

A Comparison of the CRTC's AM Canadian
Content Regulations and FM Foreground
Programming Requirements

by

David Litvak

A Thesis presented to the University of Manitoba,

Winnipeg, Manitoba

In partial fulfillment of the requirements

for the degree of Master of Arts

in Political Studies

Winnipeg, Manitoba

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DAVID LITVAK

A thesis submitted to the Faculty of Graduate Studies of
the University of Manitoba in partial fulfillment of the requirements
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MASTER OF ARTS

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ABSTRACT

The Canadian Radio-television and Telecommunications Commission is the administrative tribunal responsible for regulating broadcasting and telecommunications in Canada. The Commission has endured a lot of criticism for its regulation of private television, pay-television and cable operators. However, not much has been written about the CRTC's relatively successful radio policy. Therefore, this study undertakes a description, analysis and comparison of two important components of the Commission's radio policy, Canadian content regulations for AM radio and foreground programming requirements for FM.

Research for this study was conducted in Toronto, Ottawa and Winnipeg. In-person and telephone interviews were conducted, a survey involving twenty-two AM and FM broadcasters was undertaken, correspondence with relevant actors was established and primary research material including government documents, special reports, journals, magazines and newspaper articles were consulted for this study. The use of secondary material in this study was negligible.

The study revealed that both AM Canadian content and foreground have been relatively successful in achieving their stated objectives, although it will also be noted that the Commission has experienced difficulties with both policies, particularly foreground. For a variety of reasons, the impact of foreground has been less noticeable than the impact of AM Canadian content. Despite this fact, it is the conclusion of this study that both AM Canadian content and foreground are worthwhile policies that have made important contributions to the Canadian broadcasting system.

INTRODUCTORY CHAPTER

The Canadian Radio-television and Telecommunications Commission (CRTC) was created in 1968 and since that time, it has enacted many regulations. It has also received much criticism for its regulation of private television and pay-television operators. In addition, some critics argue that the CRTC is "captive" of the broadcasting industry that they are supposed to regulate.

This study, which focuses in on Canadian content regulations for AM radio and foreground programming regulations for FM radio refutes some of these criticisms as both of these particular policies have proven to be relatively successful and suggests that in this field at least, the CRTC is not captive of the industry that it regulates. However, any examination of AM Canadian content and foreground would not be complete without first examining the Commission itself.

Therefore, Chapter one of this study is devoted to an examination of the CRTC itself, how it functions as a regulatory agency, and the environment in which it operates. It will be determined that although the CRTC is theoretically subject to a wide variety of influences, the Commission is responsive to the Broadcasting Act of 1968 which among other things, calls for the

Canadian broadcasting system to be "varied and comprehensive" and to utilize "predominantly Canadian resources."¹ Thus, it can be argued that the CRTC has enacted regulations like AM Canadian content and foreground in order to uphold the principles of the Act and to serve the public interest.

Chapter two of this study traces the historical development of both AM Canadian content and foreground regulations. It will be determined that although AM Canadian content regulations did not directly evolve from regulations that were previously in place, foreground regulations were preceded by the Board of Broadcast Governor's Arts, Letters and Science requirements, which it will be argued were in effect the "spiritual predecessors" of foreground regulations.

Following this evaluation of the historical development of AM Canadian content and foreground regulations, Chapter three proceeds to evaluate the purpose and impact of the CRTC's 30 per cent Canadian content regulations for AM radio. The analysis will deal primarily with private English-language broadcasters and will not examine the impact of the regulations on French language broadcasters and the Canadian Broadcasting Corporation (CBC). This limitation can be justified on the grounds that the AM Canadian content regulations were aimed mainly at private English language broadcasters.

With respect to French-language broadcasters, it should be noted that prior to the initiation of AM Canadian content regulations, they were already airing 30 per cent Canadian content and the initiation of AM Canadian content regulations therefore had limited impact on them. This can be largely attributed to Quebec's cultural insulation which besides minimizing the effects of Canadian content regulations for radio, has also minimized the effects of Canadian content regulations for television on the Quebec broadcasting industry (although admittedly in radio, there is a growing problem of the use of songs with English language lyrics by Quebec radio broadcasters which has created problems for the Quebec music industry).

Another limit to the scope of this study is the exclusion of the Canadian Broadcasting Corporation (CBC) the public broadcasting organization. There are two reasons for this. First of all, the CBC's programming schedule, unlike the programming schedule of many of the private broadcasters is not primarily made up of music, but rather of information programming and the CRTC's AM Canadian content regulations pertain specifically to music and musical compositions.

Secondly, for the purpose of this study, it will be assumed that the 30 per cent Canadian content requirement is redundant

to an agency whose primary mandate is the promotion of Canadian talent.² So these are the reasons for excluding the CBC and French language broadcasters from the section of this study that deals with AM Canadian content regulations.

This study concludes that AM Canadian content regulations have benefitted the Canadian music industry immensely, that the airing of 30 per cent Canadian content has been the catalyst which has allowed the Canadian music industry to progress to the point where it is today, producing artists that compete internationally, artists who are accepted at home and abroad. The regulations have also helped to create a Canadian music industry which is relatively healthy and vibrant. Despite such achievements, it will also be noted that there are many problems pertaining to Canadian content regulations and the industry that they were intended to support. Some steps have already been taken to address these problems.

Chapter four of this study focuses on the foreground regulations for FM radio, although once again, the CBC will be excluded from the analysis. The justification for excluding the CBC can be found in the CRTC's major policy statement entitled FM Radio in Canada: A Policy to Ensure a Varied and Comprehensive Radio Service. In this document (which introduced foreground) the Commission notes that:

While the regulations now proposed by the Commission (including foreground) together with the new FM application form, will apply to the CBC, most of the objectives and requirements of this document are applicable to FM radio in the private sector...³

So, foreground regulations (and the CRTC's entire FM policy) were directed at private broadcasters and not the CBC. The reasons for this are simple.

Prior to the initiation of foreground, the CBC was already producing a substantial amount of programming in the foreground format and therefore requiring the CBC to produce foreground would have been redundant⁴ (in the same manner that requiring the CBC to schedule 30 per cent AM Canadian content would have been redundant). So for this reason, foreground regulations have had minimal impact on the CBC itself (although some CBC-FM affiliates have sometimes encountered difficulties securing foreground programming) and this factor coupled with the focus of the regulations is ample justification for analyzing the impact of foreground on private FM broadcasters only.

The conclusion of the study of foreground determines that there are many problems with the regulations, especially compliance problems. FM broadcasters have legitimate complaints regarding the complexity and inflexibility of the regulations, and they also complain of the prohibitive cost of producing

foreground programming. The end result is that many FM broadcasters either simply cannot meet the foreground programming levels required of them, repeat programs or recycle scripts and produce foreground programming which meets the "letter of the law," but not the "spirit of it."

Despite these and other problems (which for the most part, the CRTC has acknowledged and has acted accordingly) it will be determined that foreground regulations have proved beneficial to Canadian radio listeners by helping to spur the development of high quality programming, which, in turn, has helped to differentiate the AM and the FM bands and has contributed to the diversity of the Canadian radio broadcasting system. This is especially true when one compares Canadian radio with American radio and more specifically, FM radio in the U.S. and FM radio in Canada.

In order to illustrate the diversity of Canadian radio, a comparison with American radio is presented in Chapter Four. Not only is Canadian radio shown to be more diverse and informative, partly because of FM regulations like foreground, Canadian AM radio, unlike AM radio in the United States, is still a financially viable entity.

In the concluding chapter, a comparison of the AM Canadian

content regulations and foreground FM regulations is presented. The AM Canadian content regulations have achieved more tangible or visible results than foreground regulations and would therefore appear to be the more successful of the two policies. But, it will also be noted that it is infinitely more difficult to prove the effects of foreground than it is to prove the effects of Canadian content regulations. Nonetheless, it will be concluded that the evidence available suggests that foreground regulations have achieved their objectives and hence in combination with the indisputably successful AM Canadian content regulations, are two significant CRTC policies (unlike some of the CRTC's other policies) which have achieved their objectives and which are in addition, two important components of a radio broadcasting system which some feel is one of the finest in the world.

NOTES TO INTRODUCTORY CHAPTER

1. Canada, The Broadcasting Act, RSO 1968. Ottawa: Queen's Printer, 1968.
2. There are those who contend that the CBC does not adequately or sufficiently promote Canadian music. In fact according to Earl Rosen, former Director of the Canadian Independent Record Producer's Association and now President of Marquis Records: .."The CBC are by far the worst offenders in dealing with Canadian music on air, either playing sufficient Canadian music or playing music that is currently available." And when asked about the CBC's commitment to 30 per cent Canadian content Rosen noted:

I would love to see that researched. My gut feeling is that they might overall but they probably do not do a lot of prime time...CBC have no musical director or directors within the CBC. They have so many programs that are treated as public affairs programs... I do not see the CBC as being dynamic leaders of promoting Canadian talent..Canada, CRTC, Hull Public Hearings, Vol. 2., 22 May 1986, pp. 418, 429.

3. Canada, CRTC, FM radio in Canada: A Policy to Ensure a Varied and Comprehensive Service, Ottawa: CRTC, 1975, p. 2.
4. Ibid., p. 2. It should be pointed out that while the FM policy was not directed at the CBC, the Commission .."Would expect that the performance of the CBC would exceed most of these requirements."

Chapter One

The Canadian Radio-television and Telecommunications Commission

The Canadian Radio-television and Telecommunications Commission (CRTC) was created by the Broadcasting Act of 1968 to replace the Board of Broadcast Governors (BBG) the regulatory agency that preceded it (in 1976, the CRTC became the Canadian Radio-television and Telecommunications Commission). The CRTC is responsible for implementing Section 3 of the Broadcasting Act and therefore is charged with supervising the "single system of broadcasting comprising public and private elements so that the system will enrich and strengthen the cultural and economic fabric of Canada."¹ The programming of the system is to be varied, comprehensive, of high standard, using predominantly Canadian creative and other resources. Besides describing the mandate of the CRTC, the Broadcasting Act of 1968 also describes the structure of the CRTC.

The Broadcasting Act, as amended by the CRTC Act of 1975, provides for the appointment by the Governor in Council (Cabinet) of nine full-time members of the CRTC, who are referred to in the act as the Executive Committee, and ten part-time members. The full-time members may be appointed for terms not exceeding seven years and hold office during good behaviour. The Executive Committee, with two minor exceptions

has a nearly exclusive decision-making power in broadcasting and exclusive powers in telecommunications matters.²

The part-time members are appointed for terms of up to five years and also hold office during good behaviour. They are appointed on a regional basis and for some decisions, such as the making or amending of regulations, or the revoking of licences, consultation with part-time members may be required. Part-time members have the right to vote in matters dealing with the making of regulations and the revocations of broadcasting licences, but their role is strictly advisory in matters such as the issuing, renewal and amendment of a licence. And in addition, part-time members may participate in broadcasting matters only.³

Assisting the Commissioners are 425 employees. These employees work in one of the following branches:⁴ (1) Finance and Management Services Branch; (2) Information Services Branch; (3) Personnel Branch; (4) Legal Branch; (5) Technical Branch; (6) Licensing Policy and Administration Branch; (7) Planning and Development Branch; (8) Research Branch; (9) Broadcast Programs Branch. The powers that the Commission and its staff wield are extensive.

In fact, the CRTC has the power to establish rules of

procedure, make regulations, prescribe classes of licences, issue, attach conditions to, amend, renew, suspend and revoke licences, exempt from licences, carry out or support research and require the broadcast of programs of urgent importance to Canadians generally or to residents of a specific area.⁵

The Commission has the power to make regulations:

- (I) Respecting Standards of programs and the allocation of broadcasting time for the purpose of giving effect to (d) of Section 2;
- (II) Respecting the character of advertising and the amount of time that may be devoted to advertising;
- (III) Respecting the proportion of time that may be devoted to the broadcasting of programs, advertisements or announcements of a partisan political character and the assignment of such time on an equitable basis to political parties and candidates;
- (IV) Respecting the use of dramatization in programs, advertisements or announcements of a partisan political character;
- (V) Respecting the broadcasting times to be reserved for network programs by any broadcasting station operated as part of a network;
- (VI) Prescribing the conditions for the operation of broadcasting stations as part of a network and the conditions for the broadcasting of network programs;
- (VII) With the approval of the Treasury Board, fixing the schedule of fees to be paid by licences and providing for the payment thereof;
- (VIII) Requiring licences to submit to the Commission such information regarding their programs and financial affairs or otherwise

relating to the conduct and management of their affairs as the regulations may specify; and

- (IX) Respecting such other matters as it deems necessary for the furtherance of its objectives.⁶

The CRTC has availed itself of these extensive powers to enact among other things,⁷ AM Canadian content regulations and foreground programming regulations for FM radio (which are to be the focus of Chapters three and four of this study).

Besides its extensive regulatory powers, the CRTC (since 1976) has also exercised authority over the federally-regulated telecommunications carriers (and hence the addition of the word telecommunications to the CRTC's official title).

Any proposed CRTC regulation in either broadcasting or telecommunications must appear in documents called Regulatory Agendas, which are published through the Treasury Board Secretariat. The CRTC must also publish notice of hearings in Canadian newspapers as well as publishing any proposed regulation or amendment to a regulation in the Canada Gazette. And finally, the CRTC must publish an annual report which is tabled in Parliament and referred automatically to the House of Common's Standing Committee for Communications and Culture.

The CRTC regularly conducts public hearings on licence

applications, on proposed regulations and on matters of general policy and these hearings provide a forum for the continuing discussion of broadcasting in Canada.⁸ In fact, Section 19 of the Broadcasting Act of 1968 states that:

19(1) A public hearing shall be held by the Commission:

(a) In connection with the issue of a broadcasting licence; other than a licence to carry on temporary network operation.

(b) Where the Commission or the Executive Committee has under consideration the revocation or suspension of a broadcasting licence.

(2) A public hearing shall be held by the Commission, if the Executive Committee is satisfied that it would be in the public interest to hold such a hearing in connection with;

(a) The amendment of a broadcasting licence

(b) The issue of a licence to carry on a temporary network operation or

(c) A complaint by a person with respect to any matter within the powers of the commission.

(3) A public hearing shall be held by the Commission in connection with the renewal of a broadcasting licence unless the Commission is satisfied that such a hearing is not required, and notwithstanding subsection (2) a public hearing may be held by the Commission in connection with any other matter in respect of which the Commission deems such a hearing to be desirable.

(7) The Commission has in respect of any public hearing under this section, as regards the attendance, swearing and examination of witnesses thereof, the production and inspection of documents, the enforcement of its orders, the entry and inspection of property and other matters necessary or proper in relation to such a hearing. All such powers, rights and privileges are vested in the CRTC as a Court of record.⁹

As one can gather from the above, public hearings are integral to the functioning of the CRTC.

In fact, one of the most striking features of the CRTC has been and remains its emphasis on the public hearing process to enable the Canadian people to make known their opinions and preferences on particular licence applications and more general broadcasting policy questions. The Commission has tried to hold hearings across the country each year and has made efforts to hear applicants in their own area. Members of the public are invited to submit written comments to the CRTC¹⁰ and they can also attend the hearing in their own area and speak directly to the Commission. Advertisements are placed in the appropriate newspapers to inform local residents of applications being made, the date and place of the hearing, and eventually the decision made. As much as possible, the CRTC makes public its policy statements as well as its decisions on its licences; this is all done in an effort to keep the public informed and to allow people to be part of the decision making process in broadcasting regulation.¹¹

In practice, public participation is limited because hearings are held during the day when most people work and the hearings take place only in major cities. CRTC notices in newspapers are familiar to those who know where to look and what to look for, but most readers probably never notice them or know

what they mean. The nature of the hearing procedures also limits public involvement because while the Commission has allowed applicants to speak directly to the Commission, there is no provision for cross-examination by intervenors of one another. Only the CRTC members ask questions and these may not cover all of the concerns of those in attendance. The CRTC's rationale for such actions is that it has attempted to avoid the legal formalities typical of courtroom hearings which are often believed to encourage confrontation. Because the courtroom is so alien to the uninitiated, the CRTC has abandoned any rules that resemble court proceedings.¹²

In justifying the greater informality at Commission hearings than exists in a court of law, Commission counsel has noted the following points. First, the public hearing process is designed to aid the Commission in carrying out "an essentially administrative function" which is the licensing and supervision of broadcasting undertakings. While regulatory tribunals such as the CRTC are generally viewed as carrying out administrative, policy-making and adjudicative functions - choice between competing applicants or making regulations pertaining to broadcasting are essentially judicial functions - the CRTC believes itself to be more of an administrative than a judicial body."¹³ It considers that it should have the major role in fact finding (in which intervenors play a major part) and directing the behaviour of licences through promises

of performance and otherwise.¹⁴ In light of this administrative perception of its role, it has been reluctant to "judicialize" the regulatory process by permitting cross examination, financial disclosure,¹⁵ competitive licensing¹⁶ and full reporting of reasons for decisions.¹⁷ Besides performing administrative and judicial functions, the CRTC is also responsible for monitoring and regulating Canada's public broadcaster, the Canadian Broadcasting Corporation.

But, although the CRTC does regulate both private and public broadcasting in Canada, it has never been definitely determined to what extent the CRTC can actually exercise its powers over the CBC, since both the CRTC and the CBC operate with similar parliamentary mandates, both are funded by Parliament and the management of each institution is appointed by the government. This, in effect, means that both the CRTC and the CBC are ultimately responsible to Parliament and the government.¹⁸

So, even though the CRTC possesses some regulatory control over the CBC, the latter has a recourse from CRTC decisions which is not open to the private sector. The CBC must come before the Commission as an applicant but in recognition of the special status of the CBC as a crown corporation funded primarily by Parliament and responsible for providing a national

broadcasting service, The Broadcasting Act sets out special procedures respecting conditions which the CRTC proposes to attach to CBC licences. The corporation may request a consultation with the Executive Committee of the CRTC and, if notwithstanding the consultation, the Commission attaches any condition to which the CBC objects, it may refer the matter to the Minister of Communications who can settle the issue with a written direction to the Executive Committee of the CRTC which must then be published forthwith in the Canadian Gazette and be tabled in Parliament.¹⁹ And in addition, when any conflict arises between the objectives of the CBC and the private broadcasters, the CRTC must give preference to the CBC.

Thus, the extent to which the CRTC can actually exercise its regulatory authority over the affairs of the CBC is circumscribed. The CRTC is certainly not the final or even the primary authority with respect to the CBC and besides this limitation on the CRTC's powers, the CRTC is subject to other restraints upon its autonomy as well.

For example, Parliament has always played a role (albeit in most cases a secondary role) in the development of broadcasting policy as evidenced by the many reports produced from time to time by Parliamentary committees assigned the task of studying the problems of broadcasting. In 1968, Parliament passed the broadcasting legislation in effect today (and is currently in

the process of reviewing the 1968 Act with the intent of revising it). The CRTC is also indirectly funded by Parliament in that it is empowered to levy a tax on broadcasters. This subjects it to Parliamentary scrutiny. In fact, the Commission is accountable to the Standing Committee on Communications and Culture (the Parliamentary committee responsible for matters pertaining to the CRTC as well as broadcasting matters in general) for both its spending and its mandate²⁰. The committee regularly calls CRTC officials (and witnesses from other major public bodies subject to the Broadcasting Act) to appear before it. In addition to Parliament, the government in power can attempt to influence CRTC decision and policy making through its appointment and directive powers and through its ability to "refer back" or "rescind" a decision of the CRTC.

CRTC commissioners are appointed by the Governor in Council on the advice of the Prime Minister. Such an appointment power is theoretically non-partisan but can be used to indirectly or informally influence the CRTC.²¹

Furthermore, at present,²² the Governor in Council (Cabinet) has the power to issue directives to the CRTC in regards to the following matters:²³ the maximum number of channels or frequencies for the use of which broadcasting licences may be issued within any geographical area; the

reservation of channels or frequencies for use by the CBC; classes of applicants to whom broadcasting licences may be issued; Canadian ownership of broadcasting undertakings; the reservation of cable channels for educational broadcasting by Provincial authorities; and the extent to which Provincial governments may be involved in broadcasting.²⁴

Cabinet can also "set aside" or "refer back" a decision of the CRTC. In doing this, it must be specified what was material and what was either not considered or inadequately considered. After a second hearing, the Governor in Council may rescind the decision in question.²⁵

Any decision or order of the Commission can be appealed to the Federal Court of Appeal upon a question of law or a question of jurisdiction.²⁶ Applications to set aside such orders may be made only by the Attorney General of Canada or by a party directly affected by the decision or order. Parties directly affected by decisions or orders have been defined by the courts as parties with propriety or other legal rights.²⁷ But, in reality, CRTC decisions are rarely appealed to the courts and thus, the effect of the courts on CRTC policy is minimal. There are several reasons why this is so.

First, Section 1 of The Canadian Charter of Human Rights and Freedoms (of 1982) provides that its guarantees (like the

guarantee of freedom of speech) may be subject to "reasonable limits" prescribed by law as can be "demonstrably justified in a free and democratic society." Therefore, while the Federal Court has the power to review decisions of federal administrative tribunals like the CRTC, it is reluctant to overturn decisions except where it is clear that excesses of jurisdiction or procedural flaws are involved, for example, if the CRTC should overstep its statutory powers.²⁸

Secondly, influence by the courts on CRTC policy is minimal because the Commission's decisions are rarely appealed to the courts. Instead, aggrieved parties more frequently take advantage of the option of appealing a CRTC decision to Cabinet which has the power to "rescind" or "refer back" a decision of the CRTC and this, combined with the constitutional constraints already mentioned, effectively limits the court's ability to influence or affect CRTC policy (although, in reality, a small percentage of CRTC decisions are appealed in this fashion). But if the courts have not had a significant effect on CRTC policy, they have helped to clarify whose jurisdiction broadcasting falls under and the relationship of broadcasting and Federalism.

The Canadian constitution clearly gives the Federal government and not Provincial governments, jurisdiction over broadcasting and consequently, Canadian courts have upheld Federal supremacy in this area.²⁹ Although Provincial

control over broadcasting is minimal (in recent years, the governments of Ontario, Alberta, Quebec and now Manitoba have become extensively involved in educational broadcasting which is not subject to CRTC regulation), the issue of cable television has rekindled Federal-state rivalries. Some provinces claim that cable-tv takes place entirely within provincial territory and should be under their control. Other provinces (like Quebec) have laid claim to all aspects of broadcasting because of its importance to their cultural life.³⁰

Canadian federalism also affects the CRTC's regulation of telecommunications because as previously mentioned, the CRTC only has the power to regulate Federally licensed telecommunications carriers (like Bell Canada or CNCP) and does not have the power to regulate Provincial telecommunications carriers³¹ (like the Manitoba Telephone System for example, which is regulated by the Provincial Public Utilities Board). This, in effect, means that the CRTC only regulates 70 per cent of the telecommunications carriers in Canada. (It is interesting to note that The Federal Court ruled in 1986 that Alberta Government Telephones, despite being a Provincial crown corporation, is subject to CRTC regulations for the interprovincial aspects of its operations.)

In regards to broadcasting matters though, Provincial governments can only try to influence CRTC policy by intervening

at public hearings conducted by the CRTC, where they are treated no differently than other intervenors. In fact, they are one of a host of actors who try to influence CRTC policy making through the public hearing process.

