



Director, Spectrum and Radio Policy
Telecommunications Policy Branch
Industry Canada
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September 12, 2005

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Re: Gazette Notice DGTP-001-05
Consultation on a Renewed Spectrum Policy Framework for Canada and Continued
Advancements in Spectrum Management (May 2005)

National Coordinator
Coordonnatrice nationale
Melissa Kaestner

Dear Director,

1. The National Campus and Community Radio Association (NCRA/ANREC) is pleased to respond to the call for comments contained within Gazette Notice DGTP-001-05. These comments were developed through consultations with campus and community broadcasters across the country, including both small and large market stations. We thank Industry Canada for accepting our perspective after the deadline given in the notice.

Board of Directors
Conseil d'administration

President/Présidente
Lydia Masemola
CiTR Vancouver

About the NCRA/ANREC

2. The NCRA/ANREC is the not-for-profit national association of organizations and individuals committed to volunteer-based, community-oriented radio broadcasting. We are dedicated to advancing the role and increasing the effectiveness of campus and community radio in Canada. We work closely with other regional, national, and international radio organizations to: provide developmental materials and networking services to our members, represent the interests of the sector to government and other agencies, and promote public awareness and appreciation for community-oriented radio in Canada. Since 1987, the association has affected changes to national radio policy, helped to lower tariffs affecting radio stations, and has helped stations open their doors, while preventing some doors from closing. We have done so by working in areas of policy making as well as intervening and appearing on behalf of individual stations and the sector as a whole.

Candace Mooers
CHSR Fredericton

Valentina Naranjo
CFRU Guelph

Bob Puersten
CKMS Waterloo

Anderson Rouse
CHRY Toronto

Chad Saunders
CJSW Calgary

Kristin Schwartz
CKLN Toronto

Freya Zaltz
CJSF Vancouver

About Campus and Community Radio

3. The campus and community radio sector plays a vital part in defining and communicating a national identity. Along with instructional, developmental, French-language, Native, closed circuit, and carrier current broadcasters, this sector fulfills the one of the three pillars of broadcasting as identified in section 3(1)(b) of the *Broadcast Act*, in that it is the only sector that truly embodies community elements. Stations in our sector promote and foster a Canadian identity by drawing attention to cultural, social, and political issues from a local perspective, directly from the community.
4. The primary focus of these stations is to provide access to the airwaves and to offer diverse and dynamic programming that reflects local needs and interests. By doing so,



they are providing a forum for various communities, groups and individuals with different backgrounds and experiences; particularly those that have been marginalized or whose perspectives are generally not heard in mainstream media. They rely almost exclusively on volunteers from the campus and from the community at large for their programming and operation. These not-for-profit stations are most often run by a volunteer board of directors, with one-to-three full time and/or two-to-five part time employees. Funding primarily comes from the community and/or students, with secondary revenue streams coming in through membership fees, sponsorships, and limited advertising. (See appended *NCRA/ANREC Membership Revenue Statistics*.)

5. By giving a home and training ground to interested volunteers, campus and community stations offer an invaluable resource to anyone who walks through the door. Every year, people from all walks of life, irrespective of background, experience, or education, flock to stations to explore and learn broadcasting and media skills and to develop an understanding of alternative media. In addition, these individuals gain experience not only in broadcasting specifically but also in fundraising, volunteer interaction and committee work, event planning, promotions, and administration, while learning technical skills related to journalism and communications.

Comments pertaining to “Part A – Revision to the Spectrum Policy Framework for Canada”

6. The NCRA/ANREC applauds Industry Canada’s stated commitment to maintaining the nature of the radiofrequency spectrum. Section 5 of the consultation paper states:
“The radiofrequency spectrum is a public resource, administered by Industry Canada . . . The efficient use of the radiofrequency spectrum is to be promoted to accommodate a wide range of radiocommunication services throughout Canada. Most importantly, the Department will facilitate access to spectrum based on sound economic and technical principles.”

