



**Canadian  
Association of  
Broadcasters**

**L'Association  
canadienne des  
radiodiffuseurs**

September 5, 2006

***SENT VIA EMAIL***

Ms. Diane Rhéaume  
Secretary-General  
Canadian Radio-television and  
Telecommunications Commissions  
1, Promenade du Portage  
Gatineau, Québec  
K1A 0N2

Dear Ms Rhéaume :

**RE : Broadcasting Notice of Public Hearing CRTC 2006-8  
Mandatory order on Harmony Broadcasting Corporation.  
Relating to Radio Station CJWV-FM Winnipeg, Manitoba**

1. The Canadian Association of Broadcasters (CAB) – the national voice of Canada’s private broadcasters, representing the vast majority of Canadian programming services, including private radio and television stations, networks and specialty, pay and pay-per-view televisions services – wishes to provide comments in the context of the above-mentioned Notice of Public Hearing.
2. Broadcasting Notice of Public Hearing CRTC 2006-8 (BNPH 2006-8) notes that the Commission has received complaints regarding Harmony Broadcasting Corporation (Harmony), licensee of the instructional campus radio programming undertaking CJWV-FM Winnipeg, concerning its non-compliance with the station’s conditions of licence included in its Winnipeg-licence renewal (Broadcasting Decision CRTC 2004-340) and elements of the Commission’s Campus Radio Policy as set out in Public Notice CRTC 2000-12 (BPN 2000-12).
3. It is further noted in BNPH 2006-8 that in conducting an examination of the station’s programming for the week of April 17 to 23, 2005, Commission staff found that the licensee may have failed to comply with Section 2.2(8) of the *Radio Regulations*, 1986 based on a shortfall in the broadcasting of Canadian content (category 2 music). The examination also

revealed that the licensee may have failed to comply with its conditions of licence regarding the weekly level of category 3 music; the minimum level of weekly news programming; and the minimum weekly/daily level of formal educational programming it is required to broadcast. It is also noted that the licensee failed to submit material requested by the Commission to conduct a second examination of the station's programming for the week of 29 January to 4 February 2006, which constitute a violation of Section 8 and 9 of the *Radio Regulations*, 1986.

4. In light of the above, the Commission called the licensee to a public hearing to show cause as to why a mandatory order requiring conformity to the *Radio Regulations*, 1986 concerning Canadian content level, and its conditions of licence regarding the broadcasting of category 3 music and news and formal educational programming should be issued.
5. The CAB represents all the commercial radio stations operating in the Winnipeg market where Harmony's CJWV-FM is licensed to operate as a campus instructional radio station. As such, the CAB wishes to intervene in this process to urge the Commission to ensure the licensee's full compliance with the *Radio Regulation*, its conditions of licence and the Commission's *Campus Radio Policy* that requires a Campus Instructional radio station to provide programming that is complementary to the commercial radio stations operating in the same market.
6. The CAB fully supports the Commission's overall objectives for campus radio as set out in BPN 2000-12 that supports the provision of programming that differs in style and substance from commercial radio and promotes alternative Canadian music not generally aired by these stations. The CAB also supports the Commission's definition of a Campus Instructional radio station which stipulates at paragraph 21 that:

*"The primary role of these stations is to provide a training ground for students in broadcasting courses. These stations must also provide their audiences with alternative programming. Alternative programming should include music, especially Canadian music, not generally heard on commercial radio (including special interest music, as well as styles of popular music seldom broadcast), in-depth spoken word, and some formal educational programming."*

*"All campus stations (both community-based campus and instructional) should provide programming that is complementary, not only to that of commercial stations, but also to that of community stations and other campus stations operating in the same location."*

7. Accordingly, the CAB is deeply concerned that the licensee has adopted a programming strategy that has drifted from the objectives and provisions of the Campus Radio Policy and is instead focused on directly competing with commercial radio stations in the Winnipeg market. In September 2004, less

than a month after its licence had been renewed for the maximum term of 7 years (until August 31<sup>st</sup> 2011), CJWV-FM changed its music format from a 100 % Canadian content music station to a 100 % Hip Hop and R&B music station. This format is clearly in direct competition to the programming offered by CKMM-FM, one of the commercial radio stations operating in the Winnipeg market which proposes the same rhythmic, youth oriented format. Thus, CJWV-FM is not offering diversity to the Winnipeg market.

8. Furthermore, it is the CAB's understanding that despite the Commission's warning the licensee has not made any changes to its programming in order to fully comply with the *Radio Regulations* or its conditions of licence. Specifically, it is the CAB's understanding that the licensee does not provide any formal educational programming as required by condition of licence and pursuant to the Commission's Campus Radio Policy which indicates that instructional campus radio stations should have as their primary objective the training of professional broadcasters. The CAB also understands that the licensee is no longer operating in conjunction with any post-secondary educational institution. This is contrary to the Campus Radio Policy which defines a campus station as a station owned or controlled by a not-for-profit organization associated with a post-secondary educational institution. Clearly, without a proven affiliation to a post-secondary educational institution Harmony should not continue to be licensed as a Campus Instructional Radio station.
9. The CAB strongly believes that a campus radio station, be it campus – community or instructional should be required to comply with the provisions of the Campus Radio Policy and, in any case, should be prohibited from offering a programming service that is in direct competition with commercial radio stations in its market. Accordingly, the CAB urges the Commission to ensure that CJWV-FM offers a programming service that is fully complementary to that of any other radio programming service in the Winnipeg market.
10. Furthermore, in light of the licensee's unwillingness to act in a responsive manner and comply with the *Radio Regulations*, the CAB recommends that the Commission issue a mandatory order requiring the licensee to conform to the *Radio Regulations*, 1986 concerning Canadian content and its conditions of licence regarding the broadcasting of category 3 music, news and formal educational programming.

11. The CAB appreciates the opportunity to provide its comments in this proceeding and does not wish to appear at the public hearing commencing on 29 September 2006.
12. A copy of this intervention has been sent to the licensee.

Yours truly,

A handwritten signature in black ink, appearing to read 'Pierre-Louis Smith', written over a horizontal line.

Pierre-Louis Smith  
Vice-President, Radio

c.c.: Harmony Broadcasting Corporation [thewave@shawcable.com](mailto:thewave@shawcable.com)

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