These various groups or actors include both private and public interest groups like the Canadian Association of Broadcasters (CAB) a private interest group which represents the views of broadcasters and public interest groups like the Consumer's Association of Canada (CAC), the Institute for Adult Education and the Public Interest Advocacy Centre (PIAC). All of the above groups try in some manner to influence CRTC policy and decision making.³² In addition to these diverse groups, the CRTC is also subject to influence from its own staff.

In fact, Pierre Nadeau, Senior Executive Vice-President of the Canadian Association of Broadcasters (radio division), notes that the biggest problem that the CAB has encountered in its dealings with the CRTC (in this particular instance, regarding the CRTC's FM policy) .. "Is the fact that the staff was running the show and the commissioners did not know what the FM policy was all about."³³ And Louis Jaffe, like Nadeau also believes that regulatory agencies like the CRTC are in effect captive of their own bureaucracies. To this end he notes that:

..The agencies are not so much industry oriented or consumer oriented as they are regulation

oriented. They are in the regulatory business and regulate they will, with or without rationale. If the agencies have been captured by anybody it is probably by their own staff who have mastered the arcane details of rate setting the licence granting.³⁴

Given the complexity and volume of decisions that agencies like the CRTC must make and given the expertise and knowledge of the staff of the CRTC, it is theoretically possible for them to exert undue influence over the relatively few CRTC commissioners (there are 19 CRTC commissioners, nine of whom comprise the executive of the Commission, while in the CRTC's broadcasting directorate, there are over 155 employees).

Despite this possibility, according to Real Therrien, Vice-Chairman of the Commission, it is the Commissioners and not the staff who are ultimately responsible for CRTC decisions on broadcasting and telecommunications matters. Therrien also notes that CRTC commissioners do not interact only with CRTC staff, that through the consultative and public hearing process, they come in contact with communications consultants, industry officials and experts on broadcasting matters which helps to mitigate the influence of CRTC staff members and allows them to formulate their own views and opinions on important issues. Therrien further explains that there is "complete interaction" between CRTC staff members and the commissioners and that all relevant issues are thoroughly discussed and debated.³⁵ In summary, while it is theoretically possible for CRTC staff

members to exert disproportionate influence over CRTC commissioners, it is also theoretically possible for individual CRTC commissioners, specifically the Chairman, to exert substantial control of the Commission.

For example, it can be said that the regulatory zeal of the commission in the early days of its existence can be partially attributed to its first two Chairmen, Pierre Juneau and John Meisel. And, by the same token, it can be said that the CRTC's current revision and reform of many of its regulations is in part a reflection of the disdain current Chairman Andre Bureau has for regulations and red tape (as one shall see in greater detail in Chapter four of this study). So therefore, the relative influence of individual CRTC Chairmen must be taken into consideration in any discussion of the CRTC.

In the final analysis, the CRTC is subject to a variety of internal and external influences, and it is also subject to a variety of controls both, direct and indirect.

Officially the CRTC sees itself as an independent regulatory agency whose primary concern is the public interest. CRTC spokesperson Real Therrien described the CRTC's role as an independent regulatory agency as follows:

We (the CRTC) are in fact a quasi-judicial tribunal independent from government. We operate under the mandate of The Broadcasting Act which was voted in by Parliament in 1967.

So what do we do? We are a quasi-administrative tribunal and we administer The Broadcasting Act. And even if someone appears in front of us, whether they be provincial premiers or a single individual or a group, the Commission listens to all comments and renders a decision of its own.³⁶

Denis Menard, Director General of Radio Policy, explains the underlying rationale for all CRTC decisions and policies:

..The Commission will have to weigh and render its decision accordingly and see how the new policy will benefit the Canadian community. That's what we're going to be looking for - How are Canadians going to benefit from this? What's going to be the public benefit? That's the concern of the Commission.³⁷

Indeed, one can argue that such is the basis for regulations like Canadian content for AM radio (which are to be examined in Chapter three of this study) or foreground programming requirements for FM radio (which are to be examined in Chapter four of this study) the regulations which are to be the primary focus of this study.

In fact, this study is interested in the CRTC's policies respecting both sets of regulations but while the interest is primarily in the rationale for and the impact of such policies, the investigation of these questions will take us into the area of CRTC decision-making processes. It is not possible on the basis of the research conducted for this study to provide a detailed assessment of the relative influence of various actors and institutions although they will be examined briefly. Keeping this in mind, one will now proceed to an examination of

the historical circumstances which led to the eventual creation of the CRTC's AM Canadian content and foreground programming regulations.

NOTES TO CHAPTER ONE

1. Canada, Parliament, Broadcasting Act, RSO 1968 (Ottawa: Queen's Printer, 1970) p. 1. Henceforth cited simply as The Broadcasting Act, 1968.
2. Christopher, C. Johnson, The Canadian Radio-television and Telecommunications Commission (Ottawa: The Law Reform Commission of Canada, 1980) p. 19.
3. Canada, Department of Communications, Report of the Task Force on Broadcasting Policy-1986 (Ottawa: Minister of Supply and Services) p. 179.
4. Donald Dawson, Canadian Radio-television and Telecommunications Commission and the Consumer Interest (Ottawa: Consumer's Association of Canada, 1978) p. 16.
5. CRTC, Annual Report, 1981-82 (Ottawa: Minister of Supply and Services) p. 3.
6. Frank Foster, Broadcast Policy Development (Ottawa: Franforst Communications, 1982) p. 243.
7. The CRTC has enacted numerous regulations besides AM Canadian content regulations and foreground programming requirements. For example, the CRTC has initiated Canadian content regulations for commercial and pay-television, regulations for beer ads, regulations for the restriction of hard liquor ads, advertising regulations for AM radio, extensive regulations for FM radio and even regulations pertaining to satellite dishes.
8. Some would contend that the procedures employed at these hearings are inadequate. For this and other criticisms of the CRTC See Stan Feldman and Hudson Janisch, The Introduction of Pay-Television in Canada (Montreal: Institute for Research on Public Policy, 1982) pp. 98-112, Herschel Hardin, Closed Circuits: The Sellout of Canadian Television (Toronto: Macmillan of Canada, 1985) Robert Babe, Canadian Television Broadcasting Structure, Performance and Regulation (Ottawa: Economic Council of Canada, 1980). For a defence of the CRTC See Stephen Phelps, "CRTC has Tough Job," Winnipeg Free Press, 9 October 1986, p. 7.
9. Op. Cit., The Broadcasting Act - 1968, p. 12
10. At the CRTC hearings held in Winnipeg in December of 1986, the CRTC received 18,000 written interventions.

11. CRTC hearings generally generate a lot of publicity - at least in the city in which they are being held. In addition, there are a number of writers assigned to write specifically about the CRTC in magazines such as The Financial Post, Marketing, Broadcaster and Cinema Canada. And, a number of academics like Robert Babe, W. N. Hull and Hudson Janisch have written extensively about the CRTC and broadcast regulation.
12. Task Force on Broadcasting - 1986, Op. Cit., p. 119.
13. Op. Cit., Babe, p. 38.
14. Robert Babe and Phillip Slayton, Competitive Procedures For Broadcasting - Renewal and Transfers (Ottawa: Department of Communications, 1980) p. 11.
15. In response to a Cabinet decision to "refer back" a CRTC decision to award a broadcasting licence to Can-West broadcasting for the provision of a third English-language station in Regina and Saskatoon, the CRTC in a precedent setting case, decided to make public all the information that it had before it when it decided to award the third licence. This included financial information of one of the applicants, Harvard Developments, who stated the licensing of a third English-language station would adversely affect them economically. "Opening the Books," Winnipeg Free Press, 17 November 1985, p. 6. For more information on the circumstances which precipitated the CRTC to disclose such information, See "Cabinet tells CRTC to review Asper's Saskatchewan licence," Winnipeg Free Press, 14 November 1985 p. 5 and Murray Campbell, "CRTC reconsiders licence after request by Cabinet," Toronto Globe and Mail, 4 December 1985, p. A6.
16. The Federal Communications Commission (FCC) the American broadcast regulator, utilizes competitive renewal hearings for broadcasting licences. For an evaluation of the renewal process in the United States See John H. Pennybacker, "Comparative Renewal Hearings: Another Dialogue between the Commission and the Court," Journal of Broadcasting 24:4 (Fall, 1980) pp. 527-545. For a Canadian perspective See Op. Cit., Robert Babe and Phillip Slayton.
17. The CRTC was taken to court in 1980, by the Saskatchewan government for its refusal to release the minutes of a controversial meeting at which the CRTC gave Saskatchewan Telecable Ltd. permission to carry two satellite delivered communication systems via Can. Com. Attending the meeting was current CRTC Chairman Andre Bureau, who only two months

earlier, was President of the Can. Com. The Federal Court eventually decided that the minutes of the meetings were properly withheld under The Access to Information Act. "Court Rules Minutes of CRTC Meeting Confidential," Winnipeg Free Press, 6 March 1980, p. 16.

18. This creates a myriad of problems between the CRTC and the CBC as these two bodies often-times are in disagreement. For example, the CRTC and the CBC recently clashed over the CBC's use of the Parliamentary channel for the broadcasting of the National and the Journal during the Stanley Cup Playoffs. It is also interesting to note that the relationship between the Board of Broadcast Governors (BBG) (the regulatory agency that preceded the CRTC) and the CBC was also stormy.
19. Op. Cit., Johnson, p. 93.
20. Op. Cit., Task Force on Broadcasting - 1986, p. 172.
21. Despite the fact that the civil service is an important source of membership for Canadian regulatory agencies like the CRTC, a recent report by the Law Reform Commission of Canada criticized appointments to agencies like the CRTC as having been matters of "political prerogative significantly influenced by partisan considerations." Martin Straus, "Federal Appointments Criticized as too Political," Toronto Globe and Mail, 24 October 1985, p. A5.
22. The present government is trying to introduce a controversial directive power in a new bill, Bill C-20. Bill C-20 would give the government in power the authority to issue not only broad policy directives to the CRTC, but the authority to issue directives to the CRTC on ANY matter. But, due to differences in the Progressive Conservative Caucus over a portion of the bill that would bring satellite reception of television broadcasts under Federal licensing provision, it has not passed second reading in Parliament and has been sent back to the House of Commons Standing Committee on Communications and Culture for changes. Harvey Enchin, "Tory Caucus Scuppers Broadcasting Law Amendments," Toronto Globe and Mail, 28 December 1985 p. B11. For an argument against the section of the bill that would give the Governor in Council the authority to issue directives to the CRTC on "any matter," See Andrew J. Roman's excellent article, "Cabinet Directives to Regulatory Agencies, a Bold Leap Backward," in The Canadian Regulatory Reporter, 2 March 1981 pp. S137-S152, "CRTC Boss Fears Censorship Role if Bill Passed," Toronto Star, 29 May 1985, p. 18 AND Wayne Stacey, "Politicians: The New Broadcasting Policy Czars," Broadcaster (March, 1986) pp. 76, 77.

23. Op. Cit., Johnson, p. 90.
24. For more information on the federal-provincial dispute over communications policy See Kenneth Woodside et al, Conflict Over Communications Policy (Montreal: C. D. Howe Institute, 1980).
25. The most recent instance in which the government availed itself of this power is the aforementioned case in which the CRTC decided to award a broadcasting licence to prominent Liberal, Mr. Israel Asper, whose broadcasting organization, Can-West was awarded a broadcasting licence to service the Saskatchewan cities of Regina and Saskatoon. After Cabinet "referred back" the CRTC's decision, the CRTC conducted a second set of hearings and once again, awarded a licence to Can-West broadcasting. Cabinet then had the option of reversing the CRTC's decision but chose not to do so. Dave Haynes, "Saskwest Get OK to Launch Two Stations." Winnipeg Free Press, 13 September 1985, p. 23.
26. In fact, in 1979, CTV appealed a condition of licence imposed on them by the CRTC. This condition of licence required that CTV schedule 26 hours of original drama in 1980-81 and 39 hours in 1981-82. In the CTV appeal, the issue of free speech was dealt with by the court in one paragraph. The Supreme Court ruled that the CRTC was warranted in issuing such a condition of licence. Martin Mehr, "Canadian Content Still a Struggle," Financial Post, 17 April 1982, p. 7.
27. Robert Babe, "Regulation of Private Broadcasting by the Canadian Radio-Television Commission: A Critique of Ends and Means," Canadian Public Administration, 19, No. 4. (Winter 1976) p. 164.
28. Sydney Head, World Broadcasting Systems: A Comparative Analysis (Belmont: California: Wadsworth Publishing Company, 1985) p. 164.
29. "Ibid," p. 155.
30. "Ibid," p. 155.
31. Up until recently, the CRTC was not responsible for the regulation of provincially owned telecommunications carriers like B.C. Tel or the Manitoba Telephone System but a recent decision by the Federal Court of Appeals APPARENTLY gives Ottawa jurisdiction over some aspects of the operations of provincially owned and regulated companies. The matter is still as of yet unsettled. "Conference Aims at Telecommunications Policy," Winnipeg

Free Press, 26 February 1985, p. 26 or See The Honorable Flora MacDonald's "Discussion Paper on Telecommunications Policy," (Ottawa: Department of Communications, July 1987).

32. There are those who contend that the CRTC is "captive" or overly responsive to its clientele, the broadcasting industry but such claims are not entirely justifiable or verifiable for a variety of reasons.

First of all, an examination of the CRTC's policies provides evidence it is not captive of the industry that it regulates as the Commission has enacted many regulations that run contrary to the interests of private broadcasters (regulations like Canadian content, foreground and the CRTC's entire FM policy).

Secondly, the majority of CRTC commissioners are recruited from the civil service and NOT from the broadcasting industry (which is a tell tale symptom of captivity). A glance at the 1984-85 CRTC Annual Report reveals that of nine full time commissioners, six of those commissioners were in fact recruited from the civil service. In addition, the majority of CRTC Chairmen (three of five) have been recruited from the civil service or the academic world (the first Chairman of the CRTC, Pierre Juneau, was at one time Chairman of the Board of Broadcast Governors, the second CRTC Chairman, Harry Boyle was a one time program supervisor at the CBC while John Meisel was an academic from Queen's University. The other two chairmen were recruited from the broadcasting industry; Pierre Camu was a one time Chairman of the Canadian Association of Broadcasters while prior to his appointment to the CRTC, present day Chairman, Andre Bureau was President of Canadian Satellite Communications).

But, even though the CRTC is not necessarily "captive" of the industry that it regulates, it is sometimes swayed by it.

For example, the reasons that the CRTC is reluctant to make licensing or cable decisions that would adversely affect the profits of private broadcasters is that the CRTC naively believes that such profits are necessary to provide private broadcasters with the means to produce quality Canadian programming.

Another example of the naive faith that the CRTC has in private broadcasters is illustrated by the CRTC's decision which saw the commission licence six pay-television stations, instead of one national service as both the provincial and federal governments suggested.

Subsequently, the majority of these pay-tv operators went bankrupt, but the CRTC's rationale in licensing several pay-television stations is best summed up by then CRTC Chairman John Meisel, who at the time stated that; "pay-tv is our last chance to get Canadian content right." Mehr, Op. Cit., p. 7. And therefore, the CRTC was swayed by pay-television operators (who saw pay-television as licence to print money) into allowing several pay-tv operators, but not because they were overly concerned about the profits which pay-television operators might realize but because they saw in pay-television the opportunity to increase the production of Canadian content programming.

Additional evidence that suggests that perhaps the CRTC is "Swayed" by the industry that it regulates includes the commission's refusal to award broadcasting licences to publicly or community owned stations. The Commission gives private broadcasters the right to take on a venture that might ultimately fail, but in many instances, the Commission will not give public or community oriented stations that same right.

But, in the final analysis, in the eyes of this author, the evidence cited above is not proof of the CRTC's captivity, it is merely proof that the CRTC is "swayed" by the industry that it regulates although the degree of the sensitivity of the CRTC to the concerns of broadcasters also depends to a certain extent upon the individual chairmen of the CRTC.

For example, current CRTC chairman, Andre Bureau, a former president of Canadian Satellite Communications, appears to be more sympathetic to the concerns of broadcasters than most or all of his predecessors. Bureau has consistently spoken about the need for the CRTC to act as a "supervisory" agency as opposed to a "regulatory agency" and has demonstrated this commitment to supervision in his attempts to streamline CRTC regulations. In addition, he has in the same breath, criticized the national broadcasters, the CBC (for using the Parliamentary channel to broadcast the National and the Journal during Stanley Cup playoffs) while at the same time, praising cable-tv operators (although Bureau was also responsible for helping to introduce a regulation which required Windsor area radio broadcasters to broadcast newscasts that contained 45 per cent Canadian content). For a profile of Andre Bureau See "The Man Who Calls TV's Tune," Winnipeg Free Press, 6 December 1986, p. 29 OR "CRTC's Chairman a Real Bear for Work," Winnipeg Free Press, 2 April 1985, p. 22.

33. Pierre Nadeau, Senior Executive Vice-President, Canadian Association of Broadcasters (radio division) interview by

author, tape recording, 18 April 1986, Ottawa, Ontario.

34. Stephen Brayer, Administrative Law and Regulatory Policy (Boston: Little Brown and Company, 1979) p. 132.
35. Real Therrien, Vice President, Canadian Radio-television and Telecommunications Commission, interview by author, tape recording, 21 April 1986, Ottawa, Ontario.
36. CRTC, Toronto Public Hearings, vol. 4, 29 March 1985, pp. 912, 913.
37. Denis Menard, Director General, Radio Policy, Maritime Division, Canadian Radio-television and Telecommunications Commission, interview by author, tape recording, 21 April 1986, Ottawa, Ontario.

Chapter Two

Introduction

In the pioneering days of radio in Canada, there were minimal regulations, but in the late 1920's it was recognized that Canadian broadcasting should be free from political considerations and that a Canadian broadcasting system should be more than just a mere appendage of the American broadcasting system. This led to the establishment of the first of many royal commissions on broadcasting, the Aird Commission, whose recommendations led to the eventual creation of Canada's first public broadcaster, the Canadian Radio Broadcasting Commission (CRBC) which preceded Canada's current public broadcaster the Canadian Broadcasting Corporation (CBC). From 1932 to 1936 the CRBC acted as both broadcaster and regulator, a role then assumed by the CBC. Acting in its regulatory capacity, it was the CBC which first proposed Canadian content regulations for radio, but for a variety of reasons, these proposed regulations were never enacted.

The CBC acted as both broadcaster and regulator until the establishment of the Board of Broadcast Governors (BBG) in 1958, an independent regulatory agency that preceded the CRTC.

The BBG introduced the first Canadian content regulations (for television) and it was also responsible for enacting Arts,

Letters and Science Requirements. The latter regulations were in effect the spiritual predecessors of the foreground regulations in FM radio which came later. However, before one can trace the historical development of Canadian content regulations and FM foreground regulations, one must first briefly examine the historical evolution of broadcast regulation in Canada.

* * * * *

Radio broadcasting was introduced to Canada in 1920 by the Canadian Marconi Company of Canada Ltd. The earliest regulations concerning radio broadcasting were made by the Department of Marines and Fisheries, which was responsible for administering the Radiotelegraph Act. For the most part, these regulations were minimal and once having obtained a licence, private broadcasters were generally free of government regulation although it must be noted that a three page document entitled "Rules to be Observed in the Operation of Private Commercial Broadcasting Stations" (which was issued by the Department of Marines and Fisheries in 1928-29) did stipulate among its 15 rules the following non-technical rules and regulations:

7a Stations are to file with the Department particulars of the nature of the programming to be broadcast showing the exact hours to be occupied each day: all periods selected for broadcasting are subject to the approval of the Department.

9. Mechanically operated musical instruments may not be used for broadcast hours between the hours of 7:30 p.m. and Midnight (local time), except with the approval of the department. Broadcasting by means of mechanically operated instruments during any of the periods reserved for the station shall be clearly announced as such.

10 (a) Direct advertising is not allowed except with the permission of the Department in writing; such permission of the Department will only be granted in special cases.

(b) Indirect advertising is permitted during any of the periods in which the station is licensed to operate.

12 A process Verbal of all programmes or tests transmitted giving date, time and

general nature of such programmes shall be kept by the station.

13 All operators engaged on the station shall file with the Department such documents or other papers as are necessary to the Department's satisfaction that they are British subjects."¹

These minimal regulations and Canada's close proximity to the U.S. border helps to explain why so little Canadian programming was offered on Canadian private radio stations prior to 1929.² Private stations concentrated on recorded music and popular American programming and many were affiliated with American networks.³ T.J. Allard explains why this was so:

.. The vastly superior economic power of the U.S. enabled its stations and networks to employ not only the existing famous names in entertainment hitherto seen and heard by a privileged minority, but to employ battalions of new creators and performers. It is not surprising that many Canadians reached hungrily for this glittering array of talent.⁴

And, according to Frank Peers:

.. It was not that the private station owners were unpatriotic or uninterested in public affairs. They were personally as likely to be interested in Canadian life and development as the next man and generally speaking, they were aware of their public service responsibilities but, the economic facts were against programming on serious subjects and particularly against productions of Canadian origin. The public service responsibilities of the station tended to be translated more often than not into support for the local community endeavour, such as the provision of spot announcements or the donation of publicity to local organizations ...⁵

Nonetheless, the predominance of American programming combined with the problem of political interference in broadcasting led to the establishment of the first Royal Commission in 1929 - the Aird Commission.

Prior to the establishment of the Aird Commission, radio stations in Canada sprang into existence as the result of private enterprise. Regulations by and large took the form of responses to entrepreneurial initiatives. Under these circumstances, politics quite naturally played an important role in the granting of licences and the regulation of licensee activities. An increasingly chaotic situation prevailed throughout the 1920s as frequencies were largely unsupervised. In an address to the House of Commons in 1928, the Minister of Marine, Mr. Cardin stated that:

We have made up our minds that a change must be made in the broadcasting situation in Canada. We have reached a point where it is impossible for a member of the government itself to exercise the discretionary power which is given by law.. for the reason that the moment the Minister in charge exercises his discretion, the matter becomes a political football and a political issue all over Canada. We should change the situation and take radio broadcasting away from the influences of all sorts which are brought to bear by all shades of political parties.⁶

To alleviate this problem and the predominance of American programming on the Canadian airwaves, the Aird Commission recommended the establishment of a publicly-owned broadcasting entity which became a reality on May 26, 1932 when the Canadian

Radio Broadcasting Act became law. It established the Canadian Radio Broadcasting Commission (CRBC).

Before 1932, when the CRBC put an end to the affiliation of Canadian stations with American networks; five of the major Canadian stations (located in Windsor, Toronto and Montreal) had such an affiliation.⁷ Canadian listeners as a whole, depended on American programming for entertainment, either by listening to Canadian affiliates or the American networks or by listening to American stations.⁸

The advent of a public broadcasting network did not mean that Canadians could no longer listen to American programming; this would have been neither realistic, nor desirable, as T.J. Allard correctly points out; "The official view has always been that Canadians want more Canadian broadcasting but let's so organize our affairs that we don't deprive them of American programs."⁹

So, the Commission paid 12 privately-owned stations for carrying CRBC programs fed to them on lines leased by the latter. Another 20 stations carried the program service at discretion without payment.¹⁰ The CRBC had the power to compel private stations to carry CRBC programming as a means of ensuring that Canadian programming would be heard on the airwaves but while many of the small stations were more than

willing to be provided with programming to fill out their often meagre schedules, the most powerful and prosperous stations - notably CFRB Toronto and CKAC Montreal - could well afford to turn down the Commission and that is exactly what they did, arguing that the Commission's proposed rate was far below their commercial minimum. The refusal by Canada's two largest stations to cooperate in the distribution of a national service left the Commission with a serious gap in its coverage. Its response was to acquire limited station facilities of its own in Toronto and Montreal, a move which brought the total of publicly owned stations across the country to six.¹¹

The Commission could have used its statutory authority to requisition time on private stations for its sustaining service, or it could have expropriated the stations outright and added them to its physical facilities.¹² By choosing not to do so.." The Commissioners revealed something not only of their own timidity as stewards of the broadcasting system but also of the government's reluctance to see the provisions of its own legislation carried out."¹³

Although neither the CRBC or its successor, the CBC, had the statutory authority to enact Canadian content regulations for radio (at least not until 1952) as the above example helps to illustrate, neither agency in all likelihood would have utilized such a power anyway primarily because of political

considerations and also because both agencies were sensitive about their roles as both broadcaster and regulator (and in fact, in 1952, the CBC was empowered to enact Canadian content regulations but never did so, as one shall see).

