***Positions of parties***

***All types of stations***

79. RNC MÉDIA opposed all types of exemptions since all licensees should be bound by the same obligations

***Campus stations***

80. The ARCQ, the NCRA, and the OAB opposed this proposed exemption. The ARCQ argued that campus stations would continue to benefit from the same funding as community stations without having any obligations. The OAB indicated that since campus stations are meant to provide a real-world experience of working in a commercial radio environment, and since some campus stations operate at a relatively high transmission power, they should not be exempt. While the NCRA supported the goal of facilitating the entry of new broadcasters, it opposed the exemption stating that only licensed stations are eligible for Radiometres<sup>10</sup> funding. It added that this exemption could hinder stations' ability to serve their communities.

81. Trent Radio, which operates the campus station CFFF-FM Peterborough, Ontario, indicated that it was open to exempting low-power stations, but that a simplified renewal process and extended licence terms would be preferable.

---

<sup>10</sup> Radiometres is a funding program distributed by the CRFC. The program is built around three outcomes: the improvement of local programming; better training, supervision and retention of volunteers; and increased community engagement. It allows licensed campus and community stations to plan and complete projects that contribute to Canadian content development. The funding distributed through Radiometres comes from Canada's private radio broadcasters through a portion of their CCD contributions.

82. In their interventions, Pattison and the CAB supported the exemption if advertising limits were maintained. The FRPC also supported the proposal, but only if the Commission published annual reports on campus stations' programming performance.

***Community stations in markets where no other station (other than the CBC) is authorized to broadcast in the same language***

83. The ARCC, the ARCQ, the FPRC, Golden West, Pattison, and the CAB, supported exempting campus and community stations in markets where no station other than the CBC is authorized to broadcast in the same language. The Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) also supported the idea but felt that the exemption would not permit the Commission to achieve the Act's objectives.
84. However, many interveners did not support exemptions, raising concerns about potential competition from exempt services and possible financial impacts.
85. Arsenal opposed the exemption, stating that some subsidized community stations are in direct competition with commercial stations. It indicated that this constitutes unfair competition.
86. The NCRA opposed the exemption, stating that only licensed stations are eligible for Radiometres funding and exempting them could hinder their ability to serve their communities.
87. Lastly, Cogeco argued that if exemptions in these markets were granted it should be for all types of stations. It also cautioned against the creation of multiple exemptions to ensure the broadcasting licensing and compliance processes remain practical, fair and efficient.

***Community stations – Low-power based on stations' revenues***

88. The Alliance nationale de l'industrie musicale, the ARCQ, and the CAB, supported by Golden West, favoured this proposed exemption. The ARCQ stressed the need to monitor the compliance of these stations. Trent Radio also supported the idea if the exemption was based on a revenue average determined during a five- to ten-year period.
89. SABC *et al.* noted that within major metropolitan areas, community radio stations that broadcast in languages other than English, French or Indigenous languages, should not be exempted from licensing regardless of power levels.
90. Pattison indicated that any exemption should be subject to a \$1.25 million threshold (advertising revenue), which the Commission uses for commercial radio broadcasters' annual advertising revenue to determine their CCD contributions.

91. Cogeco, Arsenal, and the OAB all opposed this proposal. The NCRA also opposed, stating that only licensed stations are eligible for Radiometres funding and this proposal would negatively impact the existing community radio stations.

***Low-power commercial stations (outside metropolitan markets)***

92. Pattison and Arsenal opposed this proposed exemption, stating that the launch of too many low-power commercial radio stations would have an adverse financial impact on existing licensed stations.
93. Stillwater supported this proposed exemption, arguing that all communities should be served by a station that can provide some local information and that provides a fair way to ensure terrestrial radio competes with other audio providers. It also proposed a revenue cap for exempt stations to protect existing operators.

***News services***

94. The ARCQ supported the idea of allowing low-power news stations in communities where there are no community stations. The NCRA did not oppose reducing barriers to entry for radio stations that broadcast news content focused on local news in markets where there is no local programming available, provided the stations were low-power news stations.
95. Pattison argued that an exemption would be acceptable only outside the primary or secondary contours of any existing commercial station that already provides news to that market. Pattison found that the use of Qualified Canadian Journalism Organization (QCJO) designation as a criterion would be inappropriate and that the exemption should apply to any station that broadcasts a minimum percentage of local news programming or spends a minimum percentage of revenue on news programming.
96. DiMA said that if exempt news services receive funding from the temporary fund supporting local news, they should be subject to appropriate reporting requirements.
97. SABC *et al.*, supported by the CAB, opposed this exemption. It warned of a possible loophole to allow exempt news stations broadcasting in third languages, similar to what happened with tourist and house of worship stations.
98. Arsenal opposed this exemption stating that it would diminish the already limited advertising revenue pool for existing stations. Rogers and Cogeco argued that exempting news services would be inappropriate given the precarious financial position of the terrestrial radio sector. Rogers added that an exemption would be more effective if applied to existing AM and FM news stations.
99. The OAB stated that should the Commission decide to relax licensing or other regulatory requirements, these concessions should be equally extended to all station operators. Golden West and the CAB added that any exemption should be subject to the most minimal conditions and opened to all news stations, not just new ones.

100. Golden West, Pattison, and the CAB cautioned the use of exemption orders as a back-door entry into the commercial radio market. In addition, they added that there should be no exemption in markets with frequency scarcity and that the impact on existing stations should be minimal.

***Commission's decision***

101. While there is some support for additional exemptions orders, the Commission acknowledges interveners' concerns relating to fairness and competition. In the Notice, the Commission expressed the preliminary view that new entrants should have a minimal commercial impact on licensed broadcasting services in the same market. Based on the record for this proceeding, the Commission is of the view that introducing new exemptions could have a financial impact on incumbent stations.
102. With regards to the proposals to exempt campus or some community stations, as noted by the NCRA, under the Structural and Operational Plan of the CRFC, approved by the Commission, campus and community stations applying for Radiometres funding must hold a valid broadcasting licence. This requirement provides built-in assurance that the services will be accountable and subject to Broadcasting Regulatory Policy 2010-499. While the CRFC could submit a new structural plan to the Commission, this process would require resources and time for both the industry and the Commission.
103. Further, the Commission considers that any exemption based on revenues would be difficult to manage for the Commission and the undertakings, since stations' revenues may fluctuate. Significantly increasing the number of exemptions based on specific criteria would create a regime where it would be difficult to obtain a clear picture of the radio markets. This framework would also place too heavy an onus on those regulated through exemption orders to accurately account for and justify their eligibility, as well as members of the public who should benefit from regulatory certainty and clarity from the Commission. The Commission is of the view that a regime that includes licensed and exempt stations from the same category would be more complex, and this would go against the objectives of this proceeding to simplify the Commission's processes.
104. Finally, in light of the Commission's adoption of indefinite licence terms and other measures intended to significantly reduce the regulatory burden associated with a licence, there will be little distinction between licensed and exempt services. The record also showed that many licensees consider that operating under a licence has significant benefits in terms of regulatory clarity and perceived legitimacy. As such, absent a compelling policy rationale and a strong desire expressed by current licensees, the Commission sees no clear benefit to exempting additional services.
105. In light of the above, by majority decision, the Commission finds that new exemption orders are not required at this time.

