

April 28, 2021

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON
K1A 0N2

Dear Mr. Doucet,

Re: Broadcasting Notice of Consultation CRTC 2020-374, *Response to Interventions – Commercial radio policy framework review*

I am writing on behalf of Central Ontario Broadcasting. We operate the only commercial radio station with a commitment to Canadian Emerging Artists through a condition of license. Indie 88 in Toronto (CIND-FM) has committed to playing 40% CANCON, of which 60% is devoted to selections by Canadian Emerging Artists.

Our comments are based on our experience in programming and reporting.

Music Canada and CIMA have both expressed a desire to maintain the current level of CANCON at 35% as well as to introduce new quotas for Canadian Emerging Artists. Music Canada has further suggested that the definition of a Canadian Emerging Artist be updated, reducing the amount of time that they qualify from 36 months to 24 months.

FRIENDS of Canadian Broadcasting, Canadian Association of Broadcasters (CAB) and the Ontario Association of Broadcasters (OAB) have suggested that CRTC introduce incentives for broadcasters to play Emerging Artists. CIND-FM is a member of the CAB and OAB.

Identifying Musical Selections by Canadian Emerging Artists is Difficult:

The Canadian Music Industry has collaborated to create the MAPL system, including a symbol which easily identifies a song as Canadian. There is no such identifying mark for Canadian Emerging Artists, which makes it difficult to establish whether an artist qualifies or not.

MAPL is a fixed designation. Once a song qualifies, it qualifies forever. Emerging Artists are variable, which means that without hypervigilant monitoring of an artist's entire catalogue's chart positions each and every week, a station could easily be out of compliance.

Because there is no database of Emerging Artists, CIND-FM engages Nielsen BDS Radio Canada every 24 months to complete a review of all Canadian Music Selections which are actively played, or is being considered for airplay.

Nielsen BDS Radio Canada provides CIND-FM with the following information for each artist:

- Whether a song has appeared on one of the relevant charts;
- The chart position;
- Date that the song first reached the chart position.

As there is no self-serve resource for a radio station to find accurate chart history for Canadian Emerging Artists, we must use an outside resource. Per the definition, an artist would retain the status of “Emerging Canadian Artist” for a period of 36 months from the date he/she reaches the positions on the referenced music charts. An audit of our music library every 24 months allows us to ensure that we are able to meet budget considerations, which still leaving adequate time to make notes of chart position changes in our music library if necessary.

These audits are done at an additional cost, and should the definition change, we will be required to do these audits annually.

I can only assume that the CRTC must similarly conduct an audit in order to confirm that we are in compliance. Should the definition change, and should there continue to not be a single-source for emerging artists, the administrative burden would increase exponentially on stations and the CRTC alike.

Music Research & Emerging Artists

The Forum for Research and Policy in Communications (FRPC) said, “Canadian commercial radio continues to take its cue from the US (“proven product”) trends.” This is a myth: in selecting songs for airplay and Canadian commercial radio takes its cue from its listeners, not from US charts.

CIMA said “We do not believe that there is a limited supply of Canadian music that Canadians want to hear, and FRIENDS said, “Experience also shows that Canadians tend to like these options once they give them a try.”

When we launched Indie 88 in 2013, we also held the belief that there was a wealth of Canadian hit songs that weren’t being played on the radio because of rigid playlists from large operators. It was our belief that we would repatriate listeners to the medium by playing songs that were only available through streaming. Since launching, we have found that this is not the case.

Our own auditorium music testing has confirmed that there is less appetite from listeners for new songs: regardless of the song or the artist, whether it’s from a Canadian artist or international, it takes time for a song and an artist to become established and for listeners to like it.

Listeners tell us what they like to listen to and listenership is measured by the rating system Numeris. Consistently the most listened to radio stations play the most hit-songs. Stations with hit-based formats like Adult Contemporary, CHR, and Classic Hits regularly outrank stations with more niche formats like Indie/Alternative, or Modern Rock.

One of the most listened to stations in Toronto, CHBM FM, plays no new music at all. It is unlikely that many of the Canadian artists that they play would qualify as Emerging. On a weekly basis, they play 823 songs, (1962 spins) all ‘gold’ and have 1.4 million listeners.

Contrast that with CBC Music (radio 2) which plays 990 different songs with 65% of the spins from current (51% of the songs are current) and is listened to by only 381,000 listeners. Both of these stations have a similar footprint (broadcasting from the CN Tower) and both are similarly known in the market.

Despite what potential listeners say in focus groups, radio stations cannot repatriate listeners by playing more songs listeners tell us they don't want to hear.

Incentives not quotas as a path to move forward:

The Canadian Music Industry requires support. It relies on significant contributions from government grants and support from the Canadian radio industry. Over the fullness of time, with falling revenues to the radio sector, we believe that the Canadian radio industry, including our station, will also soon need support.

It is our belief that allowing more flexibility in programming would allow radio stations to best meet the needs of our listeners, and in turn, the Canadian music industry by maintaining a strong profitable industry. As a station, we love playing music from Canadian emerging artists and regularly exceed our 60% COL, however, at the same time, we know that we will not be a top ranked station by playing them. An incentive based system, including financial incentives, as proposed by the CAB and the OAB would reward stations such as ourselves who do play more Emerging Artists.