Despite the fact that neither the CRBC or the CBC enacted Canadian content regulations for radio, the CRBC did enact a requirement (which was apparently later adopted by the CBC as well) which required that no more than 40 per cent of the daily schedule of ALL (including both public and private stations Canadian radio stations) could be comprised of "imported programs."¹⁴

To illustrate the manner in which this regulation was implemented, it can be noted that in 1938, of the 98 hours broadcast on the CBC network 57 and one half hours were Canadian programs free from advertising, three and one-quarter hours were commercial programs originating in Canada, seventeen and one-half hours were devoted to American programming free from advertising, twelve hours of programming were from the British Isles, three and three quarters were advertising programs originating in the United States and the remainder were from other countries.¹⁵ Despite the fact that both the CRBC and CBC ensured that the majority of programs broadcast on the network were of Canadian origin, according to Frank Peers .."both agencies gave undue prominence to American originated

programming material."¹⁶ During the late 1930's, CBC prime listening hours were filled largely with American programming.¹⁷ Canadian content in 1939, for example consisted largely of school broadcasts, forums, farm reports and public affairs programmes as well as some dramatic and variety programming.¹⁸

While the CBC had specific powers to make regulations governing programs, ¹⁹ prior to 1952 it lacked the authority to compel private stations to promote the greater use of Canadian talent. The CBC did have the power to require private stations to carry CBC network programs but instead of availing itself of this power, it tried to encourage private stations to produce "local live" programming (which would obviously be Canadian in nature). Also, by making Canadian programs available through its network service to its affiliates and serving to some extent as an example, the CBC may have contributed indirectly to the presence of Canadian programs on private radio.

In 1951, the Massey Royal Commission criticized the programming offered by many of the private stations, describing the programming on independent stations as "regrettable", especially their "local live" programming. Therefore, the Massey Commission recommended that the CBC "investigate ways of ensuring that private radio broadcasters employ more Canadian

talent."²⁰

In response to this recommendation, the Liberal Government of Prime Minister Louis St. Laurent amended Section 21 of The Broadcasting Act to give the CBC greater regulatory power over the private stations. Section 21 of the Broadcasting Act was amended in 1952 to read as follows:

- The Corporation may make regulations;
- b) To prescribe the periods to be reserved periodically by any private stations for the broadcasting of programs of the corporation.
 - c) To control the character of any and all programs broadcast by the Corporation or private stations.
 - f) To promote the greater use of Canadian talent by the Corporation and private stations.²¹

In response to the Massey Commission's call for tougher regulations, the CBC in 1955 proposed Canadian content regulations that would have seen both public and private radio stations devote 30-48 per cent²² of their schedule to the playing of Canadian programs.²³ However, these proposals were quickly abandoned by the CBC in the face of sharp criticism by private broadcasters²⁴ and even by the government of the day.²⁵ According to Roger Rickwood; .. "The CBC might have won had it stuck to its guns but its officials seemed insecure about wanting to regulate the private broadcasters. They seemed more interested in maintaining and expanding their agency's operating structure than in resisting the private broadcaster's demands."²⁶

The dual role of the CBC as both broadcaster and regulator had been the source of complaints over the years from the private sector. Broadcasters complained that the corporation could engage in unfair competition with them for advertising dollars and in addition described the corporation as being at one and the same time, competitor, regulator, prosecutor, jury and judge. Seldom were such complaints supported by tangible evidence that the CBC used its regulatory powers unfairly to give itself an advantage. If anything, the CBC might be more fairly accused of being too lax in its regulatory approach to private operators. In 1957, the Royal Commission on Broadcasting (The Fowler Commission) argued that in many instances, in attempting to avoid controversy with the private broadcasters, the CBC was often times seen to be "bending over backwards to give them the benefit of the doubt."²⁷ According to Frank Peers, A.D. Dunton, then Chairman of the CBC apparently believed .. "That there would be less criticism in Parliament and in the press, if the CBC were not perceived as wielding a big stick vis-a-vis the private stations who had many supporters in Parliament, the business community and among listeners who depended on local services."²⁸

In an interview Professor Frank Peers went on to explain why the CBC never promulgated specific Canadian content regulations;

I should say that the most important reason

for this lack was that under the system then current, the CBC was regarded as the chief bulwark in assuring that Canadians were provided with domestically produced programs. The CBC was after all, the dominant partner in the mixed system. After 1936, it was the only national network. Stations were divided into three categories: basic affiliates, supplementary affiliates and independents; but there were only a few in the latter category and even then they were allowed to carry CBC programs of national importance. After the war (indeed from January 1944 on) there were two networks organized by the CBC, the Trans-Canada and the Dominion (the latter operating chiefly in the evening) so that as the number of radio stations increased, most of them could still be accommodated on one network or the other.

The private stations when licensed were questioned about their intentions regarding a local service, and the CBC had them file a "promise of performance" which they were expected to observe. Licences were renewed every three years and sometimes the owners had to justify themselves before the Board of Governors and perhaps promise to do so.

The CBC's Chairman I think believed;

- (1) That the CBC's network services were the best guarantee of a national service meeting Canadian objectives;
- (2) that the licensing procedures could be used to ensure adequate local services;
- (3) that the cooperative arrangements between the CBC and its affiliates would be most productive if relations were relative harmonious ..²⁹

There were a variety of reasons why Canadian content regulations were not initiated by either the CRBC or the CBC. The most notable of these reasons was that neither the CRBC nor the CBC (until 1952) had the statutory authority to enact Canadian content regulations. The reason or rationale for this was simple, as prior to the expansion of private radio

broadcasting in the 1950's, the CRBC and the CBC respectively, were the dominant forces in Canadian broadcasting and therefore it was taken for granted that the majority of programs supplied by these agencies would be of Canadian origin.

With the expansion of private broadcasting in the 1950's, this was no longer a certainty, as private radio stations were not terribly concerned with promoting Canadian talent and hence the revision of the Broadcasting Act in 1952 to allow for regulations that would specifically promote Canadian talent.³⁰ Even after 1952 when the CBC had the power to enact Canadian content regulations, it refused to do so because of its acute awareness of its role as both broadcaster and regulator. The dilemma caused by this situation set the stage for the Progressive Conservative government of then Prime Minister John Diefenbaker, to rewrite the Broadcasting Act in 1958, which provided for the creation of an independent regulatory agency, the Board of Broadcast Governors (the BBG). Relieving the CBC of its alleged conflict of interest as both broadcaster and regulator was something that Diefenbaker had much earlier promised private broadcasters. However, like the CBC before it, the new BBG refused to initiate Canadian content regulations for radio.

The BBG did initiate Canadian content regulations for television beginning in 1961. While it considered a minimum

programming quota of 55 per cent Canadian content for its 1961 radio regulations, the idea was dropped as administratively unworkable after discussions between the BBG and the CAB.³¹

Instead, the BBG simply required that every radio station provide an annual statement showing how the station promoted the greater use of Canadian talent.³² The BBG's record on requiring Canadian content was thus comparable to that of the CBC Board of Governors. In contrast to the CBC Board however, the BBG gave up the idea without a fight.³³ While the BBG did not promulgate Canadian content regulations for AM radio, it was responsible for initiating another set of regulations, the Arts, Letters and Science requirements which can be considered to be the spiritual predecessors of present day foreground programming regulations.

In fact, in enacting the Arts, Letters and Science Requirements on October 1, 1964, the BBG was also responsible for initiating the first regulations for FM broadcasting in Canada. The intent was to create a kind of broadcasting which was different from AM broadcasting. The BBG wanted to have greater excellence in music, less commercials and more enriched material than had previously been the case.³⁴ The Board's regulation required each station to devote 20 per cent of its time to programs in four categories of Arts, Letters and Science.³⁵

The BBG expected general programs of recognized classics of early generations as well as contemporary programs of high quality that came within the following categories:

10- Music and dance programs including classical, symphony, opera, choral recital and ballet programs and interpretive dance music, experimental jazz and music hall except programs of popular music intended primarily for background and light entertainment.

11- Drama, poem and story programs of exceptional distinction including masterpieces from various cultures and selected contemporary productions.

12- Critical evaluation in Arts, Literature and Public Affairs.

13- Science including programs aimed at classification of scientific principles or interpretation of scientific exploration and discovery.³⁶ (For a more explicit explanation of the programs that the BBG deemed appropriate for the Arts, Letters and Science Requirements See Appendix I).

The opening of the FM spectrum was widely seen as the advent of a new and unique opportunity to provide the Canadian public with a higher quality radio service. When the Board of Broadcast Governors decided to require that 20 per cent of programming fall under the Arts, Letters and Science category, it was done in recognition of the different manner in which FM stations were performing in comparison to their AM counterparts. There was a general understanding that FM was an alternative

radio service catering to audience needs not being met by the AM service.³⁷ In fact, in initiating its Arts, Letters and Science Requirements, the BBG stressed the need for diversity in the form of varied and comprehensive programming.

In a 1961 Circular, the BBG stated that .. "At this stage, FM broadcasting should be seen as one of the means of offering the audience a greater choice of program service."³⁸ The circular went on:

The Board will seek from applicants commitments with respect to programming which will establish a balance of program content significantly different from the normal balance of AM programming and thus ensure that FM broadcasting, as it develops continues to offer a real alternative to AM broadcasting. However, the pattern of programming on FM must itself contribute to the objects of The Broadcasting Act. The Board will not recommend favourable on any separate FM application to provide a "juke box" operation regardless of the type of music to be offered. The varied service will be expected to include programs other than recorded music, e.g. news commentaries, public affairs and other "live programs."³⁹

As John Beke correctly points out, the BBG's Arts, Letters and Science Requirements represented .. "A completely new approach to the regulation of non-commercial program content. Neither the CBC Board of Governors nor the BBG had previously attempted to regulate the balance or quality of the program content other than through the licensing process."⁴⁰

The BBG's Arts, Letters and Science requirements were also noteworthy because they represented the Board's preference for a return to the pre-television type of radio programming as prior to the advent of television, the spoken word was one of the most prominent features of radio programming. Entire families would settle in for an evening of comedy, suspense and adventure programs which easily out-distanced the offerings of straight musical programs.⁴¹

In fact, the "Golden Age of Radio" (as it was commonly known) the radio era before the advent of television, featured such non-musical programming as: Edgar Bergen and Charlie McCarthy, Fiber Magee and Molly, Lux Radio Theatre, Bing Crosby, Jack Benny, Bob Hope, Ozzie and Harriet, Our Miss Brooks, Radio Hall of Fame, Ma Perkins, Life Can Be Beautiful, Aunt Lucy, Curtain Time and many more.⁴²

With the exception of the big bands and concert hall broadcasts (like Kraft Music Hall with Al Jolson) music was a secondary element to the great comics and actors of the era, filling in the gaps between skits, plays or acts. However, with the ascendancy of television, radio was no longer serving the full spectrum of entertainment for the family group. This fact and the differing nature of the two mediums was noted by the members of the 1957 Royal Commission on Broadcasting:⁴³

.. Television in order to be enjoyed fully

must be watched as well as listened to. It requires the concentrated attention of the audience to a much greater extent than does radio. The Housewife can bake her cakes or wash her dishes while listening to the latest adventures of Sally Jones on the radio. But, there would be a great many unbaked cakes and unwashed dishes in the country if too many housewives succumbed too frequently to the lure of the same adventures on television during the daytime hours. Then there are the taxi-cab drivers and shopkeepers and others who can and do listen to the radio during their working day but who could hardly go about their chores watching television.⁴⁴

Because of the ascendancy of television, radio could no longer afford to be a foreground medium, as it could no longer meet the budget requirements necessary to produce plays, variety shows and other verbal program formats. Gone were the many individual half hour and quarter hour programs that flourished during the golden age of radio. In its place, radio networks began to rely entirely on pre-recorded music and by the mid-1950's (which it must also be noted saw the birth of Rock N'Roll which hastened or helped to accelerate the shift towards music) private radio in the U.S. and Canada was characterized by a continuous stream of recorded music interspersed with musical commercial spots. The most spoken word to be heard on commercial radio was to be found on news reports which in most cases were rewritten newspaper copy.⁴⁵

This is not the case, however, with Canada's public broadcaster, the CBC. Despite the general changes taking place in radio during the 1950's and 1960's, the CBC continued to

broadcast a significant amount of spoken word programming. In fact, as late as 1955-56, 48.4 per cent of the CBC's programming was spoken word programming.⁴⁶ This can be contrasted with private stations in that same year whose schedules consisted primarily of music ⁴⁷ (the figures range from 61-70 per cent).

And, in October of 1964, the Association of Canadian Television and Radio Artists (ACTRA) in its presentation before the Fowler broadcasting committee, examined the schedules of six Toronto private stations and determined that 77.68 per cent of the total air time of those stations was devoted to music-most of which was almost entirely recorded. Drama, variety, youth, education and fisheries, political talks and controversy, social and human relations, nature and science together totalled only 1.18 per cent of their scheduled time.⁴⁸ At this time, the amount of music scheduled on the CBC had increased to 55.44 per cent of its total scheduled time, but even then, the amount of spoken word programming on the CBC was still significantly higher than on private radio stations.

The Board of Broadcast Governors was cognizant of the changes that were taking place in radio:

The Board is conscious of the fact that the broadcasting media must adjust to the changing conditions and that radio broadcasting is going through a period of transition. Television has captured a substantial part of

the audience available to radio; but few homes have more than one television set, and in the evenings the family can gather around the TV set. On the other hand, most homes have more than one radio set, most of the sets are portable, and radios are found in many cars. Consequently, the radio has become the more constant companion of the individual listener. Radio has the advantage that it can serve a mobile audience often when the hands and eyes are otherwise occupied; it has the opportunity and capacity to contribute to the varying needs among the total listening audience. Older patterns of radio broadcasting are no longer appropriate under the new conditions, and radio broadcasters are searching for effective means to meet the competition of television and to exploit as fully as possible the advantages which radio offers.⁴⁹

In enacting its Arts, Letters and Science requirements, the BBG felt that it was taking advantage of the opportunities which the new FM band presented and it also felt that it was redressing an imbalance in the programming practices of broadcasters by reinforcing radio's previous role as a foreground medium. At the very least, it can be argued that sections 11, 12 and 13 of the Arts, Letters and Science requirements represented a throw-back to the "Golden Age" of radio while at the same time, they were intended to support the principles of Section 10 of the Broadcasting Act which called for a "varied and comprehensive" service.

However, according to some like Frank Foster:

FM radio did not develop according to the hopes of the BBG. By the end of 1966, most FM radio stations were simultaneously

broadcasting the same programs as a station in the same area belonging to the same owner. Stereo had not achieved the results the BBG had expected...⁵⁰

John Beke basically agreed with this assessment:

Despite this regulation (Arts, Letters and Science requirements) FM stations continued to plan their programs in response to audience ratings and the regulation deterred them only minimally. There were many ways in which the spirit of the regulation was avoided. First, the regulation did not specify how much of the 20 per cent had to be devoted to each of the categories and subsequently the 20 per cent time was primarily made up from category 10 which was recorded music. Very little time on any station was devoted to programs in category 11 (drama, poem, story) or category 12 (critical evaluation of the Arts, Literature and public affairs or category 13 (science). Second, the regulation did not prevent the FM stations from specializing. Those stations with a middle of the road formula on their AM frequency provided very similar music on the FM frequency with perhaps only a slight extension towards the semi-classical field.⁵¹

The success or lack of success of the BBG's Arts, Letters and Science requirements notwithstanding, these requirements did represent a new approach to broadcast regulation and they were significant in that they reflected the shift towards music oriented programming. In effect, the need for such regulations reflected the changing nature of radio.

The changing nature of radio also affected Canadian content regulations. Had the Canadian content regulations proposed by the CBC in 1955 become a reality, such regulations in all likelihood, would have applied to both Canadian music and to

Canadian programming as radio at that point, was still a blend of spoken word programming and music. However, when the CRTC got around to content rules, the change to radio had been completed and music was now more significant than programming on radio and hence the CRTC's Canadian content regulations pertained strictly (or solely) to Canadian music and not to Canadian programming (in television, on the other hand, Canadian content regulations are applicable only for programming). Therefore, the nature of Canadian content regulations implemented by the CRTC also reflects the changing nature of radio in the same manner that the BBG's Arts, Letters and Science requirements were a reflection of the changing nature of radio. The nature of the CRTC's Canadian content regulations for AM radio and the need for the BBG's Arts, Letters and Science requirements both reflect the decrease of spoken word programs on radio. Keeping this in mind, one will now undertake an extensive analysis of the CRTC's AM Canadian content regulations in Chapter Three of this study.

NOTES TO CHAPTER TWO

1. Correspondence with Frank Peers, Professor of Political Science, University of Toronto, 4 February, 1986.
2. One of the few exceptions to this rule was the CNR network which began broadcasting in 1923 and which was considered to be the unofficial beginning of public radio and programming with any Canadian content. In fact, the CNR network was responsible for producing one of the first dramatic programs on the Canadian airwaves. Bill McNeill and Morris Wolfe, The Birth of Radio in Canada: Signing On (Toronto: Doubleday Canada, 1983) p. 15.
3. Robert Babe, Canadian Broadcasting Structure, Performance and Regulation (Ottawa: Economic Council of Canada, 1979) p. 11.
4. T. J. Allard, Straight Up: Private Broadcasting in Canada (Ottawa: Communications Foundation, 1979) p. 255.
5. Frank Peers, The Politics of Canadian Broadcasting 1920-1951 (Toronto: University of Toronto Press, 1969) p. 255.
6. Christopher C. Johnson, The Canadian Radio-television and Telecommunications Commission (Ottawa: Law Reform Commission of Canada, 1980) p. 5.
7. John A. Beke, "Government Regulation of Broadcasting in Canada," Canadian Communications Law Review 2 (December 1970): 107. T.J. Allard contends that prior to 1927, only three Canadian outlets, CFRB Toronto, CFCF and CKAC Montreal imported U.S. programs and even then on a limited basis. Op. Cit., Allard, p. 11. Allard's entire book, Straight Up, presents an alternative history of Canadian broadcasting.
8. In fact, in 1925, the Toronto Telegram ran a radio popularity ballot which gave the top seventeen placed to American stations. Bernard Ostry, The Cultural Connection (Toronto: McClelland and Stewart, 1977) p. 43.
9. Op. Cit., Allard, p. 65.
10. Ibid., p. 96.
11. David Ellis, Evolution of the Canadian Broadcasting System: Objectives and Realities, 1928-1968 (Ottawa: Minister of Supply and Services, 1979) p. 12.

12. Ibid., p. 12.
13. Ibid., p. 12.
14. Op. Cit., Peers, p. 120.
15. Frank Foster, Broadcast Policy Development (Ottawa: Franforst Communications, 1980) pp. 68, 69.
16. Op. Cit., Babe, p. 26.
17. In fact, a glance at the ratings of the CBC's top ten programs in the 1930's shows the following. The daytime top ten ratings including the following programs: Ma Perkins, Happy Gang, Big Claire Limited, Claire Wallace, Road of Life, Household Councillor and Lucky Linton. The top ten evening programs were as follows: Charlie McCarthy, Lux Radio Theater, Fibber McGee and Molly, Fred Allen, Ozzie N' Harriet, Amos N' Andy, Alb Familiar Music, Duff's Tavern, NHL hockey and Take It or Leave It. As one can see, the majority of the prime time programs were American. Op. Cit., McNeill and Wolfe, p. 219.
18. Ibid., p. 219.
19. Op. Cit., Foster, p. 63.
20. Op. Cit., Ellis, p. 30.
21. Roger Rickwood, "Canadian Broadcasting Policy and the Private Broadcasters," (Unpublished, Ph.D. diss. University of Toronto, 1965) p. 384.
22. The Canadian content proposal would have divided stations into two categories. The first category would have been stations in cities of 50,000 or more. Stations affiliated to the Trans-Canada or French networks would have had to devote 48 per cent of their time from 8:00 AM to 11:00 PM to Canadian programs. For those stations affiliated with the Dominion network, the weekly minimum of Canadian programs would have been 43 per cent, and for unaffiliated stations 40 per cent.
In the second category would have been stations in centres of less than 50,000 where minimum percentages would be lower. If affiliated with the Trans-Canada or French networks, they were to devote 38 per cent of time from 8:00 AM to 11:00 PM to Canadian programs, if affiliated with the Dominion network, 33 per cent; if unaffiliated private stations, 30 per cent. Op. Cit., Rickwood, p. 386.
23. It defined a Canadian program as any live or reproduced program produced in Canada, or any programs initiated by

Canadians abroad for Canadian use. A reproduction made in Canada from an imported original would not qualify. For more information on the draft Canadian content regulations See Op. Cit., "Canadian Broadcasting Policy and the Private Broadcasters," pp. 385-423.

24. Ibid., pp. 380-393.

25. In fact, the Prime Minister at the time, John Diefenbaker, in regards to the proposed Canadian content regulations stated that:

These regulations are not in effect yet, but my view is that they are dangerous in their potentialities. They would place the private stations in the country in the position of being pawns in the hands of government competitors...

And, more striking than the criticism of the proposed Canadian content regulations from Diefenbaker was the silence from the Liberal and CCF benches, with a single member, Mr. Gauthier, declaring his support for the proposed regulations. Op. Cit., Rickwood, p. 417.

26. Ibid., p. 553.

27. Austin Weir, The Struggle for National Broadcasting in Canada (Toronto: McClelland and Stewart, 1965) P. 304.

28. Correspondence with Frank Peers and interview by author, Tape Recording, 9 April 1986, Toronto, Ontario.

29. Ibid.

30. According to Roger Rickwood:

Broadly speaking, Canadian content regulations are simply the logical consequence of the abandonment of the concept of a predominant public broadcasting sector with a subordinate private sector in a supplementary distributive role. As long as the public sector was predominant, the requirement of Canadian content regulations was not necessary as a sufficient amount of Canadian programming could be produced and distributed over the system. When independent stations were allowed to expand, they could easily make more money from transmitting more economical and in many ways more popular American programming than in producing high-cost Canadian programming with unproven audience appeal.

The private broadcasts were unable to stop Canadian content regulations from being introduced for television but they do seem to have talked the BBG out of proceeding with similar regulations for radio. The success of getting such regulations passed in 1959 (Canadian content regulations for television) stems in part from the statutory requirement for a substantially Canadian broadcasting system and from the political clout of George Nowlan who had been quite supportive of the idea.