7. In regards section 6.1.2, the “Proposed Changes to the Core Objectives”, we support all eight of the objectives, with the following comments:

(5) To promote economically efficient resource allocation and reliance on market forces and economic incentives to assign the spectrum;

8. We suggest that Industry Canada not rely solely on “market forces and economic incentives”. We believe that all areas of Canada should have the opportunity to have a community-access radio station. As these types of stations tend not to operate in the mainstream, the current language could be limiting for those stations, as there is not always a “market force” or the economic resources to create a station at any given time. As you have already stated in the first core objective that systems and services need to provide social and cultural benefits to Canadians, the second objective could be detrimental to the first.

(6) To facilitate the implementation of advanced communications technologies and services to benefit all Canadians;

9. We support this wording, but wanted to make a note that stations in our sector most often find it extremely difficult to keep up with advancing technology, and that as our stations are indeed a benefit to all Canadians that Industry Canada strongly adhere to this



objective and fully examine how any new technologies will impact not only our sector but the broadcast industry as a whole.

(7) To facilitate the use of spectrum in rural and remote communities and regions;

10. We strongly support and applaud this addition to the April 2004 “*Strategic Directions – Spectrum/Telecom Program*” document.
11. In regards to section 6.2.2, “Facilitating Access to Spectrum for all Canadians”, we would like to offer comment on four of the proposed new policy guidelines.

New Policy Guideline 2 - Designation of Spectrum to Usage

In order to promote efficient and optimal utilization of the spectrum resource by grouping together systems of similar characteristics, spectrum may also be designated on the basis of use as a further precision of the allocation.

12. We understand the benefits of considering “use” rather than “user”, but would like to introduce the idea of making exceptions to the rule when considering not-for-profit “users”. We have outlined the reasoning for this concept our section titled “Additional Considerations”.

New Policy Guideline 3 - Radio Systems or Services Displacement

The Department will reallocate spectrum, which could result in displacement of existing services or systems from a particular band, only where necessary . . . The Department will not be responsible or liable to financially compensate spectrum users who become displaced.

13. The NCRA/ANREC is seriously concerned with this guideline. It is already a huge hurdle for stations in our sector to apply for a license. Any displacement would most definitely cause serious hardship for our stations. In many cases, it takes many years for a station to raise the funds necessary to contract engineers and put together a technical brief for a frequency. Should a station be displaced, it is very likely that they would cease to exist. We highly recommend that this guideline be reconsidered to reflect not only that protected stations would not be displaced but also that not-for-profit broadcasters be automatically given protected status.

New Policy Guideline 4 - Economic Principles of Spectrum Management

The Department will endeavour: to avoid taking action that may create artificial spectrum scarcity; to establish rules that ensure that competition for spectrum resources is fair and effective; and to create and maintain a stable environment for spectrum users.

14. For reasons already stated in comments related to the proposed core objectives, we would like to propose that the wording of this guideline reflect the need to protect not-for-profit broadcasters so that they may participate in the stable environment.

New Policy Guideline 5 - Licensing Process

The Department will continue to select the appropriate licensing process for different spectrum resources. The First-Come, First-Served licensing process will be employed where the Department believes spectrum supply is adequate to meet demand. A competitive licensing process, either an auction or a comparative review, will be used when the Department believes that the demand may exceed the supply. An auction will be used when government policy objectives can be fully met



through the various means available and where reliance on market forces to select licences is deemed to be in the public interest.

15. While we have elaborated on this idea in our “Additional Considerations section, we have concerns about a First-Come, First-served process. We would like Industry Canada to consider some sort of reserve process for our sector. Again, we have gone into greater detail and brought up additional points later in this document.
16. In regards to section 6.2.3, “Improving the Utilization of the Spectrum Resource”, we would like to offer comment on two of the proposed new policy guidelines:

New Policy Guideline 10 – Facilitating Advances in Technology

The Department will facilitate the deployment of advanced technologies that augment the use of the radiofrequency spectrum and/or provide new services to Canadians. The Department will authorize radiocommunication system trials and new technology experiments where warranted.