### **Subsidiary Communications Multiplex Operation services**

106. A Subsidiary Communications Multiplex Operation<sup>11</sup> (SCMO) service involves both broadcasting services (e.g., audio programming) and non-broadcasting services,<sup>12</sup> both of which are sent over a subcarrier frequency of an FM radio channel. The broadcasting component is not accessible with standard radio equipment and requires the use of a special receiver.
107. In the Notice, the Commission invited comments on the SCMO framework. Specifically, it wanted to examine whether any exemption orders would also automatically apply to SCMO services and whether SCMO services operating in association with an exempt station would be exempt regardless of content.

### ***Positions of parties***

108. The OAB had no objections with the Commission deregulating SCMOs entirely.
109. Golden West and Pattison suggested that where a station intends to broadcast audio programming on an SCMO service, it should register that service with the Commission and notify radio stations licensed to serve the same market to allow impacted radio stations to comment on whether the service should be permitted to launch under an exemption order.

### ***Commission's decision***

110. To initiate the use of a SCMO service, applicants must file information with the Department. The approved SCMO service is subsequently included in the station's publicly available broadcasting certificate with which it is affiliated.
111. In addition, the Commission has historically required prior approval for audio programming broadcast on an SCMO service (as indicated in Public Notice 1989-23) if more than 15% of the service's broadcast week is devoted to ethnic programs, and its service area overlaps an area already served by an authorized over-the-air conventional ethnic station.
112. In light of their minimal market impact, the Commission considers it appropriate to eliminate the requirement for SCMOs devoting more than 15% of the broadcast week to ethnic programs to obtain a condition of service to operate a SCMO.
113. However, to have a complete picture of the broadcasting system, the Commission considers that all operators of licensed stations as well as exempt tourist information

---

<sup>11</sup> SCMO is a method for broadcasters to use a side channel within their main frequency to transmit additional information relating to their programming (e.g., song name and artist) or to broadcast separate programming.

<sup>12</sup> Program-associated services related to in-house operations, such as broadcasting station monitoring and control, cue and control of remote broadcasting stations and standby studio transmitter links. Non-broadcasting services are services that are not related to programs (such as radio paging and alphanumeric data transmission).

and house of worship stations that broadcast audio programs on their SCMO should be required to register that SCMO with the Commission.

114. Accordingly, the Commission **proposes to make an order** pursuant to subsection 9.1(1) of the Act requiring licensees of FM stations to register with the Commission should they make use of the SCMO for broadcasting audio programs. The specifics of the proposed order are set out in Appendix 1 to this regulatory policy. The Commission will make similar orders in relation to registered exempt undertakings.

### **Licensing processes**

115. In the Notice, the Commission made proposals to streamline processes to obtain or amend a broadcasting licence. Specifically, the Commission called for comments on:
- making changes to the process for developmental stations;
  - simplifying the process for stations that wish to go from regular power to full power;
  - gathering information on the ownership of radio stations, especially to determine which entities are owned or controlled by equity-deserving groups or OLMCs;
  - providing supplementary flexibility to AM stations; and
  - collecting information on stations' online programming offerings.

### **Developmental stations**

116. The Commission introduced a streamlined approach for developmental campus and community stations in Broadcasting Public Notices 2000-12 and 2000-13 and reiterated the approach in the Campus and Community Radio Policy.<sup>13</sup> These licences allowed new campus and community stations to begin operations quickly under more limited requirements, with a view to developing into full-fledged campus and community stations should they wish to do so. For example, developmental stations were not required to prove the availability of funding, and the presence of paid employees was not a factor in the assessment of these applications. Under that approach, developmental stations were limited to a transmitter power of 5 watts or less for AM stations, or an effective radiated power (ERP) of 5 watts or less for FM stations. At the end of their five-year licence term, developmental radio stations were expected to either file an application with the Commission to obtain a licence for a regular campus or community radio station or cease operations.
117. In the Notice, the Commission noted that in the last few years, the Commission received a limited number of applications for developmental stations. It added that in practice, it seemed that the licensing process for developmental stations did not turn

---

<sup>13</sup> See Broadcasting Regulatory Policy 2010-499.

out to be simpler. Therefore, the Commission requested comments on what changes could be made to facilitate the process leading to the launch of developmental stations.

### ***Positions of parties***

118. In its intervention, the ARCC stated that allowing an inexperienced broadcaster to hold a trial-based licence permitting them to get their foot in the door is interesting, but it did not see how such a licence could foster a greater presence of equity-deserving groups and members from OLMCs in the broadcasting system. Pattison, on the other hand, was of the view that developmental stations could allow access for underrepresented groups but specified that the Commission must be conscious of potential impacts on existing stations.
119. The ARCQ argued that commercial operators should only have access to developmental licences in incumbent-free markets. It added that stations operating with a developmental licence should be able to transition to a standard licence with a renewal once their trial-based licence expires. In its view, if the process was easier, there would be more applications including from equity deserving groups and operators looking to serve OLMCs. The NCRA agreed with this comment. It also indicated that it was not in favour of allowing the developmental path to obtain a licence but would prefer this option over exemptions.
120. Cogeco was of the view that given their unpopularity, developmental licences should no longer exist.
121. One individual argued that it should be easier for Canadians to licence a radio station, specifically stations with niche programming such as children's programming or programming celebrating neurodiversity.

### ***Commission's decision***

122. The Commission considers that the current process for developmental stations is restrictive and should be modified to encourage new licensees to enter the market. Specifically, modifying the process for developmental stations could make licences more accessible and would offer a simpler option to obtain a licence, thus minimizing the regulatory burden on the Canadian broadcasting system, consistent with section 5 of the Act and paragraph 8(a) of the Policy Direction.
123. The Commission considers it appropriate to modify the process for developmental stations to include community, campus, and commercial stations. Given that these stations will follow the licensing process, there would be safeguards to protect existing stations in the market.
124. Further, the Commission is of the view that limiting developmental stations' transmitter power of 5 watts or less for AM stations, or an ERP of 5 watts or less for FM stations does not encourage the entry of a diversity of players in the broadcasting system. Accordingly, the Commission modifies the developmental stations process

so that operators of those stations with a transmitter power or an ERP of 50 watts or less are eligible to apply for a developmental licence.

125. In cases of frequency scarcity, the Commission will continue to seek comments on market capacity, as those applications proposing to use one of the last known frequencies in a market are not eligible to be considered for an exemption to the issuance of a call for applications, as per Broadcasting Regulatory Policy 2014-554.
126. Under the new process, developmental stations will still be open to all Canadians, but the Commission is of the view that these stations could encourage equity-deserving groups and OLMCs to quickly enter the broadcasting market and to test the waters, consistent with the policy objective of increasing the diversity of voices in the broadcasting system. Commission staff will provide continued support throughout the five-year licence term, with regular contact with the licensees. Specifically, licensees of developmental stations will benefit from lower reporting and programming requirements, which would allow licensees to launch a licensed station with minimal investments.
127. To alleviate the burden on licensees, developmental stations could obtain an indefinite licence after five years through the licence renewal process, using the regular renewal application form. Specifically, there will be a full assessment of the application at renewal to ensure they meet necessary criteria to operate a traditional AM or FM radio station. These stations will then be subject to the standard requirements applicable to the type of station. At renewal, these stations could also request a larger perimeter to be a full-power station through a technical change.
128. In summary, under the new approach, developmental stations will:
  - include community, campus, and commercial stations;
  - be limited to 50 watts or less for their transmitter power for AM stations, or an ERP of 50 watts or less for FM stations (unprotected);
  - benefit from assistance from Commission staff; and
  - following a compliance monitoring, be renewed to a regular licence with an indefinite term after five years, via a renewal application, with the possibility for interventions, provided that the station meets all its regulatory obligations.
129. The following will not be required for the assessment of the application but will be requested in the licence renewal application towards the end of the developmental phase, to be submitted at least nine months before the licence expires:
  - availability of funding;
  - presence of paid employees; and
  - specific programming plans (e.g., block programming).