In addition, a number of voluntary groups were quite supportive of the idea of Canadian content regulations in 1959 and made it known during the formative period of the new act. The CLC, the Association of Canadian Radio and Television Actors and the Canadian Broadcasting League were prepared to do battle on the need for increased Canadian content in the Canadian broadcasting system and they added supportive opinion to the weight of Nationalist elements within the Conservative party.

Part of the failure of private broadcasters to prevent Canadian content regulations from being promulgated in 1959 can be attributed to division within the industry on the question of Canadian content regulations. Private independent television stations after all bear the brunt of Canadian content regulations and they are forced to produce or purchase a substantial amount of Canadian content programming to attain the required percentages. Private stations affiliated with the CBC are cushioned from this heavy demand to a greater extent by the fact that they can fill most of their Canadian content requirements with programming supplied free of charge by the CBC. They are thus not prepared to do battle as strongly on the question of Canadian content as the independent stations are. This division over Canadian content in the 1959 period onward was also apparent in 1952-53 when independent private radio stations and the CAB were the chief crusaders against such proposed regulations while private affiliates of the CBC took a more moderate tone. Op. Cit., Rickwood, pp. 772-774.

31. BBG. Public Hearings, 9 November 1961, p. 3. This also calls into question the BBG's relationship with the industry that it was supposed to regulate. In fact, in its entire ten year existence, the BBG refused to renew only one licence. For a closer examination of the relationship between the BBG and the broadcasting industry See W.N. Hull "Captive or Victim," The Board of Broadcast Governors and Bernstein's Law, in Canadian Public Administration 26 (Winter 1983): 543-560 and P.A. Beswick, "The Board of Broad Governors and the Public Interest," (unpublished M.A. thesis, Carlton University, Ottawa, 1962).
32. BBG. Public Statement November 9, 1961 (Ottawa: Queen's Printer) p. 3.
33. Op. Cit., Rickwood, p. 595.
34. In the early days of FM radio, normal programming for such stations consisted of background music (which is a certain type of music with no announcements of any kind) or in the later development of FM, AM stations used the FM band merely to rebroadcast their AM programming. Op. Cit., Foster, p. 148.
35. Ibid., p. 219.
36. BBG. Annual Report, 1961 (Ottawa Queen's Printer) Appendix F, pp. 1 and 2.
37. CRTC. A Proposal for a Radio Policy in the Private Sector (Ottawa: Minister of Supply and Services, April 19, 1973) p. 4.
38. BBG. Circular No. 46, November 10, 1961 (Ottawa: Queen's Printer) p. 3.
39. Ibid., p. 4.
40. Op. Cit., Beke, p. 141.
41. D. Balcon, "The Spoken Word on Radio: Where its Been and Where its Going with Special Reference to FM Radio Programming," (Ottawa: Canadian Radio-television and Telecommunications Commission, 1974) P. 1.
42. Op. Cit., Weir, p. 201.
43. Canada. Royal Commission on Broadcasting - 1957 (Ottawa: Queen's Printer) p. 40.
44. In fact, a study conducted in 1981 revealed that of two hours and five minutes that Canadians spent on average

listening to radio, about 25 per cent of the time spent listening to radio was driving time and almost half of the people listening did so outside the home and were usually engaged in activities other than just listening to the radio (i.e. cooking, exercising, working or eating). In other words, radio was not the principal activity - it was only used for background purposes. In contrast, television was described by 65 per cent of respondents as the principal activity of the time which suggests that television, unlike radio, requires more of a person's attention than does radio and therefore unlike radio, is considered to be a primary and not a secondary activity. Statistics Canada, "The Recording Industry," Canadian Cultural Statistics (Ottawa: Minister of Supply and Services, 1984) p. 8.

45. Op. Cit., Balcon, p. 1.
46. And even to this day, the CBC continues to program a significant amount of spoken word programming in contrast with private broadcasters who for the most part (excluding information-oriented stations) rely upon music as their primary staple of programming.
47. Op Cit., Royal Commission on Broadcasting - 1957. p. 24.
48. Op. Cit., Weir, p. 330.
49. BBG. Public Announcement (Ottawa: Queen's Printer, November 16, 1960) p. 2.
50. Op. Cit., Foster, p. 235.
51. Op. Cit., Beke, p. 141.

Chapter Three

Introduction

A 1981 Statistics Canada Report noted:

The CRTC's Canadian content regulations have stirred up a great deal of controversy. Many people feel that they (the regulations) were a major factor in developing Canadian production or at least exposing the public to it by making it known. However, this is by no means unanimous. Some people are concerned about associating art with politics, that art should not be legislated. The debate goes on.¹

It is undeniable that since the initiation of the CRTC's 30 per cent AM Canadian content requirements, the Canadian music industry has experienced impressive growth. But, despite such growth and despite the regulations, the Canadian music industry is still experiencing difficulties. However, before one can undertake an extensive evaluation of these controversial regulations and the impact that they have had on the Canadian music industry, one must first examine the regulations themselves.

The CRTC established Canadian content regulations for radio soon after its creation under the terms of the Broadcasting Act of 1968. The regulations enacted in the summer of 1970 were as follows:

1. The broadcast day was to be divided into four segments each from 7 a.m. to 11 p.m.
2. Effective October 1, 1970, 30 per cent of all musical compositions in each four hour period were to meet one of four criteria; the instrumentation and/or lyrics were to be principally performed by Canadians; the music was to be composed by Canadians; the lyrics were to be written by Canadians; or the performance was to be recorded in Canada.²

After October 1971, a minimum of 30 per cent of the records broadcast were to fulfill two of the four conditions. The transitional period was designed to permit the development of the then fledgling recording industry.³

Due to reactions from the broadcasting industry to the proposals at a public hearing conducted by the CRTC and due to the reaction of the press,⁴ the CRTC decided to revise the regulations so that instead of calculating the Canadian content of records broadcast every four hours, the 30 per cent could be spread out "in a reasonable manner" over the period from 6:00 a.m. to Midnight. And, instead of October 1970, stations were not obligated to meet one of the four Canadian content criteria until January 18, 1971; the two criteria were to be met commencing January 18, 1972.⁵

On January 18, 1973, phase three of the Canadian music regulations came into effect. The Commission stipulated that five per cent of all selections must be of music composed of lyrics written by a Canadian.⁶

Most recently in 1985, the CRTC expanded its Canadian content criteria to allow instrumental versions of Canadian compositions or Canadian composed instrumental compositions to qualify as Canadian content.⁷ (Prior to the revision, instrumental compositions written by a Canadian and recorded by a non-Canadian outside of Canada did not qualify as Canadian content while the same selections with a vocal arrangement would qualify).

The CRTC also recently decided to add a separate seven per cent Canadian content requirement for ethnic programming. AM stations which broadcast ethnic programming must ensure that a minimum of 7 per cent of the musical selections aired during such programs are Canadian and a minimum of 30 per cent Canadian content at all other times.⁸

In summary, as the rules stand today, musical content is defined as Canadian by the CRTC if it meets any two of the following criteria:

1. The music was composed by a Canadian.
2. The lyrics were written by a Canadian.
3. The instrumentation or lyrics were principally performed by a Canadian.

4. The live performance was wholly performed in Canada and broadcast live in Canada, or wholly recorded in Canada.

And, in addition, a musical composition shall be considered to be a Canadian composition if it

- a) is performed on an instrument and the music was composed by a Canadian and the lyrics were written by a Canadian; OR
- b) is a performance of an instrumental piece composed by a Canadian."⁹

The main reason for these regulations was to improve the access of Canadian artists to the Canadian airwaves. Prior to 1970, Canadian recordings received minimal exposure. For example, in 1968, estimates of the level of Canadian content on Canadian private radio, using the criteria of the present day regulations, ranged from a high of approximately seven per cent to a low of below four per cent of the musical selections used on private radio.¹⁰

In fact, Harvey Glatt, Station Manager of CHEZ-FM in Ottawa explains that:

During the 60's, and I know from personal experience of being involved in the music business, it was next to impossible to get Canadian music programmed, even though there was some good Canadian music out there. Program directors and music directors would rely on for the most part, what they saw in the Billboard charts from the U.S. and if it was popular there, they would play it here."¹¹

And, Bobby Curtola, Canada's first "teen idol" agrees with Glatt and notes that; "Canadian records didn't really have a

chance in Canada because radio stations programmed what they would play by the American trade papers."¹² Given such circumstances, the CRTC felt compelled to take some form of action to rectify this situation.

As Jean McNulty has noted "The major objection to content requirements relating to national origin is that imposing program standards unrelated to the merit or popularity of the programs is a "clumsy legislative device."¹³ In effect, McNulty is stating that imposing artificial quotas which do not correlate to viewer or listener preferences is inherently awkward. The Commission acknowledges this in a 1976 report, but also noted that:

It is not the responsibility of the Canadian Radio-Television Commission under its present mandate, to become involved in the regulation and operation of the music industry. However, because modern radio depends so heavily upon recorded music as a means of attracting an audience, the Commission has executed certain regulatory measures to ensure that a minimum degree of Canadian talent recordings be utilized on radio, thus having an indirect effect upon the music industry.¹⁴

Therefore, the Commission felt that it had no choice but to initiate Canadian content regulations because the economies of scale of the North American music industry were such that a Canadian music industry would never have developed in the face of the overwhelming American presence.¹⁵ Hence, the CRTC utilized the only access point into the music industry that it

could find - that of airplay, to ensure that Canadian artists would be given the opportunity to be heard in their own country.

The CRTC were cognizant of the fact that such regulations were indeed a "clumsy legislative device." Pierre Juneau (a former Chairman of the CRTC) conceded as much when he noted that: "The rulings were not a terribly sophisticated approach to the problem, but rather a blunt instrument - a monkey wrench thrown into the smooth workings of Canadian radio."¹⁶ The CRTC, therefore felt that such regulations were a necessary evil, but there were those who questioned the necessity of such regulations and not unexpectedly, it was the broadcasters who were the most adamantly opposed to Canadian content regulations.

The attitude of broadcasters was best summed up by John Hughes, then Vice-President of Western Broadcasting; "The CRTC's regulations will encourage a return to the juke-box approach in radio. The proposal advanced by the CRTC will force stations to seek records to play from the limited Canadian output, which is largely rock n' roll and that would be monotonous. While his station wanted to play Canadian records, Hughes did not want to see a change in the general radio "sound" because of the 30 per cent rule." He also added that "Canadians will be quite unhappy with the sameness of the sound and suggested that other segments of society should help Canadian music rather than just broadcasters."¹⁷ Hughes' reaction was

typical of most Canadian AM broadcasters who didn't want to be told what to play.¹⁸

The initial reaction of Canadian broadcasters to the rulings was perhaps a bit more predictable than the initial reaction of some Canadian musicians, whom one would think would have been delighted by the regulations. But, Burton Cummings, lead singer of the now defunct Guess Who felt that the regulations were "a joke" and Ian Tyson added that; "I resent the hell out of guys like Juneau who take Nationalism too far."¹⁹ And, Terry Jacks whose "Seasons in the Sun" single, was a huge international seller said; "The legislation was lobbied for by a bunch of crybabies who couldn't get their records sold."²⁰

According to Susan Jacks (wife of Terry Jacks at the time) the CRTC regulations were ruining her career; in 1974 she asserted that; "The rulings had served their purpose and should have been phased out." "The industry", she felt, "can stand on its own two feet now, but the CRTC obviously has no confidence in Canadian artists." "If the Commission has to force radio stations to play Canadian music, she asked," what sort of pride do they have? When disc jockeys see my records, they automatically plunk them in the "Beaver Pile" (the name Jacks gave to the stack of Canadian records which stations must play). And Jacks continued; "I'd like radio stations to play my

records because they like them, not because they are required to do so. The 30 per cent Canadian ruling is a joke, it makes Canadian artists look like amateurs."²¹

Successful Canadian artists like Susan or Terry Jacks or Burton Cummings of the Guess Who could afford to denounce AM Canadian content requirements with some degree of smugness, as they were successful without the benefit of such requirements (which made them the exception rather than the rule) and therefore felt that if THEY could prevail without the aid of such requirements, then so should others. There is also the matter of "artistic pride," the feeling that their artistic integrity had somehow been tainted or compromised by the existence of quotas.²² Even current Canadian recording artists like Loverboy and Ralph James (former bassist with the rock group Harlequin and now an employee with the Hungry I Talent agency) still express doubts about an artificial quota. In fact, both Loverboy and James are of the opinion that "regulations shouldn't be based on the country of origin."²³

But on the other hand, many Canadian artists support the regulations, artists like Laurence Evoy, Frank Mills and the Family Brown who have all credited the CRTC's AM Canadian content regulations with providing a much needed boost to their careers. Joe Brown of The Family Brown described the regulations "as a Godsend"²⁴ and Mark Caporal, member of the

Toronto based group Eye EYE (and a representative of the Performing Rights Organization of Canada) is also very supportive of the 30 per cent AM Canadian content requirements.²⁵ Geddy Lee, bassist and vocalist with the internationally acclaimed heavy metal trio Rush, notes that because of AM Canadian content requirements; .. "The doors are open in Canada now."²⁶ And finally, to show their appreciation of Canadian content regulations, Kelly Jay, lead singer of the band Crowbar, at one point in the summer of 1971, presented then Prime Minister Pierre Trudeau with a small plaque inscribed with the following; "Thank you for making it possible for Canadians to be heard in their own country."²⁷

According to Sjief Frenken, CRTC Director of the Broadcast Programs Analysis division of the CRTC this is precisely what the regulations did - they allowed Canadian performers and songwriters the opportunity to be heard in their own country. In fact, in his estimation, the airing of 30 per cent Canadian content by AM stations is sufficient evidence of the success of the policy.²⁸ Most AM broadcasters are in fact living up to their 30 per cent AM Canadian content requirements²⁹ and as Denis Menard, Director General of radio programming for the CRTC's maritime region notes; "It is quite rare that a station is taken to task on the issue of Canadian content."³⁰

It must be noted that this is an important criteria for the

success of the regulations because airplay is a vital catalyst for creating a music industry. It stimulates demand at the retail level, encouraging record dealers to stock Canadian releases, it stimulates record sales, it stimulates attendance at dances, clubs and concerts featuring live Canadian talent which in turn encourages consumers to purchase the works of Canadian artists and so it builds.³¹

In addition, Earl Rosen, President of Marquis Records and formerly Executive Vice President of the Canadian Independent Record Producers Association explains why airplay is so important to the Canadian music industry:

One of the facts of life that the record industry has to live with is that our economic future is totally dependant on radio air play. Radio air play directs sales. Firstly, it introduces music to the public. Secondly, record retailers generally stock their stores based on what is being played on the radio. So, in order to get our product into the stores so consumers can even have the opportunity to purchase it, we must get radio airplay.³²

Real Therrien, Vice-Chairman of the CRTC, further elaborates; "The first criteria for a recording is that it has to be played. If you say well we don't play the record because its not popular, and its not popular because its not played - well the Canadian content regulations have broken this circle."³³

The CRTC's 1972-73 annual report was therefore accurate in stating that; ... "Insofar as the principal aim of the

Commission to ensure greater access for Canadian music to the Canadian airwaves, the regulations have definitely succeeded."³⁴ The AM Canadian content regulations have done much more, however, than merely enabling Canadian artists to be heard in their own country. According to Earl Rosen:

Without Canadian content regulations, there would be virtually no Canadian music industry. That does not mean that there would not be artists who are successful because there always will be in any country but I don't think you'd develop the infrastructure. And, its not because of the negligence of broadcasters, its just that its so much easier to do your programming from the Billboard charts and to hire U.S. consultants. Its so much easier not to have to take chances by using other people's proven success. Its very important to have consumer magazines and believable charts, all of this is really important. But, the only leverage point into the system was the Canadian content regulations and I think its a brilliant piece of legislation that didn't cost anybody anything.³⁵

Harvey Glatt of CHEZ FM Ottawa agreed: "I really do believe that we might not have had a Bryan Adams or Honeymoon Suite, had we not had AM Canadian content regulations. Certainly, the regulations created a window of opportunity for Canadians that didn't exist before."³⁶ Mark Caporal of the Writer/Publisher Division of the Performing Rights Organization of Canada (PRO) and also a member of Juno nominees Eye Eye, echoes the same sentiments when he states that.." the ordinary jaded program director could have potentially ignored them (Canadian artists). For instance, a program director could have potentially ignored Bryan Adams had those regulations not been

in place."³⁷

Even Duff Roman Operations Manager of CHUM-FM Ltd. and station manager of CHUM-FM in Toronto who has mixed feelings about the success of Canadian content regulations for AM radio admits that; "Canadian content regulations did have the impact of creating studios and putting some focus on Canadian talent that wasn't there before."³⁸ Most broadcasters appear to share Mr. Roman's ambivalence about the impact of Canadian content regulations on the Canadian music industry as evidenced by a survey conducted for this study,³⁹ (For more information about the survey see Appendix II) which revealed that 36 per cent of the broadcasters who responded felt that Canadian content regulations had been responsible for the creation of a viable Canadian music industry⁴⁰ and almost half of those same broadcasters (45.5 per cent) felt that the Canadian music industry would not have progressed as far as it had without Canadian content regulations.⁴¹ These statistics are revealing because they show that broadcasters acknowledge that Canadian content regulations have contributed to the development of the Canadian music industry. Although many broadcasters opposed Canadian content regulations in principle they were cognizant of the positive impact they have had on the Canadian music industry.

Evidence of the success of AM Canadian content regulations

is indisputable. Increases in the number and quality of Canadian recording studios, the numbers of record companies, increased royalty payments to Canadian musicians, the increase in the numbers of Canadian music magazines, the appearance of several music awards shows, and the creation of a domestic market for Canadian records; all of these developments can be directly or indirectly attributed to the existence of Canadian content regulations. In short, it can be said that Canadian content regulations have helped lay the groundwork for the development of the Canadian music industry - they have helped to build an infrastructure or as Martin Melhuish (author of Heart of Gold) correctly noted in 1976; "Canadian music is on the airwaves and in order to supply the radio stations a Canadian music industry has been coaxed into existence."⁴²

The most graphic evidence of the success of Canadian content regulations in helping to "coax" a Canadian music industry into existence is the very existence of a publication called the Canadian Music Directory. This directory (which was first published in 1983) is a comprehensive 462 pages long and is dedicated to chronicling the companies, individuals, organizations and institutions which comprise the Canadian music industry. The mere existence of such a publication prior to the initiation of AM Canadian content regulations would have been unwarranted as there was not enough of a Canadian music industry to catalogue. In short, the existence of such a publication is

symbolic of the growth and development of the Canadian music industry as a whole.

Less symbolic and more tangible evidence of the success of Canadian content regulations is the fact that in the early 1970's, the number of Canadian owned record companies had risen to more than 40 from fewer than 10 before the rulings were introduced.⁴³ As well, multi-national recording companies had all established Canadian talent development divisions⁴⁴ (which as one shall see later on in the course of this study was not as helpful as it seems) and first rank studios blossomed all over the country. By 1981, there were 120 recording studios in Canada as opposed to 12 in 1971.

Another sign of the positive impact of the regulations are the increased payments to Canadian composers, publishers and copyright owners of songs. Gordon F. Henderson, President of BMI Canada (Broadcast Music Incorporated) described the impact 30 per cent ruling had on Canadian compositions and copyright works:

The manifest intention of the policy is to encourage the performance of copyright works of Canadians, and thus give Canadian composers and authors assistance in the form of an exposure of their works in Canada. Once this exposure occurs, it is often found that Canadian works are of the same caliber and quality as the best in the world. These works are now being performed elsewhere. The success of the encouragement to develop

Canadian composers, authors and artists through the policy developed by the CRTC has been reflected in increased payments to Canadian composers, artists and authors by each of the two Canadian Performing Rights Societies.⁴⁵

In fact, royalty payments made by CAPAC (The Composers, Authors and Publishers Association of Canada, one of the two performing rights associations in Canada)⁴⁶ to song-writers quadrupled from \$364,000 in 1968 to \$1,333,000 in 1974. By 1977, payments had reached \$2,256,000 which represented an increase of 519 per cent from 1971.⁴⁷

As well, the net value of sales of domestic phonograph records in Canada doubled over the period from 1973-1977.⁴⁸ The growth in records containing Canadian content material shows that in the eight year period from 1970 to 1978, the number of Canadian content albums had increased by 177 per cent.⁴⁹ By 1979, the sale of Canadian content recordings produced net revenues of \$20.3 million which represented 8.5 per cent of the industry's total revenue from disc tapes.⁵⁰ (Although as one shall see later on in the course of this chapter, there has not been a significant increase in the amount of Canadian content recordings sold from 1982 to the present date).

In addition, the profitability of major Canadian record companies increased shortly after the full imposition of the Canadian content regulations.⁵¹ Canadian studio musicians have also enjoyed substantial income increases in the past few

years. This along with the fact that rates for union musicians in Canada are several times higher than those comparable unions in the United States, suggests that an increased demand for Canadian content material has resulted in increasing incomes for musicians and probably for other technical recording personnel as well.⁵²

Additional evidence of the positive impact of Canadian content regulations is the success Canadian artists have enjoyed in the 1970's and 1980's. In fact, at one point in 1967, prior to the initiation of AM Canadian content regulations, Burton Cummings, lead singer of the Guess Who (who at the time were one of the biggest groups in Canada) put their Canadian success in perspective when he stated that; "You just gotta realize that there's maybe seven acts in the entire country you can hear more than once without throwing up. All you have to do is form a band and you're automatically one of the top five groups in Canada."⁵³ Well, thanks to the 30 per cent Canadian content regulations for AM radio, such was no longer the case in the 1970's as Canadians had to start opening their ears to Canadian artists like; Ginette Reno, April Wine, Ian Thomas, The Stampeders, Lighthouse, The Five Man Electrical Band and Edward Bear along with already established acts like Gordon Lightfoot, Anne Murray, Paul Anka and the Guess Who.

By 1982 the quality of Canadian musicianship had improved

to the extent that the world was talking about "The Canadian Invasion." Thomas Hopkins best sums up the "Canadian Invasion" when he notes that:

After a year of head banging, Canadian musicians are riding a wave of pop success that has become the entertainment story of the year. As well as enjoying surging sales at home, Canadian rock has crossed the 49th parallel. Such groups as the Guess Who and BTO have already stormed the U.S., but the past year saw an unprecedented concentration of Canadian rock bands making it at home and especially abroad..⁵⁴.

Acts like Loverboy, Rush, Chilliwak, Bryan Adams, Aldo Nova, April Wine and Bob and Doug Mackenzie helped give Canadian musicians 11 of Billboard's top 50 albums at one point in 1982.⁵⁵

At this point, it is necessary to underline the fact that many of the acts involved in the "Canadian Invasion" of 1982 were not newcomers. In fact, most of the Canadian bands had already demonstrated that they had what it takes by barnstorming their way through thousands of whistle stops on Canada's tough rock-club circuit. Groups like April Wine, Prism and Chilliwak have had to fight over the years to stay alive. They were introduced as "new" acts in the U.S. but with five years behind them, they developed into strong performing, touring and recording acts.

And the key to this was the domestic market that the CRTC's

regulations helped to create. In fact, this is one of the most significant, if not the single most important contribution of Canadian content regulations - the fact that they permitted Canadian artists to perform and succeed in their own country.