17. We recommend that that Industry Canada also will authorize conducting research on the impact that any advanced technologies might have on existing services, especially not-for-profit broadcasters.

New Policy Guideline 12 – Increasing Spectrum Utilization

In order to ensure that the radio system is implemented in a timely fashion, the Department may establish as a condition of licence a reasonable period for radio station installation to take place and service to begin within a certain time period.

18. In the current broadcast regulatory environment, some not-for-profit and/or cultural applicants must file applications before they are ready to fully implement their new services. We recommend that these broadcasters either be exempt from such conditions of license or that they have longer time limits imposed with greater flexibility.

Comments pertaining to “Part B – Consultation on Advancing the Canadian Spectrum Management Program”

19. Section 10, “Advancing the Canadian Spectrum Management Program – A Review of the Actions of some other Countries” states:

Auctions have become the licensing tool of choice in countries such as the United Kingdom (UK), United States (US), Australia and New Zealand when spectrum demand exceeds supply. This allows those most cognizant of the value of spectrum to bid competitively for the right to exploit this resource, thereby ensuring an economically efficient assignment of spectrum licences to those who value them the most. Licences granted under these types of processes may confer long-term privileges and an expectation of renewal.
20. While this practice may work for the private and public sectors, broadcasters operating in the community sector do not have the resources to compete at the same level. Should Industry Canada adopt these practices, we again ask that special consideration be given to our sector in this regard.
21. In section 11.3, “Increased Spectrum-Usage Flexibility in the Domestic Allocation of Spectrum and Spectrum Policies”, the question is asked: “*For which services and in which situations should greater flexibility of spectrum use be afforded?*” As stated throughout this



document, we feel that not-for-profit broadcasters be given any flexibility and consideration that can be afforded.

22. In section 11.5, “Streamlining the First-Come, First-Served Licensing Process”, the question is asked: “*Are there other principles such as non-exclusivity, which can be applied to the FCFS process for authorization of spectrum on an area basis in situations where it would be normally anticipated that a competitive process would be required?*” There are times when not-for-profit broadcasters must compete with other applicants in areas where spectrum scarcity is an issue, especially in urban areas. We would like to see a process that considers these broadcasters first before considering other applicants.
23. In section 11.8, “Fostering Advanced Communication Services in Rural Canada”, the question is asked: “*Should the definition of “rural” (and “remote”) to describe areas with unserved or underserved communications, be based on population density as measured by Statistics Canada?*” *What would be a practical approach for implementation?*” We think that the population relative to the broadcast area being reached should be considered. For example, if a low-power frequency for a community radio station were being applied for in North York, Ontario, they exist within the high population density area of Toronto, but because their signal strength would be limited, they would only be reaching a limited amount of people. Therefore, there should be some sort of clarification that it is the population of the area within reasonable reach of the service.

Additional Considerations

24. Stations in our sector must be provided with access to frequencies and spectrum space. Special consideration must be given to us in a way that reflects our distinctiveness from the commercial radio and the CBC. We simply cannot compete on the same level, as we do not have the resources, funding, time, and energy the same way that they do. While we recognize that much of this consideration needs to be given by the CRTC, the NCRA/ANREC feels that Industry Canada must also be proactive and find a way to protect our stations.
25. Admittedly, we are unsure of the most effective and fair way to do this. One possibility is to reserve spectrum space for community broadcasters, but this may pose to be problematic in mountainous regions, remote communities, and communities situated along the Canada-U.S. border, not to mention urban areas where spectrum scarcity is already a significant challenge. Another possibility along those lines could be to reserve a percentage of available frequencies for our sector. Perhaps another way of dealing with this is to devise some sort of advanced review process of applications that gives priority to stations in our sector. There is also the possibility of diverting fees currently paid by other broadcasters to a fund that could be tapped into by our stations for capital equipment and license application expenditures for both stations starting up and those wishing to increase power. We would welcome the opportunity to work with Industry Canada and other entities to devise fair and equitable proposals for all broadcasters.
26. The NCRA/ANREC is specifically concerned with Low-Power and Very Low-Power stations. All of these are designated as unprotected. This means that these small stations can be jeopardized by new commercial licensees or expanding commercial stations. We strongly recommend that Industry Canada ensure protection for these stations, while also not limiting any opportunities for these stations to increase power when their resources



allow them to do so. We call on Industry Canada to do this because under current the current application process with the CRTC there is no way that the open call process is not detrimental to the low-power radio applicant. For stations that are not ready for an application process, time, money and community support may be lost in any intervening process. An extra investment of time and money must then be made to re-file at the appropriate time. The new hearing time and location may be less accessible than the original one.