### **Low-power stations moving to full-power stations**

130. In Broadcasting Regulatory Policy 2014-554, the Commission determined that licensees of low-power radio stations must apply for new licences to move from low-power to full-power with protected status. At the time, the Commission indicated that this process would maintain the integrity of the licensing process. In the Notice, the Commission indicated that since these stations already go through a public hearing to obtain their licence, a simplified process could be used going forward. This process would include a Part 1 public consultation, in cases where no market capacity assessment is required. This simplified process would be similar to the process for technical amendments or changes to conditions of service.

### ***Positions of parties***

131. Many interveners supported a simplified process for low-power stations that wish to upgrade to full power. The ARCQ indicated that it supports the Commission's proposal if the station is owned by a unique station owner and operates in a small market. The NCRA raised similar ownership concerns but supported the idea of making it easier for campus and community stations to transition to full power.
132. Total Change Christian Ministries argued that the process for technical changes is more onerous than that to start a station and supported the reduction of any unneeded technical or administrative requirements for low-power stations.
133. Golden West, supported by the CAB and the NCRA, indicated that a public process, including a call for applications, an economic analysis and a scarcity verification, should remain for markets with incumbent stations. Rogers stressed that low-power stations upgrading to full power should still require approval to maintain licensing integrity.

### ***Commission's decision***

134. The Commission is of the view that the process for low-power stations moving to full power should be streamlined but acknowledges the interveners' comments relating to the need for a public process to ensure that incumbent stations, as well as the public, are consulted on the proposed changes.
135. A Part 1 process would provide the public and incumbents with an opportunity to comment on the proposed change. Furthermore, the Commission notes that should a market assessment be required, the usual process for a market capacity assessment would be triggered. The change would also be subject to the Department's approval.
136. In light of the above, the Commission concludes that going forward, licensees of low-power stations seeking to move to full power will do so by filing a Part 1 application. In case of frequency scarcity, the Commission will continue to conduct a market capacity assessment.

**Gather information on ownership to ensure that the diversity of Canadian society is well reflected in the ownership of radio stations**

137. In the Notice, the Commission asked questions on how it should collect ownership information of radio stations to determine which entities are owned or controlled by equity-deserving groups, taking into account self-reporting and data confidentiality.

***Positions of parties***

138. In its intervention, Pattison stated that the Commission can improve equity in broadcasting by collecting data on ownership demographics and employment patterns to help identify trends, barriers, and gaps, enabling evidence-based policy development and targeted support. Similarly, Cogeco indicated that an annual profile survey should be completed by all ownership groups. It added that certain forms could be modified to gather more targeted information on whether a station's owners or operators belong to an equity group or an OLMC group. Golden West, supported by the CAB, argued that the Commission should no longer require the filing of the Cultural Diversity reports but instead seek data on the representation of equity-deserving groups through annual returns.
139. The NCRA also suggested that the Commission compare demographic numbers with the number of broadcasters serving these groups before and after modernization and include both qualitative and quantitative feedback from historically excluded groups through direct consultation.
140. In the FRPC's view, the Commission could consider commissioning a third party to survey equity-deserving groups and OLMCs every two years, as well as gathering and publishing annual data on ownership of radio stations.
141. Finally, the ARCC, supported by Cogeco, proposed that the Commission hold annual meetings with the main organizations representing OLMC community radio stations.

***Commission's decision***

142. Subsection 3(1) of the Act describes the broadcasting policy for Canada and highlights the importance of ensuring that the broadcasting system reflects Canada's diverse communities, by supporting employment and production in languages that reflect Black and racialized communities and the diverse ethnocultural makeup of Canadian society. The Commission considers that collecting data on diversity within the ownership of radio stations could support the development of more inclusive policies and initiatives. However, the Commission is of the view that this issue extends beyond radio broadcasters and should be examined in the broader context of the entire broadcasting system. As such, the Commission will not require specific reporting on diversity within the ownership of radio stations until it conducts a broader review of this issue.

### **Additional flexibility for AM stations**

143. In the Notice, the Commission noted that in recent years, many AM stations have gone off-air. While the reasons for these closures are varied, a common theme emerges in that AM stations' operating costs are higher than those of FM stations. For these reasons, the Commission requested comments on the possibility of providing AM stations with additional flexibility.

### ***Positions of parties***

144. Many interveners stated that AM stations have high programming costs and argued that they should be subjected to minimal requirements. In terms of additional flexibility, an individual suggested incentives for broadcasters to program content other than AM simulcast on their HD Radio subchannels. Sauga 960 AM indicated that the Commission should grant total flexibility to stations to run programming that reflects the audience they seek to reach. Cogeco, however, stated that any flexibility for AM stations should be granted to FM stations.

### ***Commission's decision***

145. As part of this proceeding, the Commission reviewed the various requirements for AM stations. Contrary to FM stations, these stations do not have conditions of service relating to local programming and do not have speciality formats. Accordingly, they are already subject to minimal programming requirements. Further, in the Revised Commercial Radio Policy,<sup>14</sup> the Commission amended the Common Ownership Policy to provide additional flexibility and help improve the financial health of radio stations.
146. In regard to the proposal for incentives for broadcasters to program content other than AM simulcast on their HD Radio subchannels, the Commission notes that stations can already use HD Radio to offer additional programming, provided they register the HD Radio service with the Commission.
147. In light of the above, the Commission will not implement measures specifically for AM stations but will consider AM stations' needs in its regulatory approach to the broader context of the Audio Policy proceeding.<sup>15</sup>

### **Other measures**

148. In the Notice, the Commission noted that it remained open to considering other issues and concerns that relate to the radio sector and that fall within its jurisdiction and authority under the Act. It added that comments should consider the various cultural, economic, social, and technological policy objectives set out in the Act.

---

<sup>14</sup> Broadcasting Regulatory Policy 2022-332.

<sup>15</sup> Launched in Broadcasting Notice of Consultation 2025-52.

Accordingly, some interveners suggested measures in line with the objectives of this proceeding to alleviate the burden on stations.