In fact, Steve Propas of Solid Gold Records (an independent Canadian record company that recently went bankrupt) correctly stated that; "The CRTC created an ancillary business. An industry could stay here and make a living. Our producers, our engineers and managers gained experience. Then came industry lawyers and industry accountants. The bar scene became healthy. As well, Propas adds that ..."Because of the length and breadth of our country, bands had to work hard nationally and make records for a broader demographics to survive."⁵⁶

The key to all this was that Canadians, after gaining exposure to Canadian music, were willing to go out and support Canadian bands, whether it was by buying their records or by going to see the bands live. This helped keep bands like April Wine afloat until they were able to achieve international success and kept other bands working in Canada. The fact is that an indigenous Canadian music industry was created, one which did not exist prior to the implementation of Canadian content regulations. Earl Rosen of Marquis Records comments on the implications of such an achievement:

There is something to be said for an indigenous musical culture where one can go

and hear a live band. Virtually no Canadians in the last ten years (only two or three) have left Canada to become successful, almost everyone else who has been successful has been able to continue to live and work in Canada whether they have Canadian record deals or international record deals, there's enough of a home base to work from and certainly from a policy point of view, that should be important, that you don't have to leave your own country to work.⁵⁷

And, as Tom Harrison, music critic for the Vancouver Province correctly asserts; "At last people in Canada really want to see Canadian bands and buy Canadian records, not because they were Canadian but because there are enough artists in the country contributing to the quality and quantity of work being produced in the international context to be considered stars."⁵⁸

The impact of the regulations is seen by the fact that during the 1960's and even the early 1970's (when AM Canadian content regulations were first implemented) there were only a small constellation of recording stars whereas, today there exists an extensive Canadian star system ranging from MOR and Easy Listening artists like Peter Pringle, Frank Mills and Andre Gagnon, to jazz artists like Moe Kaufmann, Oscar Peterson, Maynard Ferguson, to folk artists like Murray McLaughlin, Bruce Cockburn and Gordon Lightfoot,⁵⁹ to children's artists like Fred Penner and Raffi to country artists like Carole Baker or K.D. Lange (although as one shall see later, country is an area which requires further development) to rock artists like Bryan

Adams, Corey Hart, The Box, Jane Sirberry, Loverboy, Rush, Honeymoon Suite, Saga, Glass Tiger, Cats Can Fly, Helix and Lee Aaron to name but a few. In fact, it is in the rock genre that AM Canadian content regulations have had their greatest impact as the quality and diversity of material being produced in this area is equal to anything being produced internationally.

David Bluestein, President of the Agency, Canada's largest international booking concern notes:

For the first time, Canada seems ready to support its own acts, and I don't mean just the Rush's, Trooper's, Triumph's and Prism's. Even moderately successful acts like the Powder Blues, Red Ryder or Harlequin, bands that have come along in the past two years and properly developed have nowhere to go but up and their example is constantly being followed.⁶⁰

In addition, once again Earl Rosen of Marquis Records correctly points out that:

There is now a strong domestic market for Canadian artists. In 1970, it would be phenomenal for an album to sell 25,000 copies. Now we've had two within a year (Bryan Adams and Corey Hart) who have sold over 1,000,000 and 3-400,000 is not an unusual number for a successful Canadian album. Even without international sales, we've had groups like Gowan and Platinum Blonde who have gone multi-platinum without any international success whatsoever which shows that there is now a strong consumer willingness to purchase Canadian music and that has to be based on exposure.⁶¹

Others, like Duff Roman of CHUM-FM disagree; "Without U.S. sales, you can't make a living in the Canadian music

industry."⁶² And it must be noted that several successful Canadian groups like Toronto, Queen City Kids and Streetheart (who sold approximately 800,000 - 1,000,000 records in Canada) disbanded partially because a lack of U.S. success. In fact, according to the Winnipeg based group Orphan; (who just recently disbanded themselves); "Streetheart was proof that it doesn't matter how well you do in Canada, the cost of marketing and promoting an album is too great to stay alive."⁶³ Even the Parachute Club's 1984 Platinum selling album At the Feet of the Moon (which in total sold 130,000 copies in Canada) barely made enough money to cover its recording costs.⁶⁴ However, the Parachute Club spared no expense producing its records with \$100,000 considered to be the minimum to do it right. Also, the group is fairly large with seven members. Billy Bryans, drummer and co-founder of the group acknowledged the group's unique stature; "The fact of the matter is you really can't sell enough records in Canada, not when you're as big as we are and record the way we do."⁶⁵ Despite such circumstances, the Parachute Club has enjoyed four successful years in the Canadian music business.

So, therefore the success that groups like The Parachute Club have realized in Canada alone have allowed them to continue to record and perform in Canada or to further pursue their careers in the United States (as the Parachute Club have decided to do). In fact, according to Ralph James of the Hungry I

Talent agency in Winnipeg; "U.S. success is the ultimate goal and the key to survival for most Canadian bands."⁶⁶

Nonetheless, the Canadian success experienced by groups like the Parachute Club has enabled them to continue to record and perform. Many other groups survive SOLELY on the merit of their Canadian success something that was next to impossible for Canadian artists prior to the implementation of Canadian content regulations for AM radio.

There are, however, certain adjustments to be made as a wholly Canadian star. Kim Mitchell, formerly of the group Max Webster and who has recently embarked on a successful solo career explained; "I have lived sort of below the poverty level all my life. I have seven gold records and now three platinums on the wall, and I live in a high-rise with a brown van that I just sold for \$500 because it was too disgusting to drive anymore, That's my lifestyle. I don't have a lot of money put away either."⁶⁷

In summary, the Canadian content regulations have allowed Canadian artists to be heard in their own country, to survive, if not prosper, until such time as they realize American or international success (if that is indeed their ultimate goal)⁶⁸ or to continue performing within Canada as Canadian stars. In addition to creating a domestic market for Canadian

artists, they are also responsible for helping to create a Canadian music industry that is still maturing and growing. Additional evidence of the positive impact of the content regulations can be seen in the proliferation of Canadian music magazines like Rock Express, The Canadian Musician, Graffiti, RPM and The Record.⁶⁹ the proliferation of Canadian music award shows like the Junos or the Casbys,⁷⁰ and even in the success of Much Music,⁷¹ Canada's music video station.

While these developments indicate the success of Canadian content regulations as public policy, there is still controversy and problems that remain. Some people in the industry still object to the content rules for a variety of reasons ranging from the philosophical to the economic, to the practical. Some feel that such regulations do nothing to enhance Canadian culture arguing that music is universal and therefore there is no such thing as a "Canadian sound" to promote. Therefore, they argue, regulations governing Canadian content are superfluous.

For example, when asked for his view of Canadian music, a music director of a large radio station responded thusly; "Canadian music is just an imitation of American music."⁷² And, John Cochrane, Station manager of CJOB in Winnipeg also feels that; "Canadian and American music sound the same."⁷³ In 1976, Robert Weinstein wrote; "Having a Canadian lineage is not something to flaunt." He went on to

ask; "Canadian music? Where is it? Is there a body of rock and roll music an intelligent rockophile could distinctly call Canadian? Weinstein concludes by answering his own questions; "Not much I'm afraid. The current list of books on rock music bears this out. You have to be a master detective to isolate five whole pages on Canadian music."⁷⁴ It is debatable whether such a statement is in fact accurate, but it is true that at that point in time, the Canadian music industry was still in the embryonic stage - it was still in the process of developing (as it is even today).

According to Canadian musician Gene Lees; "The effort to define Canadian music falters and then fails, precisely because there is no such thing as the "Canadian sound" any more than one can find the great American novel. There are many great American novels. There are many Canadian sounds."⁷⁵

And, Earl Rosen insists that there is a strong musical heritage in Canada. He cites the chansonnier trend in Quebec, Canada's folk music heritage and our indigenous children's music industry. He also notes that... "Hard rock is part of our musical heritage, so the music is a little different than the U.S., there is less of an R and B or Soul influence in Canada."⁷⁶ In addition, Newfoundland also has a unique musical heritage. So, therefore there are some unique trends that do help distinguish Canadian music from American music

although admittedly, at this point in time, there is no single all-encompassing "Canadian sound" and in some cases, Canadian music is indistinguishable from American music (especially pop music). Of course, any country's musical heritage involves outside influences and a blending of diverse musical elements. Gene Less argues that; "There is a general unanalyzed belief that American music sprang up spontaneously, completely autonomous and without antecedents. American music evolved out of combining musical elements all of them originating elsewhere, as ours is doing now."⁷⁷

Earl Rosen of Marquis Records correctly notes that; "You clearly can't listen to the radio and say ah ha, that's Canadian music, but on the other hand, if you look at the overall direction that musicians are going, you can see a sense of direction, a maturing process. I don't think that you can separate supporting the artists or the culture, the culture is what the artists are going to perform."⁷⁸ But, others like Robert Laine, General Manager of Q94/1290 Fox in Winnipeg fails to see how Canadian content regulations (and the music which qualifies as Canadian content) contribute to the continued development of Canadian culture. According to Laine, "Canadian content is certainly doing nothing to strengthen the Canadian fiber. When a Canadian signs a song about New York I'm wondering what the hell we're doing playing it, or when a Canadian who spends his entire life in the U.S., writes a song

for another performer who is also American and we get credit for it as Canadian, there's something wrong with the regulations."⁷⁹

John Cochrane of CJOB is also critical of AM Canadian content regulations for failing to give credit to information oriented stations (like CJOB or CFRB in Toronto) for helping to develop Canadian journalists who in Cochrane's opinion, make a greater contribution to the development of Canadian culture than do Canadian musicians. He asks; "How does Canadian music further Canadian cultural objectives if the music being played is indistinguishable from American music? One would think that news stories focusing on the community and on people and places in the community would be more conducive to fostering and promoting Canadian culture than Canadian music which is virtually indistinguishable from American music. The CRTC doesn't see it that way. Canadian artists promote Canadian culture, Canadian journalists don't."⁸⁰

It is true that Canadian content rules do not acknowledge or give credit to information oriented stations for their role in aiding the development of Canadian journalistic talent, but it is Canadian musicians and not Canadian journalists who were experiencing difficulty in gaining access to the airwaves. The 30 per cent AM Canadian content requirement was meant to aid Canadian MUSICAL talent and therefore any Canadian content

equation or formula which takes into account Canadian journalistic talent (for instance, if information oriented stations were allowed to allocate or count 10 per cent of their 30 per cent Canadian content commitment for journalistic instead of musical talent) would come at the expense of Canadian musicians and this would not make any sense because it is Canadian musicians and not Canadian journalists who are not receiving sufficient exposure.

Critics like Cochrane and Laine do however make valid points when they question the contribution of Canadian content regulations and some of the music that qualifies as Canadian content to the overall development of Canadian culture. They would not accept the 1973 assertions of Pierre Juneau, (then Chairman of the CRTC) who stated that; "Our contemporary music is something more than a marketable commodity; the best of it is a reflection of Canadian cultural realities,"⁸¹ or the statement made by former Prime Minister, Pierre Trudeau who once stated that; "Our contemporary music expresses in a unique, enjoyable and often powerful way our ideas and emotions as a people. Our music enables us and music lovers from other countries to know Canadians better."⁸² Some of the music which qualifies as Canadian is of dubious cultural significance.⁸³ For example, when Frank Sinatra sings My Way (a Paul Anka composition) or when Neil Young or Joni Mitchell (both ex-patriate Canadians) release an album and it

qualifies as Canadian content, or when a song like a Theme from a Summer Place by an artist like Percy Faith (who although was born in Canada and retains his Canadian citizenship, spent most of his career in Los Angeles as a landed immigrant) qualifies as Canadian content then in such instances, questions about the utility of such a regulation which allow such incongruities are indeed valid. But, it must also be noted that while a Paul Anka song sung by Frank Sinatra which qualifies as Canadian content does very little to help the Canadian music industry and Canadian culture (Anka is another ex-patriate Canadian based in the United States)⁸⁴ by the same token, various Canadian artists have benefitted from having their compositions performed by American artists.

For instance, two compositions by Canadian artist Ian Thomas (Chains and Hold On) were performed by two different American bands (Chicago and Santana) who made both songs into American hits and in the process, gave more exposure to Thomas as a composer/songwriter (prior to that, Thomas had enjoyed a relatively successful career in Canada as a singer/songwriter). The same can be said of Eddie Schwartz, a Canadian who's greatest success came as a result of the fact that an American performer (Pat Benatar) recorded a version of one of his songs (Hit Me With Your Best Shot) and made it into a substantial U.S. hit. As a result, Schwartz began to gain a reputation as a songwriter/composer and has since written songs for other

American artists.

So, despite the apparent absurdity of a song that is performed and recorded by an American band or artist qualifying as Canadian content, in many cases Canadian composers/songwriters are gaining much needed exposure and recognition for their work.

In summary then, it can be said that AM Canadian content regulations have offered Canadian performers, composers and songwriters the opportunity to hone their talents, to develop and mature in their chosen craft, in their chosen country and have allowed them the freedom to develop their own musical identity - whatever that may be, or whatever that may evolve into. Canadian musicians can now perform their own music without necessarily having to mock or imitate American music (in 1968, Canadian musician Ian Thomas noted that; "Canadian kids play the San Francisco thing.)⁸⁵

Therefore, in essence, Canadian content regulations have made it possible for Canadian music to evolve as a true form of genuine cultural expression instead of just simply being an imitation of American music. At least now Canadian musicians have a choice and no longer necessarily have to "play the San Francisco thing" to succeed. They now have the OPPORTUNITY to develop their own sound, their own musical identity and in the

process, they can grow and develop as artists and in the long run, this cannot help but contribute to continued Canadian cultural growth.

The use of quotas, irrespective of whether they contribute to Canadian cultural development, worries other commentators. Even John Meisel, former Chairman of the CRTC expresses his reservations about regulation in general when he says; "I am not sure that regulations are always the most effective ways of achieving certain social goals. Government subsidies, tax adjustments, exhortation and the creation of special events may be equally or even more effective."⁸⁶ Professor W.N. Hull of Brock University agrees that Canadian content regulations were necessary but is not sure about the desirability of such regulations; "I think that (the regulations) have been necessary to give the recording industry a boost; at the philosophical level I tend to dislike government regulation and feel that it should be kept to a minimum."⁸⁷ Along the same lines, the recent Caplan-Sauvageau Report on Broadcasting (1987) suggests that radio and recording industry spokespersons can live with existing Canadian content requirements but there is still only grudging acceptance of the regulations.

And, 82 per cent of broadcasters surveyed for this study believe that Canadian content requirements should be discontinued or at the very least reduced.⁸⁸ Most

broadcasters surveyed (55 per cent)⁸⁹ for this study agree with the assertions of Roy Hennessy, General Manager of CKXL/CHFM Calgary (and formerly General Manager of KY-58/92 CITI FM Winnipeg) that a 20 per cent Canadian content quota is more realistic. According to Hennessy, the 30 per cent regulation is "motherhood and apple pie" and a 20 per cent Canadian content requirement "would allow for patriotism, diversity, supporting the arts, etc."⁹⁰ In other words, Hennessy feels that a 20 per cent Canadian content requirement is more appropriate because in his opinion, it would allow for nationalism and the support of Canadian culture whereas a 30 per cent Canadian content regulation is in his estimation, overkill (or is taking cultural nationalism too far or to its ridiculous extreme). Hennessy is in reality opposed to the entire concept of AM Canadian content regulations. He is in fact (as one shall see later on in the course of this chapter) opposed to AM Canadian content regulations on principle and he also doesn't believe that there is 30 per cent Canadian content available (and hence his suggestion for a 20 per cent Canadian content quota). But, all things being equal, Hennessy would rather let market forces decide how much Canadian content gets aired.

The basic attitudes of broadcasters towards AM Canadian content regulations have not significantly changed since the regulations were first introduced. The call for a 20 per cent Canadian content level is evidence that broadcasters, while

resigned to the inevitability of such regulations do not accept the principle involved and resent being told what to play.

This view is expressed by Peter Grant, General Manager of CKIS Winnipeg:

The whole rationale behind Cancon regulations is flawed. They force us to play Canadian content even if the Canadian content isn't as good as the competition, its like telling a theatre you can't do a play by Shakespeare, you have to do a play by Joe Shmoe, so instead of making people rise to the standard of high quality, they really imposed a mediocre level on us, so people wouldn't have to work as hard because they knew it was going to get played anyway.

Stations should be allowed to do what they think is best for their market, we're in the radio business, we shouldn't have someone in Ottawa telling us what to do.⁹¹

Robert Laine of 1290 FOX/CHIQ Winnipeg agrees with Grant and notes; "Canadian content is a quantity and not a quality rule and that doesn't help anybody."⁹² And Duff Roman of CHUM-FM probably echoes the sentiments of most broadcasters when he states that; "I don't think the Canadian music industry should be dedicated to fulfilling our radio quotas, they should be dedicated to pursuing excellence."⁹³

Even those broadcasters who support the intent of AM Canadian content requirements, still have a philosophical difficulty with forcing Canadians to listen to certain kinds of music.⁹⁴

Behind these philosophical objections may lie some basic economic concerns. Some broadcasters still insist that AM Canadian content regulations have hurt them financially. Eighteen per cent of broadcasters surveyed for this study maintained that AM Canadian content regulations had had an adverse economic impact on their operations. While in fact, revenues of AM stations have decreased in recent years, there is no evidence to suggest that this was due to the content rules. Broadcasters pay no more to play Canadian recordings than foreign ones - in each case only relatively small copyright payments.

Instead, the primary reasons for the decline is the phenomenal growth of FM radio which now has a 40 per cent share of national radio listening, and surpasses AM in some cities.⁹⁵ Total radio listenership has increased by 20 per cent over the past decade, but a substantial part of the FM advantage has come at the expense of AM. In fact, between 1974 and 1984, the increase in overall industry revenues was 32 per cent, with FM's share of radio revenues rising from 7 to 25 per cent while the real value of AM revenue in this same period was only six per cent higher than in 1974.⁹⁶ Therefore, AM radio has declined because of the growth experienced by FM and not because of AM Canadian content regulations so any objections to AM Canadian content regulations on the basis of economics are unjustifiable.

However, broadcasters do have a legitimate concern when they contend that AM Canadian content regulations force them to be the sole supporter of the Canadian recording industry. Fred Sherat of CHUM radio in Toronto argues that; "If we are to develop a legitimate Canadian recording industry, broadcasters must not shoulder the burden alone."⁹⁷ Peter Grant echoes the same sentiments when he notes that; "The Canadian government imposed Canadian content quotas on radio stations but there are no regulations which force record companies to produce 30 per cent Canadian content."⁹⁸ And finally, Jim Macdonald of Rogers broadcasting correctly notes that; "Radio is not in itself an answer to all of the recording industry's problems."⁹⁹

There are in fact, many problems with the Canadian recording industry that the Canadian content rules simply cannot address such as the scarcity of Canadian recordings in certain fields like easy listening and country music.

Jay Charland, Program Director of station CHQT in Edmonton explains the dilemma faced by easy listening stations; "We run an easy listening format. There is plenty of rock and a semi reasonable amount of country product. However, there is almost no current product that fits our sound. Therefore, we are forced to stretch our format to include Canadian content."¹⁰⁰

Earl Rosen of Marquis Records admits that there is a scarcity of material in easy listening and also notes that.. "In easy listening, there doesn't seem to be a correlation between airplay and sales."¹⁰¹ Rosen is alluding to the fact that most of the recordings being sold today (66 per cent) are "rock" or "rock oriented" while only 15 per cent of all records being sold in Canada are easy listening records.¹⁰² The reason for this is that the listeners of rock and rock oriented records tend to be younger and have more disposable income than those who listen to easy listening music. There is a problem then, for easy listening stations who lack a large quantity of material to choose from to meet their Canadian content requirements.

In recognition of this fact, the CRTC in 1983, relaxed its definition of Canadian content to make it easier for instrumental recordings (recordings which feature no vocals) to qualify as Canadian content. Such recordings are a staple of easy listening stations and hence the CRTC's revision will make it easier for easy listening stations to comply with the 30 per cent rule.

Country music stations like their easy listening counterparts are also experiencing difficulties in complying with the 30 per cent Canadian content quota but for different reasons. In country music, unlike easy listening, there is not

a scarcity of recordings available but a scarcity of ENOUGH quality records suitable for airplay.

Craig Forten of the Performing Rights Organization of Canada, further outlines the problems besetting the country music industry:

There is a problem in country - a problem of repetition, a problem of quality of material as well as distribution problems. Country is in an embryonic stage, like rock was in the early 1970's - its just developing. There is only one major record company which distributes country and that is RCA and there are only 40 or 50 full time country stations. There is not a problem with the quantity of material but the quality of material. The solution to this is perhaps the establishment of small independent labels. However, there is a growing sense of optimism in country.¹⁰³

This growing sense of optimism is manifested by the fact that the Canadian country music awards were televised nationally for the first time in Winnipeg during Country Music Week (which was held from September 8 - 14, 1986). And, as Forten correctly points out, it appears that the country music sector is still in the embryonic stage, but there are many positive signs.

In fact, according to the CRTC, Canada has an estimated 6,000 country musicians, 1,500 clubs, 75 full-time country stations - up from about four in the mid-60's.¹⁰⁴ And according to Kevin McKenna, program director of CHAM-FM in Hamilton: .."Canadian country recordings are getting better,

particularly in the production end. We went country in '83 and I think the production value in Canadian country since then is twice as good."¹⁰⁵ And Charlie Camilleri of the country division of CBS records notes that: "We've improved in country sales over the past few years. About five years ago, we were sitting at three per cent of the U.S. country figures - now we're up to 9.5 per cent. That's healthy, we'll take that anytime."¹⁰⁶ In addition, Canadian country is also much more visible on charts and playlists across Canada.¹⁰⁷ And finally, according to some, like independent record producer Michael Francis of Mississauga, Ontario: "Country music is at a point where it is ready to explode, if somebody can just break through on the world market."¹⁰⁸ But, it hasn't exploded yet, and despite the many developments in country, country artists are still struggling.¹⁰⁹

It must be reiterated that many of the problems currently experienced by Canadian country artists are similar to the problems experienced by pop and rock artists in the early 1970's when AM Canadian content regulations were just initiated. Given time, a lot of the problems prevalent in country, as in the rock genre will work themselves out.

For example, the problem of overplay¹¹⁰ of established Canadian country stars will eventually reach the same point as it has in rock where as Real Therrien correctly notes; "... The

repetition of a Canadian artist is no worse than the repetition of an American or a British artist."¹¹¹ Therefore, the problem of the overexposure of Canadian country artists (like Carole Baker or Anne Murray for example) will eventually improve as will the technical quality of Canadian country recordings as an infrastructure for country music develops further.

And, although the problems faced by the country music sector are more acute than the problems faced by other sectors of the Canadian music industry (with the possible exception of the Quebec music industry) there are common problems faced by ALL sectors of the Canadian music industry. These problems include; foreign ownership of Canadian record companies, the prohibitive cost of touring for Canadian groups, the difficulty Canadian bands have in acquiring risk capital, the continued domination of the market by foreign imports and distribution problems. The marketing of Canadian music, the managing and development of Canadian talent and the state of Canadian recording studios¹¹² are other areas which require further development. Most of the above problems like the difficulty Canadian bands have in acquiring risk capital, the managing and development of Canadian talent, the marketing of Canadian music and even distribution problems can be traced back to the serious problem of foreign ownership of Canadian record companies.