In addition, we believe that reducing the amount of time that an artist remains Emerging from 36 months to 24 months not only puts additional pressure on artists to produce a major hit before they no longer qualify as emerging, but it also punishes radio stations for taking a risk on a songs that they know are likely 'tune-out' moments for their listeners. For those reasons, we support the OAB and CAB proposals to increase the amount of time that an artist remains Emerging to 60 months.

I hope that our response has given you some additional perspective on quotas for Canadian Emerging Artists and the assumption that Canadians would listen to more radio if only playlists were wider (more songs were played), or more new artists were introduced (larger proportion of emerging artists in the playlists).

We love music and wish nothing more than for a strong, vibrant Canadian radio and music industry.

Best Regards,

Megan Bingley
General Manager, Indie 88 (CIND-FM Toronto)

APPENDIX:

Excerpt from Music Canada Intervention

42. In particular, Music Canada proposes that:

- at least 35% of musical selections on stations operating popular music formats should continue to be devoted to Canadian selections,
- 10% of musical selections on stations operating popular music formats should be devoted to emerging Canadian artists, and
- 10% of musical selections on stations operating popular music formats should be devoted to Canadian artists from sovereignty-affirming and equity-deserving groups. 21

For greater certainty, a qualifying music selection from an emerging Canadian artist, or from a sovereignty-affirming or equity-deserving artist, would need to meet the requirements of MAPL.

63. While we acknowledge the utility of industry music charts as a basis for demarcating an emerging artist from an established artist,³⁹ we submit that the 36-month period of the 2011 definition should be shortened. Music Canada submits that given the contemporary music release cycle, the 36-month clock is too long of a period, because it creates a “bottleneck” in the emerging artist category after many of these artists have effectively “emerged”, potentially squeezing out airplay opportunities for a new cycle of emerging artists.

64. We submit that an artist should retain the status of emerging English-language Canadian artist until **24 months** have elapsed from the date the artist reaches one of the positions on the above-noted music charts. This modification would ensure that the overall pool of emerging Canadian artists continues to be refreshed at a more appropriate rate than under the current 36-month period, which we submit no longer reflects today’s industry dynamics. A lower 24-month time frame before a charted emerging artist is no longer considered “emerging” more appropriately addresses prevailing song cycles in the music industry.

FRIENDS of Canadian Broadcasting:

Support for emerging artists (Q.15-19)

21. The trouble with the diversity of music available on digital platforms is that that choice does not always extend to Canadian content.

22. Thus, returning to our folk music example, while there’s a good chance Gordon Lightfoot, Joni Mitchell, Bruce Cockburn and Leonard Cohen will be featured in top streams on foreign platforms, contemporary Canadian folk musicians like Catherine MacLellan or William Prince are less likely to be.¹⁶ This holds true for virtually any music genre from electronica to solo piano.

23. By contrast, music and video on CBC sites, or just searching on “Canadian folk music” brings up specific YouTube and other compilations, nominees to the Canadian Folk Music Awards and more. Unfortunately, most Canadians don’t look for music that way, and Canadian content rules have always recognized the need to present Canadians with Canadian content options they may not yet be familiar with. Experience also shows that Canadians tend to like these options once they give them a try.

24. This shows why it is so important to continue to support emerging Canadian on commercial radio, since they may be disadvantaged in on on-demand services that strongly favour established names. We therefore encourage the Commission to maintain regulatory supports for emerging artists on commercial radio.

25. We further encourage the Commission to introduce incentives for commercial radio stations to play local emerging artists, many of whom lack the name-recognition or sophisticated representation to get on the radar of programmers who may live in other cities or provinces.

Excerpt from Canadian Independent Music Association Intervention

39. With these findings in mind, we propose that the Canadian content regulations remain at least at 35% of popular musical selections during the broadcast week.

40. The Canadian content quota is appropriate to ensure that Canadian artists are heard on commercial radio. However, the quota system currently does not set a maximum cap on airplay for any Canadian artists, or include adequate incentives to support airplay of emerging artists during prime time broadcast hours. As a result, many stations over-rely on a handful of well-known and established Canadian artists to meet the popular music quota (a phenomenon called 'artist burn').

41. As the industry argued in 2006 during the Commercial Radio Policy consultation, we do not believe that there is a limited supply of Canadian music that Canadians want to hear. However, without adequate regulatory incentivization, there tends to be an overrepresentation of well-known and already established Canadian artists, particularly during prime time broadcast hours. This reality simply does not support emerging artists, who require the radio spins and plays during prime time hours that will allow them to build their careers.

42. We propose that the Canadian content system be revised to address this issue, either by mandating that a certain portion of the quota be dedicated to emerging artists or by creating a maximum cap for the portion of the quota that can be filled by well-known and established Canadian artists. We are prepared to work alongside the commercial radio system to develop a forward-thinking approach to better supporting emerging artists on radio in meaningful ways.

Excerpt from Forum for Research and Policy in Communications (FRPC):

"The Forum's view is that the removal of the [CANCON/MAPL] regulation would be followed very quickly by a significant reduction in the level of Canadian content on Canadian radio. This is probable because Canadian commercial radio continues to take its cue from US ("proven product") trends."