**Allowing FM stations to broadcast spoken word content without changing format**

149. The CAB, Rogers, and Corus suggested that the Commission remove the specialty formats for FM stations that provide news.
150. Specifically, the CAB argued that it sees no public policy rationale for prohibiting or limiting the ability of private radio broadcasters to operate news/talk radio stations on FM. On that same topic, Corus stressed that to fully support local news, the Commission should allow private news radio operators more flexibility to experiment with different approaches. It added that AM stations are typically more expensive to operate, and they will become more expensive with stricter federal safety requirements due to come into force in the coming years.
151. Moreover, Corus and Rogers indicated in their interventions that growing segments of new vehicle fleets do not offer AM functionality, limiting the reach of AM stations. They added that spoken word (news/talk) radio stations are mostly operated on AM frequencies in Canada due to broadcasting regulations.
152. In addition, some interveners also argued that the Commission should find as many ways as possible to support the continued production of news programming in Canada.

***Commission's decision***

153. As part of its regulatory oversight and in furtherance of the broadcasting policy objectives set out in the Act, the Commission continuously reminds licensees that they must ensure that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues, including news. Using conditions of service to regulate spoken word format is a way to ensure a certain programming diversity within a market, particularly when granting licences as part of a competitive process. In recent years, many radio stations devoting the majority of their broadcast week to spoken word programming went off-air, which led to a reduction in news on radio stations. While the licensee of an FM station must obtain permission to operate within the specialty format, which includes the spoken word format, licensees of AM stations can already move their stations between formats without the Commission's approval.
154. Accordingly, the Commission considers it appropriate to provide more flexibility to licensees of commercial FM stations willing to devote more than 50% of their broadcast week to spoken word content. However, the Commission must also ensure that this flexibility does not impact stations that are currently required to do so.
155. Therefore, the Commission intends to introduce a one-year trial period for commercial FM stations looking to devote more than 50% of their broadcast week to spoken word content. This temporary flexibility will be authorized through a

standard condition of service. After the one-year trial period, if the licensee wishes to continue broadcasting more than 50% spoken word programming, it may apply for a specific permanent condition of service requiring it to do so.

156. Specifically, the first time that the licensee devotes more than 50% of its programming during a broadcast week to spoken word content<sup>16</sup>, the licensee must do the following:
- Within 30 days of the end of that broadcast week, notify the Commission by letter, indicating: that it has done so and the date on which it made the change, whether it intends to continue doing so, and, if known, for how long.
  - If, before the end of one year, the licensee ceases to broadcast more than 50% of its programming during the broadcast week as spoken word content, it may not re-start without Commission approval.
  - After one year, if the licensee has continued to broadcast more than 50% of its programming during the broadcast week as spoken word programming, for any period beyond the initial thirty days, it must either:
    - (a) cease doing so and not re-start without Commission approval; or
    - (b) apply for a condition of service 60 days before the end of the 1-year period requiring the undertaking to devote more than 50% of the programming broadcast during the broadcast week to programming drawn from content category 1 on a going-forward basis.
157. The objective of this measure is to support news and other community information, while making sure that communities do not lose access to spoken word content, consistent with the policy objective set out at subparagraph 3(1)(i)(ii.1) of the Act to ensure that news programming that reflects the viewpoints of Canadians is included in the Canadian broadcasting system.
158. The Commission is of the view that the production of spoken word content is essential as it helps maintain diversity in the broadcasting system and is in the public interest. Accordingly, the Commission considers it appropriate for FM stations that currently operate under the specialty (spoken word) format to keep their condition of service relating to spoken word content.
159. The specialty format for specialty ethnic and special interest music stations, including religious music radio stations, as set out in Public Notice 1995-60 and amended by Public Notice 2000-14, will remain. The Commission considers that maintaining the specialty format for ethnic and religious stations would help protect the diversity of formats as well as current licensees. This type of licence is also

---

<sup>16</sup> i.e. Content Category 1: Spoken word.

necessary since these stations must adhere to specific conditions relating to their format.

160. In light of the above, the Commission **proposes to make an order** authorizing licensees of commercial FM stations to devote more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word) programming for a period of one year, provided they notify the Commission of their intention to do so and apply for a permanent condition of service if they wish to continue doing so. The specifics of the proposed order are set out in Appendix 1 to this regulatory policy.

#### **Simulcast from AM to FM on a trial basis**

161. In its intervention, Rogers suggested that the Commission allow AM stations, and particularly AM stations broadcasting spoken word (news/talk) content, to broadcast content on both the AM and FM bands in a common market simultaneously. It indicated that this would help broadcasters evolve their businesses to reach new audiences.
162. In its reply, the FRPC argued that Rogers has not explained or provided evidence to demonstrate how a radio broadcasting system in which more stations carry the same programming will enable these stations to regain audiences.

#### ***Commission's decision***

163. Section 14 of the Regulations restricts the ability of licensees to simulcast their programming from AM to FM stations within the same market, limiting the simulcast period to 42 hours per broadcast week.
164. The Commission considers that removing all restrictions on simulcasting would go against encouraging a diversity of programming in a market and, as indicated by the FRPC, is not the best use of frequencies. However, the Commission is of the view that it would be appropriate to offer some flexibility to licensees who would like to test the programming of their AM station on their FM station on a trial basis with minimal investments.
165. In light of the above, the Commission introduces a one-year trial period to allow licensees to simulcast their AM station on the FM band in the same market, provided that the programming that the FM station broadcasts is consistent with the programming that it is permitted to broadcast. For example, a licensee would not be allowed to broadcast content on its FM station that would render it a specialty service if that station is not already authorized to operate under a specialty format.
166. When combined with the temporary authority to broadcast more than 50% spoken word programming for a period of one year, licensees wishing to test out their AM spoken word programming on their FM station could be eligible to do so.

167. In order to take advantage of this flexibility, licensees will need to submit an application for a temporary condition of service allowing them, as an exception to section 14 of the Regulations, to simulcast their AM station's programming on their FM station. In this case, given the temporary nature of the condition and that to be eligible for this trial period, the licensee must already have the ability to broadcast the content in any event, but for the restriction on simulcasting, the Commission considers that no additional process is required to obtain this temporary condition of service. As a result, these applications will be processed administratively.
168. After the 1-year trial period, licensees will either have to revert to their original programming and cease simulcasting, or submit an application to revoke the AM licence.

#### **Licence revocations for off-air stations**

169. The Commission considers that leaving a station off-air for a prolonged period of time does not represent the best use of a scarce public resource and does not contribute to the fulfillment of the objectives of the Act.
170. Licences with an expiry date allow the Commission to follow up with licensees whose stations are off the air. At the end of the term, these stations' licences expire and are not renewed. With indefinite licence terms, licences will no longer expire. Therefore, the Commission considers that a process should be put in place to revoke the licences of stations that are no longer in operation. This will ensure that stations that are off the air do not hold on to their licence indefinitely, occupying a frequency while not contributing to the broadcasting system.
171. In light of the above, the Commission introduces a formal process to revoke the licences of stations that are off the air. Specifically, the process will be as follows:
- Once a station has ceased operations for 10 days, the licensee would need to immediately inform the Commission in writing.
  - The licensee will then have six months to find a buyer and submit an application for a change in ownership and effective control or apply to revoke the licence.
  - Should this process not be followed, the Commission will launch a public proceeding consistent with paragraphs 9(1)(f) and 18(1)(b) and subsection 24(1) of the Act to revoke the licence. In total, a station will have approximately one year to vacate its frequency after going off-air.