Foreign domination of the Canadian music industry has

prompted some observers, like Bernie Finklestein of True North records to note that: "There are five or six multi-national record companies at whose grace the industry exists. Canada is not a free marketplace, Canada is basically a Third World country by definition. We do not own distribution, we do not own manufacturing - which is the definition at the U.N. of a Third World country .."¹¹³

The truth of the matter is that the Canadian recording industry is characterized by an exceptionally high level of foreign ownership and control and a high level of vertical integration.¹¹⁴ It must be noted though, that this is not unique to the Canadian recording industry, because on a world-wide basis, the same half-dozen companies dominate the recording industry.¹¹⁵ Having said this, one must also note that the degree of dominance is rarely as high as it is in Canada. The ten largest foreign-controlled firms in Canada had average revenues of \$29 million (in 1981) while the ten largest Canadian firms have average revenues of \$4.6 million.¹¹⁶ This creates a situation in which branch companies, with only limited decision-making authority, dominate the Canadian marketplace for records and discs which might be otherwise available for Canadian production.

Therefore, this helps to partially explain the continued domination of the market by foreign imports and it would also

explain why the sale of Canadian content recordings has not significantly increased since the implementation of AM Canadian content regulations (the levels have ranged from 8-20 per cent).

This lack of production of Canadian content recordings has been particularly acute in the 1980s as there has been a steady decrease in the production and sale of Canadian content recordings. In fact, in 1982, Canadian content recordings accounted for 17 per cent of the recordings manufactured in Canada, in 1983 this figure dropped to 14 per cent and by 1984 it had dropped even further to 11 per cent. As a share of the total Canadian market, Canadian content recordings only accounted for 12 per cent in 1983 and a mere nine per cent in 1984.¹¹⁷ In fact, the actual tonnage of Canadian content recordings being produced in Canada today is less than it was ten years ago.¹¹⁸ Denis Menard of the CRTC explains why this is so:

There's been a pretty steady development of Canadian artists especially up to 1984 and then the depression set in and a lot of the labels had to let go some of the talent on their rosters and not because they perhaps weren't good enough, but because they weren't selling enough material to warrant the expense of showing, recording and promoting an album. Record companies have decided to focus their efforts on a very few strong artists and have tried to develop national stars into international superstars.¹¹⁹

Earl Rosen agrees with Menard and also notes; "There are fewer

releases of Canadian artists since statistics have been kept in 1977, but the decline is similar to the one in the U.S."¹²⁰

Therefore, the CURRENT problem of the decline in the production and release of Canadian material is part of a world-wide trend (not just a North American trend) but the present economic climate only explains why there has not been a significant increase in the production of Canadian content recordings from 1984-1986. It does not explain why there has not been a significant increase in the production of Canadian content in the years prior to 1984. Therefore the primary reason why the production of Canadian content has not risen above the 8-12 per cent level is explained by Steve Harris:

When the Canadian music AM radio regulations were put into effect, many felt that the record companies would conduct thorough searches for Canadian talent. This did not happen. The Canadian artists who were then popular supplied the first wave of Canadian recorded music. When record companies realized that they were not receiving a sufficient profit on their investment in the production of Canadian records, the initial boom in 1971 subsided and remained steady until it climbed in 1974 to the same level it held in 1971. Since the initial period, record companies have not conducted active talent searches because producing records for sale and marketing in the domestic Canadian market is rarely a profitable proposition. Only those companies that have been willing to invest sizeable amounts of money in expensive production have a chance of attaining international release of their products and earning a profit on their investment. But, the risk of losing money is very high.

Consequently, most of the record companies operating outside of the province of Quebec have not been attracted to a large quantity of Canadian production. It is for these reasons that there has been little increase in Canadian talent available on record.¹²¹

So, basically American record companies don't want to go out of their way to take chances on unproven new Canadian talent or Canadian talent in general as Bernie Finklestein of True North Records points out; "The sad fact is that Canada has less acts signed on a per capita basis than any other country in the world that I know of."¹²² In addition, American record companies generally don't make the Canadian talent on their roster a priority (as one shall see later).

For those Canadian record companies who are actively involved in the promotion of Canadian talent on their roster, the costs of touring (especially for new artists) is beyond their resources as almost all of the smaller Canadian labels are talent based and therefore involved in all aspects of an artist's career from management, to promotion to publishing and record distribution (examples include April Wine - Aquarius and Kim Mitchell - Alert).¹²³ This makes it difficult for them to allocate substantial funds for touring and promotion.

In fact, Sam Sniderman, founder and president of the major retail chain, Sam the Recordman (and a former member of the Federal Cultural Policy Review Committee) correctly points out

that; "There is no Canadian head office based record company that is nearly large enough or financially able to compete either within Canada or in the international marketplace"¹²⁴ (and the one Canadian based record company that may have had the potential to do so, Solid Gold recently went bankrupt, apparently because of mismanagement). The problems faced by Canadian independent record companies, artists and producers in the face of U.S. competition are outlined in a major 1975 major report on the Canadian music industry. The authors of the report correctly note that multi-national record companies use Canada as an after-market, that is they bring into Canada records that have already been proven successful in the United States, "records that have been produced and test-marketed in the U.S. domestic market."

In contrast, they note that the Canadian artist, producer and independent record company must provide the initial capital required to record, produce and promote a Canadian recording which can cost the record company, artist and producer anywhere from \$18,000 to \$25,000 (this was 1975, so today that figure would be much higher). Therefore, they continue, the multi-national recording company, in many instances, has acquired a recording that has already been proven successful in the United States and most likely has already covered its costs of production and has cost the multi-national recording company in Canada virtually nothing to acquire while the Canadian album

on the other hand, has cost the Canadian record company, producer and artist a sizeable amount of money to produce.

And in addition, they note that in most instances, the quality of the product produced by the American multi-national record company is superior to the product produced by the Canadian record company, simply because the number of dollars spent in production is greater - the American multi-national can afford to spend more substantial sums of money producing records than can their Canadian counterparts (although, once again this is not as true today as it was then). Another factor that works to the disadvantage of the Canadian artist, producer and record company is the fact that according to the authors of this report, since the United States represents some 53 per cent of the world market for records, the number of familiar, already proven international artists coming into Canada far outnumber recordings made by Canadian artists. Given such circumstances the authors of this report conclude that .. "With these facts in mind, it is not hard to see that the chances of success for the Canadian independent Canadian artist, producer and record company are very limited in such a highly unbalanced system."¹²⁵

And, once again, Sam Sniderman also correctly notes that the impetus provided by the CRTC's Canadian content regulations were never capitalized on because the necessary domestic record

production and distribution structures did not exist and this allowed foreign based companies to move in and take advantage of the situation.¹²⁶

Commenting on the consequences of the control of the industry by branches of foreign recording companies, Sniderman astutely notes that; "It is apparent that with their almost total dominance that the exposure of Canadian talent and the development of Canadian culture will be continually handicapped." In addition, Sniderman also correctly notes; "...While, the companies all claim they spend as much as is justified on Canadian talent, you could hear this argued for days on end, with many logical statements made that best suit the economic structures of the companies that must show a profit to a foreign-based board of directors.¹²⁷ Mark Caporal of the Writer/Publisher division of the Performing Rights Organization of Canada and a musician himself, concurs with Sniderman and also notes that; "Sometimes it is very hard for Canadian artists to get support from an American label, or record company because that particular A&R (artist and repertoire) department within the American company has signed X number of groups that month and obviously they want to promote their own, so its going to be a difficult thing to make your Canadian group a priority for that American company when that company has signed any number of artists that they've invested their own money and that they want to break."¹²⁸

The situation is different for Canadian artists signed to the smaller Canadian based labels (like Duke Street, Alert, True North or Attic) because these labels are willing to support and promote the talent on their rosters. However, such labels usually don't have the resources required for effective promotional campaigns for the artists on their labels.¹²⁹ Promotion is crucial to success according to Sam Sniderman; "given the potential artist, sufficient time and money for development and proper promotion and distribution, you can create artists and recordings that will be wanted by the public and be internationally competitive."¹³⁰ The only problem is that many Canadian artists¹³¹ who sign with American labels are not given the promotion and exposure that they might otherwise receive (particularly in the United States and internationally). This is duly noted by a former broadcaster with CFRB radio, Lyman Potts .. "Multi-national companies have the opportunity of putting out their records or Canadian records and of course the people across the border are looking at the promotion given to the American record .. They have to make sure they promote those American records and therefore Canadian records tend to get second place."¹³²

Despite such handicaps, Canadian talent has benefitted from the content rules. According to Denis Menard; .. "There has still been a tremendous increase in the product delivered and the visibility of Canadian artists on the international

charts."¹³³ So despite the limited exposure (limited meaning mainly Canadian) that many Canadian artists receive from their American based record companies, many of them have managed to achieve international success which is a testimony to the kind of talent that exists within Canada's borders.

Multi-national companies also control the distribution of Canadian records. The last Canadian owned distributor, Quality Records, recently merged with another interest, R-Tech so at the present time, there are no Canadian distributors and only six multi-national distributors.¹³⁴ However, the real problem lies not at the distributor level, but at the sub-distributor level (these sub-distributors are commonly known as rack-jobbers). Sixty to seventy percent of the records sold in Canada are distributed through these sub-distributors.¹³⁵ The problem is that these sub-distributors purchase only the "cream of the crop" records.

Earl Rosen of Marquis Records elaborates on the problems that rack-jobbers create for the Canadian recording industry. First of all, he notes that 60 per cent of the records sold in Canada are through department stores (the remaining 40 per cent are sold through the independent record store, owner operator or small chains or through large chains like A&A or Sam's which use franchises). And then Rosen explains that:

A rack-jobber is someone who buys from the

distributor and services the store. They go in and supply the stock for the store - in effect its like a concession within the store. Because the rack-jobber guarantees one hundred sale to all his accounts (the record companies do allow them a 20 per cent return privilege) they will only carry products that are a proven success (i.e. Top Forty hits) and that will realize a fast turnover. In addition, rack-jobbers also limit the number of titles that they carry. In fact, the largest rack-jobber in Canada carries only 400 album titles out of twenty-five thousand albums which are currently available in Canada... And, rack-jobbers use radio chart positions as a guide for what they're going to stock (while at the same time, radio stations claim that chart positions are based on sales).¹³⁶

So in effect, the distribution system is inherently conservative which only makes life more difficult for Canadian artists.

In fact, the conservative nature of the distribution system coupled with the conservative nature of radio makes it very difficult for new Canadian artists to establish themselves.

A case in point is a local Winnipeg band called the Cheer who only recently released an album on a small independent Canadian label called Rotifer records. The album has received minimal airplay on local Winnipeg radio stations, despite being a high quality product. With no airplay and no chart position, the album has received limited distribution in local record stores as rack-jobbers refuse to distribute a product that is not on the charts. Without airplay, the record has no opportunity of attaining a position on the charts. This is a

familiar Catch 22 situation. New Canadian artists have to contend with both a conservative distribution system and a conservative radio environment.

The root cause of these continuing difficulties for Canadian artists is the foreign control of the Canadian recording industry, which involves multi-national companies controlling the production and distribution of Canadian material. Such companies are here to stay, so if it is deemed desirable to assist Canadian artists, steps must be taken to wrest control of the Canadian recording industry from their hands and/or to give more support to Canadian recording companies and Canadian artists.

At a minimum, the Federal government should not, except in the most unusual circumstances, permit new foreign ownership in either the record production industry or any part of the distribution sector. Such a policy, if adopted by Cabinet, would not only help prevent the further expansion of foreign control of the production industry, but would also help to curtail downstream purchases and increased vertical integration by foreign controlled recording companies already in Canada.¹³⁷ And, although such action has not yet been taken, the Federal government HAS initiated a policy which will directly benefit the Canadian recording industry.

In fact, the Federal government has promised to pump \$25 million into the industry over the next five years. About \$16 million will go to spur the production of French¹³⁸ and English language recordings, \$4 million to assist Canadian bands that tour internationally, \$2.5 million for the production of videos and \$2.5 million for marketing assistance.¹³⁹ It is hoped that this funding will reverse the decline in the production of Canadian content recordings in addition to providing much needed support for Canadian musicians and such funding is also important because as the authors of the recently released Caplan-Sauvageau Report on Broadcasting astutely note:

Content quotas are the foundation stone for the development of Canadian musical expression. In order that quotas be fulfilled however, there must be a strong Canadian musical production industry. Broadcast content quotas alone will be ineffective if they are not accompanied by effective government policies for the development of Canadian sound recordings and the Canadian sound recording history.¹⁴⁰

And so the Federal government's decision to allocate funding for the Canadian music industry is a welcome development, but it is not only the Federal government that is coming to the aid of the industry as there are also private sector initiatives aimed at aiding the struggling Canadian music industry.

These private sector initiatives include Factor, Musicaction and Videofact.

Factor, the Foundation to Assist Canadian Talent on Record, is a joint initiative by a group of broadcasters (CHUM, Moffat Communications and Roger Communications) that was established to provide aid for Canadian musicians. This aid is provided in the form of loans and grants for the production of Canadian recordings. New Canadian artists are eligible for awards of up to \$2,000 for the production of release quality demos. And, interest free loans of up to \$25,000 (or 50 per cent of a production budget) for the production of a master tape (to be repaid through earnings from the record) are also provided through Factor.¹⁴¹ Thus far, the foundation has spent \$800,000 to produce Canadian recordings and has an annual budget of \$350,000.¹⁴²

Factor is also responsible for the administration of the Federal government money being allocated for the Canadian music industry. In addition to Factor, there is Musicaction which is a homologue of Factor in Quebec.¹⁴³

Besides Factor and Musicaction, there is the video equivalent of Factor appropriately called Videofact. Videofact is a foundation that was established to assist Canadian talent on video. The foundation is sponsored by Much Music, is administered by CIRPA, and is intended to stimulate the production of music videos by Canadian acts. Videofact will finance 50 per cent of the production cost of a video up to a

maximum of \$10,000.¹⁴⁴

In its first year, a total of \$98,000 was awarded to 23 applicants covering the musical spectrum and Videofact received an increased budget in its second year, largely attributable to Much Music's donation of 2.4 per cent of its annual gross revenue.¹⁴⁵ The significance of videos as marketing tools in the 1980's magnifies the benefits of such a fund for Canadian musicians who can utilize it to overcome some of the obstacles they face in terms of gaining exposure and marketing.¹⁴⁶

The combination of Videofact, Factor , Musicaction and the Federal government's aid for the Canadian recording industry has prompted some observers like Duff Roman (who besides serving as Operations Manager of CHUM-FM Ltd. and general manager of CHUM-FM Toronto is also President of Factor) to note that:

We now have a fighting chance to not only provide good recordings but to provide the tour support, the video support, the merchandising, marketing plans, the training of managers, the establishment of international offices for publicity trade and export - I think we finally have gotten some real money to address and help solve some of the problems faced by the Canadian recording industry.¹⁴⁷

There are others who feel that broadcasters could do even more to aid the Canadian recording industry.

The 1986 Federal Task Force on Broadcasting suggests that

radio stations be forced to join Factor and be required to help finance the organization¹⁴⁸ (for its part the CRTC has been trying to encourage stations to join Factor and allocate funds to it as a condition of licence). Such a requirement might prove to be counter-productive, as stations would resent being forced to contribute to such a fund.¹⁴⁹ Rather than a requirement, some form of incentive should be given to radio stations to become members of Factor.¹⁵⁰ Factor and other such initiatives are welcome steps in the right direction, but it may be necessary to supplement and reinforce them with incentives and/or aid for recording companies that operate within Canada.

In 1981, CIRPA proposed that a 100 per cent capital allowance for money invested in Canadian recordings, similar to the allowance once given for investors in Canadian films.¹⁵¹ A more interesting and realistic proposal (given the CFDC's abysmal failure) is presented by communications consultant Paul Audley who suggests that a major tax incentive should be established for the Canadian recording industry - specifically a refundable tax credit which would be provided to all companies which are 75 per cent owned and effectively controlled by Canadians. Such a tax credit would be set at a minimum of 25 per cent and would be based on a company's expenditure on the development in Canadian studios of new Canadian content masters.¹⁵² Such a scheme would indeed

address the problem of production at its source and would have the added benefit of aiding predominantly Canadian record companies which would in turn help offset the dominance of the Canadian recording industry by multi-nationals. Some action should be taken to aid the independent Canadian labels which are committed to the development of Canadian talent and Audley's proposal at the very least, warrants closer examination or scrutiny, but in the meantime, at least some concrete action has been taken to address some of the many problems faced by the Canadian recording industry.

After evaluating Canadian content regulations for AM radio, it becomes apparent that such regulations are not the complete remedy to all of the difficulties faced by the Canadian music industry,¹⁵³ difficulties which also include some minor problems that are related to the manner in which some Canadian radio stations present Canadian music.

For example, there is a problem with the manner in which some radio stations schedule their Canadian content. Earl Rosen formerly at CIRPA, defines this problem:

... We have noted a concern -- and we are very pleased to have seen the Commission act -- on the fact that not all programmers program Canadian content in a way that is called reasonably distributed. And there have been very bad problems of ghettoizing, putting it in off-peak hours, in such a way that while the level might be 30 per cent, the actual number of people who get a chance to hear it might be as low as five or ten per cent.¹⁵⁴

Peter Flemming, the CRTC's Director of Radio Policy, Planning and Analysis, acknowledges the existence of such a problem and also notes that:

There are still some problems (with Canadian content) but the problems we've found are more in the scheduling practices than in the actual 30 per cent. We've looked at radio stations in Toronto and found that there might be zero per cent Canadian content in the morning drive, but 100 per cent after 10 p.m. and both CHUM and CFTR got rapped on the knuckles for that, but we do feel that most stations, despite the scheduling problem are meeting the 30 per cent.¹⁵⁵

In fact, an interesting parallel can be drawn between the scheduling practices of radio and television broadcasters, as television broadcasters, in an attempt to mitigate the effects of 60 per cent Canadian content regulations for television would schedule or relegate their Canadian content to the summer months when audiences were at their lowest.¹⁵⁶

Another problem is the continuing struggle for new Canadian artists to obtain airplay. Access to the airwaves is not a problem exclusive to Canadian artists, but one which most new artists face regardless of their nationality (although the problems would appear to be more acute in the Canadian case). Duff Roman of CHUM-FM explains why this is so; "Radio is basically out to serve listeners. Breaking acts is a minor function of radio. Successful radio stations are successful because they play the music people want. Every new record you break is a gamble.¹⁵⁷ But, Mark Caporal contends that radio

ultimately serves the interests of advertisers; "Unfortunately I find the marriage between record companies and radio is a bad one because they're not after the same goals. Radio wants to sell advertising, and that has nothing to do with the promotion of new artists."¹⁵⁸

In the pursuit of more advertising dollars (specifically the yuppie market) radio has become more and more conservative and less receptive to anything that isn't a proven commercial success. This ever growing conservatism of radio has witnessed radio stations in both the U.S. and Canada changing their formats from Top 40 or album rock to "Solid Gold" formats or what some call "yuppie radio." Many AM stations, suffering from declining profits found in their research that baby boomers were not getting what they wanted from one radio station. The stations moved to fill the gap by playing gold and soft rock hits by performers like Lionel Ritchie.¹⁵⁹

But according to Kim Zayac, Director of National Promotions for CBS Records in Canada; "Its a very dangerous situation. When many stations play nothing but old records, there's no mass avenue to expose new talent and new talent is the life blood of the recording industry."¹⁶⁰ Because of the current trend, record companies will sign fewer and fewer new groups, especially non-commercial bands, and many smaller labels may go out of business. Indeed, CBS itself which signed six new

Canadian acts in 1985, only signed two new acts in 1986, a decline attributable to the switch by radio stations.¹⁶¹ And, a number of smaller Canadian record labels like Ready Records and Dalcourte have recently gone bankrupt.¹⁶² In addition, the "gold trend" will cause further declines in the number of new records released each year. In 1985, 2,900 records were issued compared with 4,200 in 1982¹⁶³ (a decline which can also be attributed to a general economic downturn).

While matters of concern, the scheduling of Canadian content and the percentage of Canadian content that is devoted to new Canadian artists are not serious problems.¹⁶⁴ Even CIRPA who at one time advocated that at least five per cent of the 30 per cent Canadian content quota be devoted to the playing of new Canadian artists, have reconsidered their stance on this issue and no longer consider it to be of great importance.¹⁶⁵ For the most part, 30 per cent of the music heard on AM radio in Canada is Canadian whether or not it is scheduled in peak listening hours and whether it is new or old Canadian music. So, then, the manner in which Canadian music is presented on Canadian radio stations is not a serious problem and like the problems prevalent in country music, will in all likelihood, eventually work itself out. Therefore, the focus should be on improving not the regulations themselves or the relation of the regulations with radio, but the industry that

the regulations helped to create and in effect, at this point in time, it appears that appropriate measures are being taken to improve the Canadian recording industry. But, despite this fact, that does not mean that AM Canadian content regulations have outlived their usefulness because Canadians still suffer from an inferiority complex. To this effect, Canadian musician Gene Lees correctly notes .. "The CRTC's ruling itself cannot foster an indigenous music industry because if that is to be achieved, myths of American superiority must be demolished."¹⁶⁶

Lees is perhaps alluding to the fact that bigger is not necessarily better and that although it is true that the American recording industry is one of the largest and most sophisticated in the world, not everything that the Americans produce is necessarily better than what is produced in Canada.

Canadians are slowly coming to appreciate that their musicians can produce material that is equal or superior to anything that Americans produce, but it is taking time and Canadians are still not as fanatical in their support of their own homegrown talent as they could be (especially when compared with other countries, like the United States or Australia where the charts are dominated by homegrown artists). Canadians still do not give unequivocal support to Canadian talent¹⁶⁷ but they are improving - they have progressed to the point where

they are willing to accept and support Canadian talent.¹⁶⁸

The content rules, therefore must be continued. "We still need Canadian content regulations because we are still coming through a proving ground," according to Mark Caporal, "and until we can break more artists internationally and get behind our own people more, we still need that helping hand." He further explains that access to the airwaves is still important because Canadian broadcasters and programmers are still not entirely convinced of the merits of Canadian talent and therefore he feels that because of this, Canadian content regulations will probably exist for at least "another ten or fifteen years."¹⁶⁹

These sentiments are echoed by Canadian musician Garry Fjeilgard who emphatically notes that; "I know there are those who would undermine our fledgling music industry by reducing Canadian content or by increasing American content. The present regulation must stand until such time as broadcasters are willing and proud to play Canadian music. At that point, we can abolish the 30 per cent."¹⁷⁰ As Mark Caporal suggests that could be ten to fifteen years in the future, but whatever the case may be, Canadian content regulations should remain in place as long as they're required. This view is supported by many observers who feel that the current 30 per cent Canadian content regulations are adequate and should continue to exist.