27. It is essential that non-commercial community broadcasters be ensured access to low-power licenses. This must include accommodation for stations in very crowded markets, whose options for expanding their coverage area through higher power broadcast are severely restricted. Furthermore, stations in these markets need to be given protected status or they will be in danger of being strangled as available gaps in the spectrum are filled in. The lack of protection for such stations threatens to snuff out the diversity and community access and programming they provide. They also need to have some sort of priority for establishing low-power repeater transmitters as a means of expanding signal coverage when higher power is not an option.
28. Thank you for this opportunity to comment and for your attention. We would welcome the chance to present our views in any hearings, meetings, or any other consultation process. Should you wish to further information or clarification, please contact Melissa Kaestner, NCRA/ANREC National Coordinator, at (613) 321-1440 or melissa@ncra.ca.

Sincerely,

Melissa Kaestner
NCRA/ANREC National Coordinator

Appended: NCRA/ANREC Membership Revenue Statistics

NCRA/ANREC Membership Revenue Statistics

The following is information as given by a sampling of our member stations for the period of April 1, 2003 to March 31, 2004. While this list is primarily campus radio stations, it does include both community and Native stations.

Station	Province		Staff		Grant Staff		Volunteers		Total Revenue		Students and/or University Support		Fundraising, Donations and Merchandise		Advertising and Sponsorships		Equipment and/or Studio Rentals		Events and Activities		Membership Fees		Grants (Unrestricted)		Program Distribution		Other				
Station A	BC	0	0	12	871			300	571																						
Station B	NU	2	1	8	19,127			603										18,404	120												
Station C	BC	1	0	100	20,595			1,600	5,300											2,795				10,900							
Station D	NB	1	1	60	22,800	20,000		2,000	800																						
Station E	ON	5	0	2	23,110	23,110																									
Station F	NS	5	1	30	24,455	24,000		305	150																						
Station G	BC	4	0	400	27,107			9,813	3,269	880	1,145												12,000								
Station H	BC	1	0	50	31,506	30,214			1,292																						
Station I	NB	2	0	150	58,509	52,159		1,700	4,650																						
Station J	BC	2	0	80	78,375	73,095		2,485	2,795																						
Station K	ON	3	0	60	97,301	96,161		80	1,060																						
Station L	ON	5	5	150	120,000	110,000		6,000	4,000																						
Station M	BC	2	4	300	125,500	115,000		2,500										1,500													
Station N	NB	3	3	160	127,000	112,000		15,000																							
Station O	BC	3	0	200	134,692	117,823		6,040	2,072	496	3,245	5,016																			
Station P	MB	6	0	150	137,500	87,500		35,600	12,000																						
Station Q	MB	2	0	260	139,091	121,989		4,082	13,020																						
Station R	BC	4	0	175	160,500	160,000		500																							
Station S	ON	5	0	100	168,785	162,788		4,293	360	614																					
Station T	NS	5	0	200	172,763	119,427		31,152	22,184																						
Station U	AB	6	0	200	217,542	86,400		91,574	37,842	1,726																					
Station V	ON	7	0	125	225,752	208,953		11,731	4,000	1,068																					
Station W	QC	9	6	300	399,405	164,799		68,609	95,664	59,528	2,693	869												774	6,469						
Station X	AB	4	6	250	415,000	225,000		160,000	30,000																						
Totals					2,947,286	2,110,418		455,967	241,029	65,812	25,487	17,700	12,000												11,674	7,199					