#### **Addition of a rebroadcasting transmitter**

172. The Commission notes that the number of applications seeking exceptions to the general approach to the addition of a rebroadcasting transmitter through a technical amendment has grown in the recent years. The Commission is increasingly concerned that this type of "back door" entry into markets could undermine the

integrity of the licensing process. Therefore, the Commission is of the view that the current proceeding provides a good opportunity to provide guidance to licensees on the requirements for the addition of rebroadcasting transmitters.

173. Accordingly, the Commission has issued Broadcasting Information Bulletin 2025-266, also published today, to provide guidance for the addition of rebroadcasting transmitters to radio licences.

#### **Internal measures**

174. Further, as part of this proceeding, many interveners suggested improvements relating to internal processes and systems to increase efficiency.

#### ***Positions of parties***

175. In their interventions, the Alliance nationale de l'industrie musicale, the CAB, Durham Radio, Group CHCR Inc., SiriusXM, Golden West, Pattison, Rogers, and Stingray Radio Inc. indicated that the Commission should streamline the reporting requirements and administrative procedures. RNC MÉDIA indicated that certain policy elements can be found in decisions published over time and suggested that the Commission publish a "compendium" of all the policy elements. The FRPC, SiriusXM, Golden West, Pattison, the CAB, Rogers, and the NCRA have raised that the Data Collection System (DCS) should be updated to reduce administrative burden and improve efficiency.

#### ***Commission's decision***

176. The Commission notes the measures proposed by the interveners and considers that they would help alleviate the burden on licensees and the Commission. The Commission is currently exploring initiatives to achieve the goals proposed by the interveners.
177. In addition, the Commission has begun implementing improvements to the DCS based on the feedback provided and remains committed to ongoing enhancements to address the concerns raised by the industry.

#### **Conclusion**

178. The Commission considers that the measures announced in this policy will help alleviate the regulatory burden on broadcasters, consistent with paragraph 8(a) of the Policy Direction. They will also help achieve the objectives of the Act without impeding the ongoing support of the cultural, social, and economic fabric of Canada. The Commission also considers that the new measures will allow new broadcasters to enter the market while supporting the sustainability of existing broadcasters, with a view of reflecting the diversity of the Canadian society.
179. Further, the proceeding that was launched in Broadcasting Notice of Consultation 2025-52 will examine more closely how to define what constitutes Canadian audio

content and how to support Canadian and Indigenous audio content within the Canadian broadcasting system.

### **The proposed orders**

180. As noted at paragraphs 114 and 160, pursuant to subsection 9.1(1) of the Act, the Commission proposes to make the orders set out in Appendix 1 to this regulatory policy authorizing licensees of commercial FM radio stations to devote more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word) for a period of one year and requiring licensees of all FM radio stations operating SCMOs to register their SCMOs.
181. Consistent with subsection 9.1(4) of the Act, parties, including those who may be subject to these conditions of service, may file comments on the proposed orders by no later than **20 October 2025**.
182. Parties, including those who would be subject to these conditions of service, may submit a reply to any comments received, by no later than **27 October 2025**.
183. Parties who wish to submit comments on the proposed orders may do so on the Commission's [public proceedings webpage](#).

Secretary General

### **Related documents**

- *Call for comments on proposed amendments to existing exemption orders for various types of radio programming undertakings*, Broadcasting Notice of Consultation CRTC 2025-267, 10 October 2025
- *Guidance on the requirements for the addition of rebroadcasting transmitters*, Broadcasting Information Bulletin CRTC 2025-266, 10 October 2025
- *French-language community FM radio station in Iqaluit*, Broadcasting Decision CRTC 2025-121, 23 May 2025
- *Northwestel Inc. – Introduction of Winback Discount for Residential Unlimited Internet Packages*, Telecom Order CRTC 2025-74, 10 March 2025
- *The Path Forward – Supporting Canadian and Indigenous audio content*, Broadcasting Notice of Consultation CRTC 2025-52, 20 February 2025, as amended by Broadcasting Notice of Consultation CRTC 2025-52-1, 24 March 2025, 2025-52-2, 4 April 2025, 2025-52-3, 15 April 2025, and 2025-52-4, 26 May 2025
- *The Path Forward – Working towards a sustainable Canadian broadcasting system*, Broadcasting Notice of Consultation CRTC 2025-2, 9 January 2025, as

amended by Broadcasting Notice of Consultation CRTC 2025-2-1, 24 March 2025, 2025-2-2, 31 March 2025, 2025-2-3, 23 July 2025 and 2025-2-4, 1 August 2025

- *Call for comments – Modernization of radio processes*, Broadcasting Notice of Consultation CRTC 2024-290, 15 November 2024
- *Call for comments – Co-development of an Indigenous Broadcasting Policy*, Broadcasting Notice of Consultation CRTC 2024-67, 22 March 2024
- *Exemption order respecting discretionary television programming undertakings serving fewer than 200,000 subscribers*, Broadcasting Order CRTC 2023-307, 5 September 2023
- *Change to the processing time for applications and complaints relating to radio undertakings*, Broadcasting Information Bulletin CRTC 2023-278, 22 August 2023
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Amendments to exemption orders for various types of radio programming undertakings*, Broadcasting Regulatory Policy CRTC 2018-137, 27 April 2018
- *Terms and conditions of the exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Order CRTC 2017-320, 31 August 2017
- *Application of regulatory obligations directly to non-carriers offering and providing telecommunications services*, Telecom Regulatory Policy CRTC 2017-11, 17 January 2017
- *Terms and conditions of the exemption order for video-on-demand undertakings*, Broadcasting Order CRTC 2015-356, 6 August 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Exemption order for low-power radio stations that provide programming from houses of worship*, Broadcasting Order CRTC 2013-621, 21 November 2013
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *Telecommunications industry data collection: updating of CRTC registration lists, telecommunications fees, Canadian revenue-based contribution regime*,

*international licences and monitoring of the Canadian telecommunications industry*, Telecom Circular CRTC 2005-4, 9 February 2005

- *Revised content categories and subcategories for radio*, Public Notice CRTC 2000-14, 28 January 2000
- *Community radio policy*, Public Notice CRTC 2000-13, 28 January 2000, as amended by Public Notice CRTC 2000-13-1, 2 February 2000
- *Campus radio policy*, Public Notice CRTC 2000-12, 28 January 2000, as amended by Public Notice CRTC 2000-12-1, 2 February 2000
- *Amendments to the Radio Regulations, 1986 -- Simulcasting, Canadian Content, Ownership, Definitions of a "Commercial Message" and an "Associate"*, Public Notice CRTC 1996-116, 23 August 1996
- *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995
- *Services Using the Vertical Blanking Interval (Television) or Subsidiary Communications Multiplex Operation (FM)*, Public Notice CRTC 1989-23, 23 March 1989

# Appendix 1 to Broadcasting Regulatory Policy CRTC 2025-265

## Proposed orders imposing conditions on licensees of various FM stations

Pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission proposes to make orders imposing the following conditions of service on the licensees of various FM stations, as specified.