In fact, the authors of the Caplan-Sauvageau report suggested that the current 30 per cent AM Canadian content regulations be maintained¹⁷¹ and Brian Robertson of the Canadian Recording Industry Association states that; "We feel the levels are fair and reasonable enough to stimulate the broadcasters to play Canadian music."¹⁷² Communications consultant Paul Audley concurs .. "The general quota of 30 per cent for Canadian content on radio should be maintained. The 30 per cent Canadian content should apply to all radio services whether broadcast by cable or transmitters or in any other manner. As well, Canadian content should be in effect throughout all periods of the day."¹⁷³ The CRTC's experience with Canadian content regulations for television suggests that enforcement of Canadian content throughout all periods of the day would be difficult.¹⁷⁴

And, Earl Rosen of Marquis Records further explains why AM Canadian content regulations should be maintained at their present level of 30 per cent and not lowered beyond that point .. "By lowering Canadian content it is guaranteed to reduce the number of Canadian recordings available. It puts you on a permanent slide, because your performing rights go down and your earnings from your current records go down, so when broadcasters say that Canadian content should be lowered - you can't because you're taking away the earnings that generate the records."¹⁷⁵ The authors of the recent Task Force on

Broadcasting concur with Rosen's observations and also add that:

... Market surveys have shown that consumers buy records first because of hearing them on radio, not hearing a record therefore reduces demand and ultimately dries up production. It follows that every time the quota is lowered, whether at the request of the broadcasters or in practice by the stations or with the approval of the Commission there is a cause and effect relationship; lower quotas serve to induce the shortages that are used to justify them.¹⁷⁶

Jan Matejcek, President of the Performing Rights Organization of Canada, further explains the implications of reducing Canadian content levels; "All other things being equal, a reduction in Cancon from 30 per cent to 25 per cent means a 17 per cent decrease in income from radio for our Canadian affiliates, a reduction in the 20 per cent level means a 33 per cent drop."¹⁷⁷

Others of course have different views on the future of Canadian content requirements.

For example, a majority of broadcasters surveyed for this study (55 per cent) feel that the CRTC should be more flexible in its regulations of both easy listening and country music stations.¹⁷⁸ And, some broadcasters, like Roy Hennessy would still IDEALLY prefer to "let the market decide" how much Canadian content gets aired on Canadian radio stations. If the market demands 30 per cent, then 30 per cent should be aired.

John Parikhal, a Toronto based communications consultant also subscribes to this notion and notes that ... "If the government had provided more competition, the stations would have been forced to examine their own marketplace instead of relying on the American trade publications to find out what they should play." To prove his point, Parikhal points out that ... "In the U.S., stations often play more than 30 per cent Canadian even though they are free to play what they want."¹⁷⁹ Therefore, according to Parikhal, a total free market approach to Canadian content in addition to allowing more stations to compete would realize similar results in Canada.

However, given the fact that Canada's music industry is dominated by American multi-nationals, it is highly unlikely that "letting the market decide" would have favourable implications for Canadian musicians as evidenced by the situation in Canada prior to the implementation of Canadian content regulations.

And in fact, such a position also ignores the economic realities of Canadian radio as Professor Robert Babe of the University of Ottawa correctly notes:

In Canada, the economic incentives tend to be so hostile to any form of indigenous programming (be it radio or television) that it isn't just a question of letting the market decide, its the fact that Canadian programming and Canadian talent is so disadvantaged because of the small market, that broadcasters in pursuing their profit are going to give

short shift to the domestic product.¹⁸⁰

The most recent official study of broadcasting supports this view. The Caplan-Sauvageau report notes that; "Almost none of the radio broadcasters who appeared before us advocated a pure market alternative to the present system." And, it goes on to say that ... "Few broadcasters failed to approve of Canadian content rules for Canadian music."¹⁸¹ It is interesting to note (as was previously pointed out in the course of this chapter) that unlike the Caplan-Sauvageau report the majority of broadcasters contacted for this study (either by mail or in person) indicated that they were not in favour of Canadian content rules. The discrepancy between the findings of the Caplan Sauvageau report and the findings of this study can perhaps be attributed to the fact that broadcasters feel that it is futile to complain before an official body about a policy which has been accepted for 16 years. Such an attitude is reflected in the comment by Robert Laine of 1290 FOX/CHIQ Winnipeg; "We are going to have to live with Cancon regs. If I live to be an old man, there will be Cancon regulations - they're here to stay forever and a day."¹⁸² Resigned to the inevitability of Canadian content regulations, broadcasters choose to direct their advice towards making the regulations less burdensome and more acceptable.

In this vein, the Canadian Association of Broadcasters (CAB) has recommended that the 30 per cent requirement be

averaged over the full broadcast week as opposed to the broadcast day.¹⁸³ Eighty-two per cent of broadcasters surveyed for this study indicated that they feel a record that fulfills all of the CRTC's Canadian content requirements (i.e. that are four parts Canadian content; lyrics, music, performance and recorded in Canada) should count as two plays instead of one.¹⁸⁴

In addition, Peter Shurman, President of the Radio Division of Standard Broadcast News would like to see Canadian content made more responsive to the needs of individual stations (similar to the manner in which Canadian content for FM stations is calculated). He explains; "We don't have enough material to fill 30 per cent without playing an awful lot of mediocre stuff.. There should not be a blanket rule of 30 per cent for all AM stations. The quota should be determined on an individual basis depending on the kind of music that the station plays."¹⁸⁵ So, according to some broadcasters, the blanket rule of 30 per cent ensures that AM Canadian content regulations are a quantity and not a quality regulation that is overly concerned with fulfilling unrealistic quotas. They are of the opinion that this emphasis on quantity rather than quality mitigates against excellence, encourages and in fact rewards mediocrity.

As well, some broadcasters still do not accept the

principle of Canadian content regulations as they feel that they shouldn't be told what to play. They argue that music that warrants or deserves airplay will receive it. Therefore, in this context imposing an artificial quota which in effect limits the freedom of broadcasters to play what they want is in their view, unfair or unreasonable.

And finally, some broadcasters still do not feel that it is fair or reasonable that they be responsible for playing 30 per cent Canadian content when record companies are not producing 30 per cent Canadian content. Hence, some broadcasters feel that their industry is forced to be the principal supporter of the Canadian music industry, which according to them, is not very fair or reasonable.

But, the CRTC enacted Canadian content regulations because it felt that this was the simplest and most effective manner in which to try and aid the Canadian music industry. It did not enact Canadian content regulations to penalize Canadian broadcasters but rather to aid Canadian musicians and composers. Thus while some broadcasters argue that Canadian content regulations are not very fair or reasonable, by the same token, it can be argued that they are fair or reasonable.

First of all, it can be argued that Canadian content regulations help to fulfill the requirements of the Broadcasting

Act which states that the Canadian broadcasting system utilize "predominantly Canadian resources" (in fact, one could even argue that a 30 per cent Canadian content requirement doesn't go far enough to ensure that the Canadian broadcasting system utilizes "predominantly Canadian resources). And as Earl Rosen correctly points out; "They are part of the price broadcasters have to pay for operating in a protected market"¹⁸⁶ (as the CRTC restricts the number of licences available in any given market, in effect limiting competition). Many broadcasters are prepared to admit (albeit off the record) that this is a small price to pay for operating in a protected market. Hudson, Janisch, a law professor at the University of Toronto who has written extensively about the CRTC, makes the same point in more colorful language; "Canadian content regulations are basically just state payola. In the United States, you bribe disc jockeys to play your favourite record, while in Canada, you have that on a state scale, that is you use the state to distribute payola and the payola is that you can keep your licence if you play these Canadian records, and in that sense, its the ultimate trade off".¹⁸⁷

AM Canadian content requirements also help to ensure that the Canadian broadcasting system is more than a mere appendage of the American broadcasting system. Therefore, it can be argued that the CRTC's 30 per cent AM Canadian content requirements are reasonable regulations" (i.e. that they are not

regulations enacted solely for regulations sake, that in essence, they have a reasonable purpose). Particularly under its current Chairman, the CRTC has sought in general terms to rationalize its regulations to ensure they are all necessary and are suited to their purpose.¹⁸⁸ In particular, the CRTC under Andre Bureau has sought to reduce the "paper burden" on broadcasters. Mr. Bureau explained that efforts to be reasonable does not entail a lessening of commitment to the principles behind Canadian content:

The key to maintaining a distinctive presence in broadcasting is through Canadian content, both in programming and in the ownership of the nation's broadcasting system. The degree to which we are successful in fostering Canadian content directly affects the ability of the Canadian broadcasting system to "safeguard, enrich and strengthen the Canadian fabric. That is why we have always placed so much emphasis on Canadian content in our policies and in our decisions The Commission will continue to seek ways of enhancing a strong Canadian component in the broadcasting sector."¹⁸⁹

While the CRTC's commitment to AM content rules seems clear, the impact of those rules may be affected by developments in other policy fields, such as pending revisions to the Copyright Act, the new Canadian Charter of Rights and Freedoms and any possible future free trade agreement with the United States.

Incredibly enough, the Copyright Act has not been revised since 1924 and therefore an all-party sub-committee recently

released a document called the Charter of Rights for Creators which calls for significant changes to be made to the current Copyright Act. The report also makes some recommendations that would indirectly affect Canadian content regulations.

For example, there is a suggestion that a tax be levied on blank tapes and recording machinery as compensation for home copying. In addition, the report also suggests the recognition of performer's rights which would be paid to non-Canadians only a reciprocal basis.¹⁹⁰ Such revisions would put Canadian musicians in a better financial position. They would also mean a greater emphasis on airplay, as for the first time, performers and not only composers would receive monetary compensation for having their records played on the air. Therefore, this would in effect, give Canadian musicians a much needed boost. Earl Rosen of CIRPA further explains the relationship between Canadian content and the proposed revision of the Copyright Act and the manner in which it will increase the importance of AM Canadian content. First of all, he comments on the expected effects of the reciprocal agreement suggested in the Charter of Rights for Creators:

The proposal that the government is making is that it (the reciprocal agreement) be restricted to countries with whom Canada has a reciprocal agreement to recognize the rights of Canadians which means that money might stay all in Canada or it would be compensated by monies coming in from other countries - if that comes through, then it could be a real boost in the arm for forms of music that get a lot of airplay but don't earn a lot of sales

because there would be a much better return for airplay and broadcasters are against it because it would take money out of their pockets and we're trying to convince them that in the long run, its in their best interests because it will also ensure a much healthier music community which will in turn give them a better supply. This relates very much to Cancon levels because one of the major impacts of the Cancon levels has been on the performing rights organizations.¹⁹¹

Mark Caporal and Craig Forten of the Performing Rights Organization of Canada both downplay the correlation between Canadian content and the proposed revision of the Copyright Act, but Forten does note that the inclusion of performer's rights in addition to composer's rights is a significant development that will make 30 per cent AM Canadian content levels even more important to Canadian musicians.¹⁹²

Whatever the case may be,¹⁹³ it is apparent that the revision of the Copyright Act will have some effect, be it direct or indirect, on Canadian content and while the impact cannot be properly assessed until the actual revisions are made¹⁹⁴ it is apparent that the revision to the Copyright Act will attempt to place greater emphasis on the music being performed and will increase the significance of access to the airwaves as Canadian musicians will realize a fairer return for airplay of their material. Therefore, the proposed revision of the Copyright Act is a positive development for Canadian performers and composers that will complement the CRTC's 30 per cent AM Canadian content requirements.

There has also been some concern that Canadian content regulations may be deemed unconstitutional¹⁹⁵ because they may violate Section S (2b) of the Charter of Rights and Freedoms which guarantees freedom of thought, belief, opinion and expression including freedom of the press and other media of communication. The likelihood of such an interpretation being upheld is highly unlikely.

Canadian society as reflected by its constitution and its court system, places less emphasis on the protection of freedom of speech as an inalienable right than other democratic nations, particularly the United States. The best illustration of this is a 1979 decision handed down by the Supreme Court of Canada concerning an appeal of a condition of licence imposed on the CTV network by the CRTC. This condition of licence required that CTV schedule 26 hours of original drama in 1980-81 and 39 hours in 1981-82. In the CTV appeal, the Supreme Court upheld the CRTC's authority to impose such a condition of licence. The issue of free speech itself was dealt with in one paragraph.¹⁹⁶ Had such a case come before the U.S. Supreme Court, the decision most likely would have been interpreted as an undue infringement upon freedom of speech.¹⁹⁷

The constitutionality of the Canadian content regulations is further supported by the fact that the 1982 Charter .. "guarantees that the rights and freedoms set out in it may be

subject to only such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.¹⁹⁸

The content rules seek to promote distinctive Canadian values and a separate Canadian identity. These are in effect, public policy goals that have been approved by Parliament and hence, the Supreme Court is not likely to overrule such a clear declaration of public policy. Furthermore, as Brenda McPhail notes; "Admittedly, the Canadian content regulations limit the freedom guaranteed in Section S.2(b) of the Canadian Charter of Rights and Freedoms. However, it has been acknowledged that no liberal democracy perceives these freedoms to be absolute and all governments have found justifications for restricting them when they infringe on the rights and freedoms of others."¹⁹⁹ And, she correctly concludes that:

... The restrictions imposed on the electronic media's freedom by Canadian content regulations may be justified in favour of their continuation. The real issue here is not freedom of expression but rather freedom which allows Canadians to create and preserve a distinctive broadcasting system which they encourage and maintain as an expression of their own national identity.²⁰⁰

So therefore, Canadian content regulations should continue to exist as positive general statements of support for Canadian culture for as long as the CRTC deems they are necessary or until such time as they're bargained away in a free-trade agreement with the United States.

During the free trade negotiations between Canada and the United States, Canada's chief negotiator, Simon Reisman, continually emphasized that "Canada's cultural sovereignty is not at risk".²⁰¹ And in fact, the recently completed trade agreement between the United States and Canada does exempt Canadian cultural industries from the deal. However, despite such an exemption, the United States clearly see Canadian content requirements as a cultural trade barrier ²⁰² and therefore there is still a possibility that they could be bargained away in the future.²⁰³ In addition, there is a possibility that Canada's multi-million dollar recording industry could vanish overnight as a result of a free-trade arrangement with the United States.

At least that is the opinion of Brian Robertson, President of the Canadian Recording Industry Association (which represents such big multi-nationals as CBS and A&M) who warns that .. "An open border would turn Canada into little more than another U.S. market for recordings." He feels that the free trade deal could strike a devastating blow to a domestically based recording and manufacturing industry (as 90 per cent of the records and tapes sold in Canada are actually pressed or manufactured in this country).²⁰⁴

Despite such assertions and despite the free trade

agreement itself, some CRTC officials express doubt that the deal will have any effect on longstanding policies like Canadian content.²⁰⁵ But, whatever the future holds for Canadian content quotas (and the Canadian music industry) it is apparent that up to this point in time, the regulations have served a useful purpose.

Canadian content regulations for AM radio have enabled Canadian artists to be heard in their own country, have helped to create a domestic market for Canadian artists and recordings and have spurred the development of the Canadian music industry.

But, despite such achievements, there are some problems that Cancon regulations simply cannot address and in addition, there are problems with the regulations themselves.

The problems with the regulations themselves (like the scheduling of Canadian content, etc.) are relatively minor compared to the problems currently experienced by the industry that the regulations helped to create. The most significant of these problems is the continued domination of the Canadian recording industry by American multi-nationals. Despite these problems there is hope for the Canadian music industry as both the public and the private sector have initiated steps to strengthen the industry. Hopefully, these steps will allow the

Canadian music industry to continue the progression and development afforded it by 30 per cent AM Canadian content requirements.

Having examined Canadian content requirements for AM radio, the next chapter will assess the CRTC's foreground regulations.

NOTES TO CHAPTER THREE

1. Canada, "The Recording Industry," Culture Statistics (Ottawa, Statistics Canada: Minister of Supply and Services, 1984) p. 7.
2. Peter Johansen, "The CRTC and Canadian Content," Journal of Broadcasting 17 (February, 1972-73) p. 467. For the reaction of the broadcasting industry to 30 per cent AM Canadian content regulations while they were in the process of being initiated See Kit Morgan, "A Collection of Thoughts on the 30% Music Question," Sonin and Ray, "Develop Don't Dictate." Canadian Broadcaster (April 1970) pp. 100-105.
3. Ibid., p. 467. For more information about the fledgling Canadian music industry prior to the initiation of 30 per cent AM Canadian content regulations See James Montagnes, "Yes Virginia, There is Canadian Music," Canadian Broadcaster (April 1969) pp. 12-14, "Top Pop Stations Band Together to Stimulate Stagnant Canadian Music," Canadian Broadcaster (June, 1969) p. 5, Kit Morgan, "There's Still Hope for the Canadian Sound," Canadian Broadcaster (November 1969) pp. 92-94, Kit Morgan, "The Canadian Talent Thing," Canadian Broadcaster (October, 1969) pp. 10-11 And finally, See Martin Melhuish's Heart of Gold (Toronto: CBC Enterprises 1983) pp. 10-17 & pp. 26-41.
4. Op. Cit., Johansen, p. 469.
5. Ibid., p. 467.
6. Ibid., p. 470.
7. CRTC, Policy Statement on the Review of Radio (Ottawa: Minister of Supply and Services, March 3, 1983) pp. 24 & 25.
8. CRTC, Proposed Regulations Respecting Radio (AM) and Radio (FM) Broadcasting (Ottawa: Minister of Supply and Services, March 19, 1986) pp. 13 & 14.
Therefore, in effect, if a station broadcasts multilingual ethnic programming (like CKJS Winnipeg) it must ensure that seven per cent of all the musical selections aired during those programs are Canadian. When it is not broadcasting multi-lingual or ethnic programming, the 30 per cent AM requirements are applicable and hence, stations like CHIN Vancouver which broadcast predominantly ethnic programming, would only have to ensure that seven and not 30 per cent of all its musical selections are Canadian. The CRTC decided that a seven percent Canadian content requirement would

help ensure that Canadian ethnic artists, like other Canadian artists, be afforded maximum access to the airwaves, but after conducting a study on the matter concluded that the supply of ethnic music recordings qualifying as Canadian content is generally insufficient to meet the 30 per cent requirement and hence the seven per cent figure.

9. CRTC, FM Glossary of Terms (Ottawa: Minister of Supply and Services) p. 17.
10. Canada, Canadian Broadcasting and Telecommunications: Past Experience, Future Options (Ottawa: Minister of Supply and Services, 1980) p. 7.
In fact, even the song, "These Eyes" by Winnipeg's Guess Who, did not receive airplay in Canada until it reached a position on the Billboard charts in the United States. In 1967, the net value of sales of domestically produced albums was \$40, 509, 515 but only \$200,000 of that amount was Canadian and the bulk of performing rights in that year went to American and not Canadian performers. James Montagnes, "Yes Virginia, There is Canadian Music," Canadian Broadcaster (April, 1969) p. 14. And, in addition, prior to the initiation of Canadian content regulations, Canadian singles and albums that reached RPM's and Billboard's top 100 charts were the exception rather than the rule. For example, See Brendan Lyttle. A Chartology of Canadian Popular Music 1965 - 1976 (Ottawa: Canadian Radio-television and Telecommunications Commission, Minister of Supply and Services, 1977) pp. 18-33.
11. Harvey Glatt, Station Manager, CHEZ-FM Ottawa, interview by author, tape recording, 17 April, 1986 Ottawa, Ontario.
12. Op. Cit., Martin Melhuish, Heart of Gold. p. 34.
13. Patricia Hindley and Jean McNulty, The Tangled Net (Vancouver: J.J. Douglas and Company, 1977) p. 95.
14. Steven Harris, The Mechanics of the Music-Recording Industry in Canada (Ottawa: Canadian Radio-television and Telecommunications Commission, Minister of Supply and Services, September 1975) p. 3.
15. These economies of scale are especially hostile to the production of quality Canadian television programming as private Canadian television broadcasters can buy or purchase syndicated American programming for as little as \$10,000 whereas it costs them at least \$250,000 to produce quality Canadian programming. It is this reality that has made it difficult for the CRTC to enforce its 60 per cent

Canadian content regulations for television. See Andre Bureau, "Making it Pay in Home Market is Nigh Impossible for Canadians, Variety (January 1986) p. 28 And Joyce Nelson, "CanCon Conundrum" This Magazine (December 1985) pp. 18-19.

The problem of economies of scale are not nearly as acute in radio as they are television as it is much cheaper to produce a "hit" record than it is to produce "hit" television program. Earl Rosen explains why:

There is no cultural industry that easier to get into than the record business because you can borrow somebody's Fostex porta-studio and produce two songs and you can press up to five hundred singles and mail them out to radio stations for about \$600. So, essentially for about \$6-700 you can call yourself a record label and every so often, someone is going to come up with a brilliant song that transcends the technology and distribution and radio will play it and everyone will get excited.

Finally, a record company will sign this act or person to a big international contract and they are a star - it can happen, the best example of this is K.D. Lange.

Earl Rosen, President, Marquis Records, interview by author, tape recording, 8 April, 1986, Toronto, Ontario.

16. Martin Melhuish, "The 30% Solution: Still Music to a Lot of Ears," Maclean's, 22 February 1976, p. 53.
17. "Juke-Box Approach Forecast is CRTC has Way," Winnipeg Tribune, 15 April 1970, p. 10.
18. See "Reactions to the CRTC Proposals," Broadcaster, 19 March 1970, p. 38.
19. Op. Cit., Melhuish, 30% Solution, p. 53.
20. Ibid., p. 53.
21. "CRTC Ruining Singer's Career," Winnipeg Tribune, 27 March 1974, p. 2.
22. In fact, there are those who contend that Canadian content regulations hurt the credibility of Canadian recordings in the United States - that successful Canadian artists are seen as being successful in Canada PRIMARILY because of the quotas and not because of their talent. According to Duff Roman of CHUM-FM in Toronto; "You hear it often from programmers in the states, from radio people in the United States." Duff Roman, FM Operations Manager, CHUM-FM Ltd. and General Manager, CHUM-FM Toronto, interview by author,

tape recording, 10 April 1986, Toronto, Ontario. Some Canadian artists like Anne Murray, release their albums in the United States before they release them in Canada to ensure that it will be taken "seriously" by U.S. radio programmers. It is also said that the "stigma" of Canadian content regulations can hurt a Canadian artist's chances of securing an American record deal. And, according to Chuck Camroux, owner of Baton Broadcasting:

I've heard the argument many times that a Canadian station plays a Canadian record and makes it a hit and then the U.S. will pick it up and make it an international hit. That's not true. The U.S. stations immediately say its a regulated record and therefore a false hit and they don't play it. That's why artists like Anne Murray and Gordon Lightfoot release their records in the United States first and not in Canada, because they think its a quota thing and that hurts us.

"In Windroit, Its CKLW, not Wklw, Aftra, not Actra," Broadcaster (June, 1981) p. 27.

But, according to Mark Caporal of the Performing Rights Organization of Canada:

There are those people who feel that the regulations are inhibiting potential - because you are legislating hits, people feel they'll never get a deal in America because the Americans will think, sure its top ten, you have to play your own people, but artists like Loverboy, Bryan Adams or Glass Tiger have benefitted from Cancon and yet they've still been able to break down the barriers and become international successes.

Mark Caporal, Writer/Publisher Division, Performing Rights Organization of Canada, interview by author, tape recording, 10 April 1986, Toronto, Ontario.

If the potential of Canadian artists was truly affected by Canadian content, then artists like Triumph, Rush, Corey Hart and many others would not have experienced the amount of U.S. success that they have. It would appear that in some instances (depending on the individual program director) the stigma of being "a regulated hit" may work against some Canadian records, but if the record is good enough and if the artist is talented enough, such obstacles can be overcome and indeed, in many instances such has been the case.

23. Ralph James, Talent Manager, Hungry Eye Agency, interview by author, tape recording, 11 September 1986, Winnipeg, Manitoba.