### Conditions of service

#### Commercial FM stations only

1. The licensee of a FM commercial radio station may devote more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word) for a period of up to one year subject to the following:
  - (a) The licensee may only use this flexibility once. Should the licensee begin and subsequently cease to broadcast more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word), the licensee shall not re-start without first seeking the approval of the Commission.
  - (b) The first time that the licensee broadcasts more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word), the licensee shall notify the Commission by letter of this fact within 30 days of the end of that broadcast week. The letter shall include the following details:
    - (i) an indication that the licensee has begun broadcasting more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word);
    - (ii) the date on which the licensee made the change; and
    - (iii) whether the licensee intends on continuing to broadcast more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word) and if so, for how long.
  - (c) The licensee shall not broadcast more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word) after one year following the date it first broadcasts this level of spoken word content unless it submits an application to the Commission for a condition of service requiring it to devote more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word) on a going-forward basis 60 days before the expiry

of the year. The licensee may continue to broadcast under this condition until the Commission has rendered its decision on that application.

**All FM stations**

2. Where the licensee makes use of the Subsidiary Communications Multiplex Operation (SCMO) for the purpose of broadcasting audio programs it must register that SCMO with the Commission.

## **Appendix 2 to Broadcasting Regulatory Policy CRTC 2025-265**

### **Summary of determinations**

#### **Licence terms**

The Commission will generally grant licences for an indefinite term for all radio broadcasting undertakings requiring a licence.<sup>17</sup>

#### **Compliance measures**

The Commission will introduce a new compliance plan. In particular, the Commission will conduct regular audits of a licensee's regulatory requirements, including programming and administrative requirements, both on a randomized and complaints-driven basis.

The Commission will continue to impose additional conditions of service as a measure to address a licensee's non-compliance with its regulatory obligations, where appropriate.

The Commission will continue to require licensees to broadcast on-air announcements regarding their non-compliance and remove their ability to make Canadian Content Development (CCD) contributions to discretionary initiatives, where appropriate.

The Commission will continue to use additional CCD contributions as a remedial measure, where appropriate.

The Commission will use administrative monetary penalties (AMPs) as a potential measure to promote compliance in cases of recurrent or serious non-compliance.

The Commission will implement a gradual compliance approach that will better enable it to address minor non-compliance issues quickly.

Where there is severe or recurring non-compliance, and these initial steps are not successful, the Commission could then progress to additional measures such as requiring on-air announcements, imposing AMPs, or making mandatory orders. Finally, as a last resort, where the licensee has demonstrated an unwillingness to comply with its regulatory obligations, the Commission could suspend or revoke the licence.

#### **Exemption orders**

##### **Existing exemption orders**

The Commission will maintain the existing exemption orders with certain modifications.

The Commission will require tourist information stations to keep audio recordings and program logs similar to the requirement currently imposed on licensed stations.

---

<sup>17</sup> Excluding the Canadian Broadcasting Corporation's radio stations and developmental stations.

The Commission will require undertakings operated by houses of worship to register.

#### **Potential new exemption orders**

By majority decision, the Commission finds that new exemption orders are not required at this time.

#### **Subsidiary Communications Multiplex Operation (SCMO) services**

The Commission will eliminate the requirement for SCMOs devoting more than 15% of the broadcast week to ethnic programs to obtain a condition of service to operate a SCMO.

#### **Licensing processes**

##### **Developmental stations**

The Commission will modify the process for developmental stations. Under this approach, developmental stations will:

- include community, campus, and commercial stations;
- be limited to 50 watts or less for their transmitter power for AM stations, or an ERP of 50 watts or less for FM stations (unprotected);
- benefit from assistance from Commission staff; and
- following a compliance monitoring, be renewed to a regular licence with an indefinite term after five years, via a renewal application, with the possibility for interventions, provided that the station meets all its regulatory obligations.

##### **Low-power stations moving to full-power stations**

Licensees of low-power stations seeking to move to full power will do so by filing a Part 1 application. In case of frequency scarcity, the Commission will continue to conduct a market capacity assessment.

##### **Gather information on ownership to ensure that the diversity of Canadian society is well reflected in the ownership of radio undertakings**

The Commission will not require specific reporting on diversity within the ownership of radio stations until it conducts a broader review of this issue.

##### **Additional flexibility for AM stations**

The Commission will not implement measures specifically for AM stations but will consider AM stations' needs in its regulatory approach now and going forward.

## **Other measures**

### **Allowing FM stations to broadcast spoken word content without changing format**

The Commission proposes to make an order authorizing licensees of commercial FM stations to devote more than 50% of the programming broadcast during their broadcast week to programming drawn from content category 1 (spoken word) programming for a period of one year, provided they notify the Commission of their intention to do so and apply for a permanent condition of service if they wish to continue doing so.

### **Simulcast from AM to FM on a trial basis**

The Commission will introduce a one-year trial period to allow licensees to simulcast their AM station on the FM band in the same market, provided that the programming that the FM station broadcasts is consistent with the programming that it is permitted to broadcast.

### **Licence revocations for off-air stations**

The Commission will introduce a formal process to revoke the licences of stations that are off-air.

### **Addition of a rebroadcasting transmitter**

The Commission has issued Broadcasting Information Bulletin 2025-266, also published today, to provide guidance for the addition of rebroadcasting transmitters to radio licences.

## **Internal measures**

The Commission has begun implementing improvements to the Data Collection System (DCS) based on the feedback provided and remains committed to ongoing enhancements to address the concerns raised by the industry.

## Dissenting opinion of Commissioner Bram Abramson

1. I concur in part with the majority decision, and thank my fellow panellists for our collegial work together towards it,<sup>1</sup> but dissent in respect of two kinds of burden. The first is administrative: the unnecessary paperwork, procedures, and inefficiencies that sap radio's time and energy. The second is structural: entry barriers and rigid licensing rules that needlessly hold back new players and innovation. The majority decision makes progress on the first but fails to go far enough on either, missing real opportunities to reduce red tape, broaden exemptions, and use AM as a testing ground for broader programming relief.

### A tale of two burdens

2. Commercial radio's history runs deep in Canada, from the earliest programs<sup>2</sup> to one of the world's first continuously-operating stations.<sup>3</sup> A century later radio continues to anchor local mediascapes in ways other platforms have difficulty reproducing. But radio is also an analog broadcasting holdout in a digital world, its profitability down and its ad share down further, with long-standing radio stations that were once pillars of their communities having signed off forever.
3. Radio continues to bring infectious personalities, encyclopedic music expertise, and trusted news to local audiences. Whether commercial radio can carry these strengths forward into digital stability, or will see them stripped away in favour of online platforms, is for media markets and creative destruction cycles to decide. The Commission's priority must be to ensure it is not our regulatory yoke that propels it down one path or another. To that end, this proceeding offered the possibility of addressing two, deceptively similar forms of red tape reduction.
4. The first is the continuing regulatory burden faced by radio market participants: the cost of compliance, weight of administrative obligations, and straitjackets that prevent nimble changes in programming and in business models. This is the kind of red tape reduction to which few will object, but requires more sustained analysis. It consists of identifying measures whose costs outweigh the benefits.
5. The second, more uncomfortable, is the regulatory drag that barriers to entry, exit, and acquisition create, keeping out new and maverick players in favour of an orderly market. It pits the view that more players will slice up the pie more finely, exposing sunk investments to new and unaccounted-for risk, against strategists' arguments that more options might grow overall platform popularity, or that in an age of media

---

<sup>1</sup> On behalf of the Commission: *Broadcasting Act*, section 20.

<sup>2</sup> John S. Belrose, "A Fessenden Christmas Eve broadcast retrospective", *IEEE Antennas and Propagation* 54(4), 2012.

<sup>3</sup> Montreal's Marconi XWA (for Experimental Wireless Apparatus), later CFCF. Mary Vipond, *Listening In: The First Decade of Canadian Broadcasting, 1922-1932* (Montreal: McGill-Queen's University Press, 1992).

abundance, the relevant market's boundaries have expanded such that every broadcaster is always already mired in cutthroat competition anyway.

6. In my view the majority decision on the panel struck to hear this matter holds up better under the first category (red-tape reduction) than under the second (market openness), but does not go far enough on either.
7. I approve of the steps that we did take. We have paired indefinite licence terms, which will cut substantial administrative burden, with a staged compliance approach that will not prevent regular review. We have provided for streamlined paths to AM-to-FM flips, to rapid talk format pivots, and to low- to high-power conversions. We have set in place the beginnings of an exit procedure that ought to include information bulletins—public transparency, not merely Commission awareness, should be the goal—but creates an important starting point.<sup>4</sup>
8. But we have also missed a number of opportunities to reduce the regulatory burden and streamline processes when these are most needed, including a more secure footing for red tape reduction; an exemption-driven approach to market entry; and an AM radio sandbox.

### **Less paperwork**

9. The majority decision's final three paragraphs address internal processes and systems aimed at improving efficiency. These include streamlined reporting and administration, publishing a compendium of relevant policy elements, and updating the Data Collection System (DCS). The decision commits to exploring initiatives to achieve these goals and to ongoing enhancements to DCS, some of which are already being implemented.
10. I support these commitments. But the majority decision does not, in my respectful view, go far enough in establishing an institutional footing for their continued pursuit. First, it is essential that radio regulatory processes be streamlined to minimize administrative burden through measures that include:
  - automated public logging, replacing individual logs completed manually and kept internally for short periods;

---

<sup>4</sup> This approach does not prevent the arrangement of a private sale, but formalizes the potential for an alternative approach in the event such a sale is not arranged. Note, in this regard, the recommendation to mandate a sales notice period by [The Lost Estate: How to Put the Local Back in Local News](#) (Public Policy Forum, February 2025): “Communities should have an opportunity to rally support for news outlets that are threatened with closure by corporate owners. Specifically, there should be a notice period, perhaps 120 days, before a news operation can be shut down or sold to a non-local buyer. That would give communities time to gather support for local ownership.”

- clear metadata guidance and database responsibility for content identification, including the designation of trusted taggers for categories relevant to Canadian, Indigenous, emerging, and other music; and
- DCS forms that are publicly reviewable and are detachable, archivable, and based on a published XML schema to support third-party integrations.

11. Second, and particularly with respect to DCS and similar filings, a more in-depth compliance-mapping approach is needed. This would involve accompanying selected radio groups to identify and map tasks, data fields, and redundancies, whether through Commission staff efforts or a more formalized inquiry.<sup>5</sup>

12. I note that certain of these activities are underway and, in some cases, have been for years. However, their extended pursuit away from both industry and Commission review risks adoption of cumbersome approaches unlikely to bear fruit, or to scale to industry needs. In my view, this proceeding ought to have been the occasion to take stock of these efforts and develop a common understanding of them. I therefore dissent from the majority decision in respect of the treatment of these items, which ought to have attracted more sustained attention.

### **More exemptions**

13. The Commission currently exempts 12 classes of radio undertaking, most of them niche cases. There is no shortage of reasons to address more material cases of radio stations whose market entry, and continued operations, could likewise be regulated by way of exemption order rather than individual licence.

14. First, the Act obliges the Commission to exempt undertakings from requirements that will not contribute materially to achieving broadcasting policy.<sup>6</sup> This compels, in my view, a light-touch regime that imposes only the minimum regulatory requirements needed to correct the market failures that the Broadcasting Policy for Canada defines. Licensing rarely meets that bar. It is a heavy-handed form of individualized gatekeeping most of whose goals are better achieved through conditioned exemption orders' general authorizations and associated registration requirements.

15. Second, we mean to be engaged in modernizing our regulatory frameworks. Moving from individual authorizations with customized conditions to open-entry authorization subject to predictable, market-wide rules aligns with best regulatory practice and with ongoing trends across communications sectors.<sup>7</sup>

---

<sup>5</sup> See the approaches catalogued at footnote 24 of my joint dissenting opinion with Commissioner Claire Anderson, appended to Telecom Order 2025-74.

<sup>6</sup> See subsection 9(4).

<sup>7</sup> See, e.g., Colin Blackman and Lara Srivastava, *Telecommunications Regulation Handbook: Tenth Anniversary Edition* (World Bank and ITU: 2011), chapter 3 (“Growing the market: licensing and authorizing services”), noting that “[t]oday the practice of issuing detailed individual licenses to specific

16. Third, our last review of radio exemption orders<sup>8</sup> underlined that they not only reduce regulatory burden, but also conserve Commission resources. The urgency of doing so is highlighted by the moratorium established, in Broadcasting Information Bulletin 2023-278, on radio applications and complaints that did not present “exceptional circumstances”.
17. In most other broadcast sectors, from broadcasting distribution undertakings (BDUs),<sup>9</sup> to discretionary<sup>10</sup> and on-demand<sup>11</sup> programming services, we have largely done away with entry licensing—while, in the telecommunications sector, we have long relied largely on registrations in the first place.<sup>12</sup> Where accountability or enforcement has faltered, the problem has been under-monitoring or inefficient process, not whether the obligation stemmed from a licence or from an exemption order. Where consequential changes to eligibility rules, qualifications, or related regulations are required, these are easily undertaken. Nor have stakeholders had special difficulties “to obtain a clear picture of the radio markets”.
18. The source of the majority’s reticence to modernizing in radio what we have modernized in virtually every other sector we regulate is not hard to identify. Traditionally—and notwithstanding the still-common myth that radio licensing is driven solely by spectrum scarcity—the Commission has prioritized an orderly radio market. We licence new stations in a radio market only after having conducted a market assessment and found sufficient market capacity. To prevent “over licensing in a market”, and give the market time to “adjust to a new entrant”, we apply a two-year pause after new entry, and after declining it.<sup>13</sup> This has created a culture in which the prospect of unchecked radio entry without careful pauses and lengthy market canvasses appears daunting. No wonder the majority cited incumbents’ concerns “relating to fairness and competition”, and the concern that “introducing new exemptions could have a financial impact on incumbent stations”, in opening its discussion of the matter.
19. Yet, ironically, the proposals for broadened exemptions would have engaged few of these concerns.
20. We should have exempted new FM stations already cleared for spectrum use, to retransmit long-standing AM stations in non-spectrum-constrained markets, provided

---

telecommunications, or ICT service providers, is gradually being replaced by general authorization regimes”, even if “the issuance of detailed individual licenses remains common in developing economies”.

<sup>8</sup> Broadcasting Regulatory Policy 2018-137, paragraph 2.

<sup>9</sup> Broadcasting Order 2017-320.

<sup>10</sup> Broadcasting Order 2023-307.

<sup>11</sup> Broadcasting Order 2015-356.

<sup>12</sup> Telecom Circular 2005-4; Telecom Regulatory Policy 2017-11.

<sup>13</sup> Broadcasting Regulatory Policy 2014-554, paragraphs 10-16.

the latter's primary contour completely encompasses the former's, for up to a year. This would have completed the simplified path for AM-to-FM conversions.

21. We should have exempted campus stations, setting out clear rules of the road, and allowing them to enter the market quickly once they meet these. Campus stations are limited in how much advertising they can air. They do not have a material impact on commercial radio. Were we concerned about too many campus stations suddenly rushing in, a stipulation requiring campus stations to be endorsed by their student union, or limiting them to one or two per campus, could have quieted these fears, and freed up Commission personnel's time while doing so.
22. We should have exempted community stations in markets where no commercial or community station broadcasts in the same language, particularly in view of the *Broadcasting Act's* now-enhanced guidance in respect of official language minority communities. Were we concerned about such stations out-hustling opposite-language commercial stations for dollars, a stipulation limiting such stations' annual advertising revenues—with the option of seeking regulatory approval to overturn that default—would have let community stations launch where there is no sense in making them wait. The 2023 application by the Association des francophones du Nunavut to launch a French-language community FM station in Iqaluit, finally granted in 2025 notwithstanding the moratorium, is a case in point.<sup>14</sup> What policy purpose is there in delaying community initiatives through staff-intensive procedures?
23. We should have exempted low-power community stations broadcasting in English, French, and Indigenous languages that do not solicit advertising, or whose revenues qualify them as a small station. We should have exempted low-power stations, the majority of whose programming is niche musical programming focused on a subcategory of content category 3,<sup>15</sup> or on spoken-word programming, including news programming.
24. Each of these straightforward cases would have required registration, imposed reasonable conditions, and obliged ongoing adherence to basic broadcasting standards. None would have threatened orderly markets; each would have sped entry for undertakings with no economic impact on incumbents, while conserving Commission resources for higher-impact work.
25. Just as importantly, each would have created additional, less friction-laden routes to channel the passion and creativity of community members. Whether or not taken up, they would have created new pathways and new catalysts for cross-media combinations in an environment where those ought to be welcomed as opportunities, not threats. We ought not regulate more than is necessary; these are instances of entry

---

<sup>14</sup> Broadcasting Decision 2025-121.

<sup>15</sup> These include concert, folk and folk-oriented, world beat and international, jazz and blues, non-classic religious, and experimental music. They exclude “popular music”, including pop, rock, and dance (including hip-hop and R&B); country and country-oriented, acoustic, and easy listening.

regulation where, with all due consideration for the majority's views, I join with Commissioner Levy in asserting that it is not.

### **A sandbox on the AM band**

26. Among the questions on this proceeding was whether to grant additional flexibility to AM radio, whose reach is greater than FM's but whose sound quality is thinner, equipment older, profitability weaker, and in-car availability declining. Some of the changes that the panel has made, on behalf of the Commission, in this regulatory policy will facilitate migration of AM programming, including news and talk, to the FM band. But what future remains for the AM band itself?
27. Some interveners proposed further lightening AM programming obligations, leaving only our public alerting and industry self-regulatory requirements in place alongside the spectrum authorization and Canadian ownership and control rules found in the *Radiocommunication Act* and *Direction to the CRTC (Ineligibility of non-Canadians)*, respectively. In light of requests for broader programming regulatory relief on the FM band, AM radio could have become a regulatory sandbox, or live environment for testing new approaches under supervised conditions.<sup>16</sup>
28. Given AM's natural limitations and radio's wider challenges in the face of online audio, I believe this proposal's merits outweigh the risks of arbitrage and cannibalization. At this critical juncture, we should have launched a follow-up proceeding to grant AM stations a three-year relief period and created a route to rapid entry for FM operators without AM holdings in a market. This would have provided radio groups with space for experimentation, reduced regulatory drag, and attached a new and different form of value to the AM band rather than letting it fade without purpose.
29. Declining to use AM as a proving ground for broader exemptions is a missed chance to show whether and how regulatory relief can unleash the creativity and innovation of radio programmers. Taken together, these missed chances leave the modernization of our radio regulatory processes in half-measures: easing some paperwork, but without confronting the structural rigidity that limits innovation and renewal.
30. With all due respect for the majority decision, it is my view that we should have moved more decisively toward streamlined compliance, exemptions to speed entry, and an AM sandbox. Without such steps, we risk missing the opportunity to ensure that it is creators, innovators, and audiences, not the Commission's regulatory yoke, that steers radio either toward renewed relevance or obsolescence.

---

<sup>16</sup> [Design, Implementation and Evaluation of Regulatory Sandboxes](#), Digital Governance Standards Institute CAN/DGSI 123, 5 May 2023.

## Dissenting opinion of Commissioner Joanne T. Levy

1. I am in full agreement with almost all of the decision. Radio broadcasters in Canada will benefit from a reduction in their regulatory burden. They, and prospective broadcasters, will also experience greater flexibility. However, I take the view that the Commission should extend lighter regulation by creating new exemption orders for three classes of radio stations:

- (a) Low-power stations offering niche programming (at least 50% of specialty musical selections or 50% of spoken-word programming);
- (b) Low-power community stations that do not solicit advertising; and
- (c) Campus stations.

2. These would join existing exemption orders for, among others, tourist information stations, house of worship stations, and certain Indigenous radio undertakings. They should be eligible to broadcast without a licence as long as they comply with relevant requirements including:

- registration with the Commission;
- certain conditions of service; and
- where appropriate, the requirement to keep their audio recordings.

3. They would also have to adhere to technical requirements set by the Department of Industry (also known as Innovation, Science, and Economic Development Canada).

4. I take the view that the Majority did not properly assess Broadcasting Regulatory Policy 2018-137. It stated in Paragraph 67 of its decision that: “The purpose of exemption orders is to ease the regulatory burden on broadcasters and use fewer Commission resources for small, temporary, or niche radio services that will have little impact on licensed broadcasters.”

5. The Commission has been tasked through amendments to the *Broadcasting Act* included in the *Online Streaming Act* and the *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*<sup>1</sup> to provide a flexible and adaptable regulatory framework.

6. The Majority has been persuaded that exemption orders would bar access to Radiometres funding. Currently, campus and community stations applying for this support must hold a valid broadcasting licence. Although the Commission approves the Structural and Operational Plan of the Community Radio Fund of Canada, the Fund has the ability to add some types of exempt undertakings if it chooses to do so. Indeed, the

---

<sup>1</sup> SOR/2023-239, 9 November 2023.

National Campus and Community Radio Association in opposing the exemption cited a survey of its members that showed 29% opposed the exemption, 21% supported it and 50% lacked the information to form an opinion. Given the narrow criteria for exempt undertakings, most of the community radio stations for which a licence bestows a perceived legitimacy would be outside the exemption order.

7. This Regulatory Policy is aimed at providing relief to the Canadian radio industry and facilitating diversity by encouraging unserved and underserved Canadian and Indigenous peoples to offer their voices and creativity to undertakings that are close, connected and important to their communities.

8. In my assessment, we should be bold in our commitment to reducing regulatory burden. This decision would be enhanced by extending exemption orders to the three classes of undertakings that meet the criteria and are cited above.