24. "Joe Brown Guides Family Brown to Top of Canadian Country," The Music Scene (March/April, 1977) p. 10.
25. Mark Caporal, Writer/Publisher Division, Performing Rights Organization of Canada, interview by author, tape recording, 10 April 1986, Toronto, Ontario.
26. Op. Cit., Melhuish, Heart of Gold, p. 164.
27. Ibid., p. 30.
28. Sjief Frenken, Director, Broadcast Programs Analysis Division, Canadian Radio-television and Telecommunications Commission, interview by author, tape recording, 21 April 1986, Ottawa, Ontario.
29. Recently though, the CRTC found that 39 radio stations in Alberta, Quebec and B.C. were not complying with the AM Canadian content requirement or were not maintaining proper records. As a result, the stations will receive shorter than usual licence renewals ranging from 18 months to three years. "Edward Greenspan, "CRTC rebukes 39 stations for content," Toronto Globe and Mail, 25 September, 1987, p. B7.
- It is also interesting to note that Alberta AM radio stations seem to be experiencing particular difficulties fulfilling their Canadian content commitments. In fact, 21 of 31 Alberta AM stations which were monitored by the CRTC from September 1986 to June 1987 either did not meet minimum Canadian content standards or did not supply clear and audible logger tapes to the Commission. In response to the situation in Alberta, Andrea Bureau, Chairman of the CRTC noted; "Canadian content is of the utmost importance to the Commission and failure to meet the 30 per cent Canadian content requirement will be handled without compromise." "CRTC Warns Stations on Canadian Content," Winnipeg Sun 11 June 1987, p. 31.
30. Denis Menard, Director General, Radio Policy Division, Canadian Radio-television and Telecommunications Commission, Maritime Region, interview by author, tape recording, 21 April 1986, Ottawa, Ontario.
- This may be the case with Canadian content requirements for AM radio but is certainly isn't the case with Canadian content requirements for FM radio as the CRTC has experienced compliance and enforcement problems with Canadian content on FM stations.
- In fact, as Jan Matejcek, President of the Performing Rights Organization of Canada notes:
- As always, Canada's AM stations are

required to play 30 per cent Cancon no ifs, ands or buts. But the problem is with FM stations who unlike their AM counterparts, program Canadian content depending on the type of music they play. However, the CRTC has recently allowed about half a dozen FM stations to reduce their Canadian content commitments.

Kirk Lapointe, "Canadian Content Rule Being Bent," Winnipeg Free Press, 12 October 1985, p. 30. For more information about the CRTC's decision to relax its Canadian content commitments for FM stations See an editorial Jan Matecjcek, "Sounding the Alarm for Canadian Content," The Music Scene (September/October, 1985) p. 2 And Mary Nemeth and Tom Phillips, "Home Grown? So What?" Alberta Report (December 23, 1985) p. 36 OR Kirk Lapointe, "Cancon Rule Being Diluted, by FM Stations, 4" Calgary Herald 30 October 1985, p. 31 OR Henry Mietkiewicz, "Canadian Content Reductions Protested," Toronto Star, 19 October 1985, p. D1.

31. Kit Morgan, "There's Still Hope for the Canadian Sound," Canadian Broadcaster (November, 1969) p. 93.
32. CRTC, Toronto Public Hearings Vol. 1. (20 December, 1985) p. 13.
33. Real Therrien, Vice Chairman, Canadian Radio-television and Telecommunications Commission, interview by author, tape recording, 21 April 1986, Ottawa, Ontario.
34. CRTC. Annual Report, 1972-73 (Ottawa: Minister of Supply and Services) p. 12.
35. Earl Rosen, Executive President, Marquis Records, interview by author, tape recording, 8 April 1986, Toronto, Ontario.
36. Op. Cit., Harvey Glatt interview.
37. Op. Cit., Mark Caporal interview.
38. Duff Roman, Operations Manager, CHUM-FM Ltd. and Station Manager, CHUM-FM Toronto, interview by author, tape recording, 10 April 1986, Toronto, Ontario.
In fact, this focus on Canadian talent is graphically illustrated by the results of a survey conducted by the Canadian Musician of 30 radio stations across the country which shows that without exception, radio and music directors listen to Canadian material first. Roger Ashby of CHUM-AM in Toronto explains why; "We're always anxious to listen to a Canadian records because we have to play 30 per cent Canadian content." So Canadian content regulations have forced radio programmers and broadcasters

to take heed of Canadian talent. They can no longer ignore it as they did prior to the initiation of Canadian content regulations. This fact alone justifies the existence of AM Canadian content regulations. For more information on radio airplay and 30 per cent AM Canadian content regulations See Mad Stone, "Radio Airplay" Canadian Musician (July/August, 1980) pp. 40, 55, 56.

39. A total of 37 radio stations were contacted for this study. A two page questionnaire (addressed to either the station manager or the program director) was sent out to both AM and FM broadcasters. Of these 37 broadcasters, 27 returned the questionnaire and of those 27, five ventured no opinion or refused to divulge what they felt was classified information. Of those 22 broadcasters who did venture an opinion, 11 were AM broadcasters and 11 were FM broadcasters.
40. The exact question posed to the 11 AM broadcasters was the following; "Have the CRTC's AM Canadian content regulations been primarily responsible for the creation of a viable Canadian music industry? Four broadcasters replied affirmatively, while the remaining seven broadcasters are not of the opinion that the 30 per cent AM Canadian content requirements were primarily responsible for the creation of a viable Canadian music industry.
41. The exact question posed to broadcasters was the following; "Do you think the Canadian music industry would have progressed as far as it had had Canadian content regulations not been in place? A total of five broadcasters replied negatively, an equal amount of broadcasters replied affirmatively while one broadcaster ventured no opinion on the matter.
42. Op. Cit., Melhuish, The 30% Solution, p. 52. In addition, there are those who contend that Ritchie Yorke, the dean of Canadian rock writers, a broadcaster and an author was also partially responsible for helping to "coax" a Canadian recording industry into existence. According to David Farrel, publisher of The Record, Canada's music industry trade magazine; "The Canadian recording industry is a thousand light years from what it was before Ritchie got here and he had had an incredible amount to do with it." Yorke lobbied in the 1960's for Canadian content and organized the Maple Music junket in 1972 which helped give Canadian artists international exposure. For more information about Yorke and his contributions to the Canadian music industry See, "Outback Beckons Outstanding Critic," Winnipeg Free Press, 25 October 1985, p. 19.

43. There are now well over one hundred Canadian owned record companies in Canada. For a complete listing of all of them See Ted Burley (Editor) Music Directory Canada '86 (Toronto: CM Books, 1986) pp. 299-319 and for more information about the initial impact that 30 per cent AM Canadian content regulations had on the Canadian music industry See Walter Ivan Romanow, "The Canadian content regulations in Canadian Broadcasting, and Historical and Critical Study," (Ph.D. diss., Wayne State University, Detroit, 1974) pp. 190-214 and Larry Leblanc, "Programmers Find Record Companies Beginning to Produce Hit Material," The Music Scene (July/August, 1974) pp. 8-9.
44. Paul Audley, Canada's Cultural Industries (Toronto: James Lorimer and Company, 1983) pp. 130, 141.
45. "BMIC's President Discusses Copyright with U.S. Experts," The Music Scene (May/June 1977) p. 12.
46. The other performing rights association in Canada is P.R.O. Canada, the Performing Rights Organization of Canada. CAPAC collects on behalf of its members performing rights fees for the performance of musical works assigned to it in Canada; enters into bilateral contracts with performing rights societies in other countries; licences every area of public musical performance in Canada (radio, television, night clubs, cabarets, motion picture theatres, background music systems, planes, trains etc.); collects fees from users of music and distributes income to copyright owners, institutes legal proceedings to enforce its rights over the public performance of music; represents interests of its members before government bodies. Ted Burley (Editor) Music Director Canada '86 (Toronto: CM Books, 1986) p. 233.
- Essentially, the Performing Rights Organization of Canada is a non-profit music licensing society which collects licence fees from the users of music and distributes performance royalties to composers, lyricists and music publishers. As of 1985, P.R.O. Canada represented 18,000 composers, lyricists and publishers. Mark Caporal of the Performing Rights Organization of Canada further defines the duties carried out by his organization:
- Under the Copyright Act, the composer and the copyright owner of a piece of music are entitled to compensation for the public performance of their work, so we are if you will, the agent in the distribution of those royalties. So for any public performance which includes radio performance, live concert, nightclubs, restaurants, hotels or any public performance of music, we licence, collect and distribute fees for those uses and

distribute them to the composers, publishers and copyright owners of the songs.
Op. Cit., Mark Caporal interview.

47. Op. Cit., Audley, p. 141.
48. Steven Globerman, Cultural Regulation in Canada (Montreal: Institute for Research on Public Policy, 1983) p. 57.
49. Ibid., p. 59.
According to Duff Roman of CHUM-FM in Toronto, the Statistics Canada figures for the definition of a Canadian album are very misleading. Roman notes that in order for an album to qualify as Canadian for the Statistics Canada figures, it only has to contain one cut that is actually Canadian. Such a calculation would take into account any song written by Paul Anka or Eddy Schwartz and therefore he adds that; "I don't think that an album that contains a composition by a Canadian that matches the lyrics and music qualification of maple and comprising one of 11 or 12 cuts makes that a Canadian album." Therefore, CHUM has devised its own criteria for calculating Canadian content albums. Such an album must answer two of the four Maple requirements and must be nationally distributed. In addition, the album must contain either the majority of cuts or the majority of track time devoted to Canadian music. Compilation albums (which are included in the Statistics Canada figures) would not be taken into consideration as only the original creative production is calculated in the CHUM criteria.
Using such criteria, CHUM estimates that there has been a decline in the release of Canadian albums, from 213 in 1979 to 78 in 1985. According to Roman, "How can you build in industry on 78 albums. Op. Cit., Roman interview. See also previous footnote #10 for more information about the increase in Canadian content albums from 1970-1976.
50. Op. Cit., Globerman, p. 59.
51. Op. Cit., Audley, p. 160.
52. Ibid., p. 62.
53. Bruce Solomon and Michael Ulsan, Dick Clark's First 25 Years of Rock N' Roll (New York: Dell Publishing, 1982) p. 60.
54. Thomas Hopkins, "Canadian Rock Rolls South," Macleans's 14 June 1982, p. 46.
55. Larry Leblanc, "Canadian Songs Hit U.S. Charts as U.S. Radio Changing," The Music Scene (July/August, 1982) p. 8.

For more information about the development of Canadian Rock N' Roll from 1976 to 1982 See Keith Sharp, "We're a Canadian Band," Rock Express (December/January 1987) pp. 61-69.

56. Ibid., pp. 8, 9.
57. Op. Cit., Earl Rosen interview.
58. Op. Cit., Leblanc, p. 8.
59. For more information about the Canadian folk tradition See Martin Melhuish's Heart of Gold pp. 42-59.
60. Op. Cit., Leblanc, p. 9.
61. Op. Cit., Earl Rosen interview.
62. Op. Cit., Duff Roman interview.
63. Mitch Potter, "Orphan Running," Music Express (September, 1985) p. 36.
Streetheart is not the only Canadian group that has experienced phenomenal success in Canada but limited or minimal success south of the border. For an insightful examination of some of the problems experienced by Canadian acts trying to achieve success in the United States See Kerry Doole, "The Beaver They Couldn't Kill," Rock Express (June/July, 1987) pp. C3-C6.
64. Stephen Ostick, "Parachute Club Plans Jump into U.S. Waters," Winnipeg Free Press, 23 November 1986, p. 14.
65. Ibid., p. 14.
66. Op. Cit., Ralph James interview.
If such is indeed the case, then it is going to be very difficult for Canadian and other foreign musicians to continue to perform and attempt to achieve success in the United States because in the last couple of years, the United States Immigration and Naturalization Service has been tightening restrictions on the issuance of visas and recently published proposed guidelines that would be even more restrictive, generally allowing only well-known artists with established reputations to perform in the United States. For more information on this issue See Jocelyne Zablitz, "Promoters, Artists Oppose New U.S. Visa Restrictions on Artists," Winnipeg Free Press, 4 August 1987, p. 32.
67. Keven Prokosh, "Mitchell's Focus on Canada," Winnipeg Free Press, 29 August 1986, p. 17.

68. There are artists like the Parachute Club or Corey Hart who feel that they have to succeed in the U.S. Corey Hart admits as much when he says; "Being a star in Canada wouldn't be enough. My dream was to reach as many people as possible. That meant being signed by an American record company." Dennis Hunt, Winnipeg Free Press, 3 August 1985, p. 14.
- But, there are others like Fred Penner or Kim Mitchell who are not overly concerned about U.S. success. In fact, according to Penner, a children's singer; "I've got enough work now to last me the rest of my life." And therefore Penner is not overly concerned about making it big in the United States. Mitch Potter, "Peg-Based Penner Hot as a Pistol," Winnipeg Sun. 5 December 1986, p. 27. And, according to Kim Mitchell, "Popping the big one in the U.S. is to be honest, something I don't think about anymore - I'm not even concerned about cracking it." Op. Cit., Prokosh, p. 17.
69. For a complete listing of all the music publications in Canada See Burley, Music Directory Canada '86, pp. 171-183.
70. For a complete listing of all the rock award shows in Canada, See Ibid., pp. 45-49.
71. In fact, it is this author's contention that 30 per cent AM Canadian content regulations have created an environment for MuchMusic to succeed. Canadians are now willing to accept Canadian performers whether they are performing in the audio or video medium. MuchMusic itself has been one of the few successful pay-television stations.
- And, Much Music is a Canadian music station. It relies heavily on independent and new Canadian artists - it is a strong supporter of the Canadian music scene. It is required by the CRTC to ensure that 30 per cent of its videos are Canadian (by 1988/89 this will rise to 35%) but it has turned such a requirement into an advantage and has spotlighted Canadian artists in a positive manner and this has worked to its advantage as Canadians for the most part, are not complaining that they don't receive the American music video service MTV, they are pleased with their own national service.
- There is a lot of excellent Canadian talent that has developed over the past 12 years, talent which is still developing in part because of the opportunities presented to Canadian artists because of the presence of AM Canadian content requirements. Therefore, AM Canadian content requirements are in a sense, indirectly responsible for the success of MuchMusic. For more information on the achievements of Much Music See Nick Krewen, "MuchMusic's First Anniversary," Music Express (September, 1985) p. 33, Kerry Doole, "John Martin," Music Express (October, 1985)

p.34, Jeff Bateman, "MuchMusic - A Progress Report," The Music Scene (March, 1985) pp. 9-10, Paul McGrath, "Makers of the Illustrated Hit Parade," Macleans's (September, 1985) pp. 52-53 OR "MuchMusic at Last," Broadcaster (December, 1984) pp. 30-31, Julian Aynsley, "Canada Makes a Pitch for Music Video," Broadcaster (January, 1984) pp. 6-8, Ian Pearson, "The Music Men," Canadian Business (April, 1985) pp. 72-75 and pp. 119-122, David Hayes, "A Lucrative Maverick on the Airwaves," Macleans's, 14 September 1985, p. 56, "Daily Crowds Attest to the Success of the MuchMusic Network," Winnipeg Free Press 6 September 1985, p. 27.

72. Gene Lees, "What is Canadian Music," Macleans's (March, 1972) p.64.
73. John Cochrane, General Manager CJOB Winnipeg, interview by author, telephone interview, 3 January, 1986, Winnipeg, Manitoba.
74. Op. Cit., Melhuish, Heart of Gold, p. i.
75. Op. Cit., Lees, p. 64.
76. Op. Cit., Earl Rosen interview.
 Rosen is correct in pointing out that the area of children's music is a legitimate and unique component of Canada's musical heritage.
 Today in Canada, there are over 50 children's artists who are consistently producing records and tapes either on major or independent labels. They include Winnipeg-based Fred Penner who has sold over 250,000 copies of his records in Canada alone, while Raffi and Sharon Louis and Bram have sold over one million records in Canada. Mitch Potter, "The Sounds of Music for Kids," Winnipeg Sun, 5 December 1986, p. 27.
 In addition, as Rosen also correctly points out, folk music is another part of our musical heritage. In fact, Geddy Lee, bassist and vocalist with the Canadian heavy metal trio Rush explains that ... "In England, people are surprised that we are Canadian because there is a feeling there that if you're Canadian, then you must be a folk singer. The country has quite a folk image ..." Op. Cit., Melhuish, Heart of Gold, p. 160.
 And, Rosen is also correct in noting that there is less of an R&B or soul influence in Canada than in the United States. For more information on why there is less of an R&B and soul influence in Canada see: "Is Black Music Important in Canada," RPM, 18 March 1986, pp. 9-14 and Otis Richmond, "Black Cancon Artists Struggling," RPM, 8 March 1986, p. 5.
 It can also be argued that there is a distinct trend

developing in Canadian music (particularly in Rock N' Roll) and that is the proliferation of British immigrants in Canadian groups.

For example, the Irish Rovers, Gowan, Rock N' Hyde, Platinum Blonde and Brighton Rock all prominently feature ex-residents of the British Isles. These groups (with the exception of the Irish Rovers) are not easily identifiable as British or North American - they are in fact a hybrid of both British and North American influences and they are therefore helping Canadian music develop a unique character of its own - a British North American sound if you will.

77. Op. Cit., Lees, p. 64.
78. Op. Cit., Rosen interview.
79. Robert Laine, General Manager 1290 FOX/Q-94 FM, interview by author, tape recording, 9 January 1986, Winnipeg, Manitoba.
80. Op. Cit., John Cochrane interview.
81. CRTC, Annual Report, 1972-73 (Ottawa: Minister of Supply and Services) p. 1.
82. Ibid., p. 19.
83. For an extensive listing of all of the songs and albums which qualified as Canadian content from 1965-1976 See Brendan Lyttle, - A Chartology of Canadian Popular Music, (Ottawa: Canadian Radio-television and Telecommunications Commission, Minister of Supply and Services, 1976).
84. For more information about expatriate Canadian musicians See Martin Melhuish's Heart of Gold pp. 79-87.
85. Doug Leathering, "What is the Sound of a Maple Leaf Flapping?" Maclean's (February, 1967) p. 2.
86. From correspondence with John Meisel, Professor of Political Science, Queen's University, 3 March 1986.
87. From correspondence with W.N. Hull, Professor, Department of Politics, Brock University, 2 April 1986.
88. The question posed to broadcasters was the following; Should Canadian content requirements be continued? Only two broadcasters felt that they should be continued, while the majority, a total of nine broadcasters, replied that they felt that Canadian content requirements should not be continued.

89. The question posed to broadcasters was the following; If Canadian content levels were to be reduced, to what level should they be reduced? One broadcaster felt that five to ten per cent would be a reasonable level, six broadcasters responded that 10 to 20 per cent is the optimum level for Canadian content requirements while four broadcasters ventured no opinion on the matter.
90. Roy Hennessy, General Manager CKXL/CHFM Calgary, interview by author, tape recording, 10 January 1986, Winnipeg, Manitoba.
91. Peter Grant, General Manager CKIS FM Winnipeg, interview by author, tape recording, 23 December 1985, Winnipeg, Manitoba.
92. Op. Cit., Robert Laine interview.
93. Op. Cit., Duff Roman interview.
94. In fact, according to Mel Cooper, President and General Manager of C-Fax Victoria; "While I am a strong supporter of the need to maintain and develop a Canadian culture, I do not feel that it should be done by attempting to force Canadians to read certain books and magazines, listen to certain music or watch certain programs." From correspondence with Mel Cooper, President and General Manager, C-FAX Victoria, 13 January 1986.
95. Canada, Report on the Royal Task Force on Broadcasting (Ottawa: Department of Communications, Minister of Supply and Services, 1986) p. 120.
96. Ibid., p. 311.
97. Colin Wright, "Cab Pitch: Loosen up on Radio," Marketing 28 September 1981, p. 1.
98. Op. Cit., Peter Grant interview.
99. Op. Cit., Wright, p. 1.
100. From correspondence with Jay Charland, Program Director CHQT Edmonton, 12 February 1986.
101. Op. Cit., Earl Rosen interview.
102. Randy Scotland, "New Wave in Music Marketing," Marketing 15 August 1983, p. 9.
103. Craig Forten, Performing Rights Organization of Canada, interview by author, telephone interview, 14 September

1986, Winnipeg, Manitoba.

104. Bob Levin, "Bucking for Stardom in Country's Coral," Maclean's, 7 April 1986, p. 52.
105. "Country on Upward Swing Despite Station Decline," RPM, 31 May 1986, p. 13.
106. Ibid., p. 13.
107. See, "More Exposure Given to Cancon Country Releases," RPM, 12 April 1986, pp. 18-19.
108. Levin pp. 52-53. For more information on Canadian country See "Golden Country can be Crucial," Winnipeg Free Press, 6 September 1986, p. 21 and Jeff Bateman, "Riding High with Canadian Country," The Music Scene (November/December, 1985) p. 17.
109. See Chris Wood, "Life in the Honky Tonks," Maclean's, 7 April 1986, p. 56.
110. Overplay is what occurs when a given selection is played too frequently on the radio. Overplay results in a sense of irritation on the part of the audience and usually creates a negative feeling towards the music being presented. Op. Cit., Harris, p. 15.
In fact, some performers like Anne Murray and Gordon Lightfoot, whose songs were played repeatedly in the early 1970's to fulfill the 30 per cent AM Canadian content requirements (in absence of other quality Canadian material) feel that their careers have been damaged by overplay because they believe that the radio saturation means that concert goers are less likely to buy their records. But nonetheless, overplay is an inevitable and unavoidable side-effect of imposing Canadian content requirements on a fledgling music industry that had not yet matured. Time is the best remedy for overplay as the industry (or that particular music genre) progresses past the point where overplay of the same Canadian artists is necessary.
111. Op. Cit., Real Therrien interview.
112. According to Earl Rosen, "between Toronto and Vancouver, there's not a single studio that you can be sure will consistently meet international standards, there's just not the money floating through." But he also notes that; "Its unreasonable to think that Canada should have nine regional centres - we have three, Montreal, Toronto and Vancouver. Its really stretching it to expect that you can build an industry in every city. Op. Cit., Earl Rosen interview.

113. Matt Zimbel, "Black Holes, Lemmings and Grumpy Radio," The Music Scene (January/February, 1986) p. 9.
114. Op. Cit., Audley, p. 186.
115. Ibid., p. 166.
116. Ibid., p. 172.
117. Op. Cit., "Culture Statistics," The Recording Industry, p. 35.
118. Op. Cit., Peter Flemming interview.
119. Op. Cit., Denis Menard interview.
120. Op. Cit., Earl Rosen interview. Duff Roman of CHUM-FM also notes that the decline in the release of singles is only part of a North American trend and points out that in 1973, 437 singles were released compared to only 236 in 1984. Op. Cit., Duff Roman interview. And in addition, it is interesting to note that in 1978, American recording labels released 4,780 lps (albums). By November 1986, there were just 17,000 album releases which caused the American music industry to accuse the record labels of not signing enough American talent. Op. Cit., Zimbel, p. 9.
121. Op. Cit., Harris, p. 10.
122. Op. Cit., Zimbel, p. 9.
123. Op. Cit., Earl Rosen interview.
124. Op. Cit., Audley, p. 174.
125. Op. Cit., Harris, pp. 28-29.
126. Op. Cit., Audley, pp. 172-174.
127. Ibid., p. 173.
128. Op. Cit., Mark Caporal interview.
A perfect example of this are the difficulties experienced by the now defunct Winnipeg based group Streetheart. After selling close to one million albums in Canada and receiving minimal support and promotion in the United States from their U.S. based label, Streetheart signed with another American based label called Pasha records. The only problem was that Pasha records has a hot American based band called Quiet Riot also signed to their label and as a consequence, the album that Streetheart released with Pasha records (called Dancing with Danger) received only

- limited promotion in the United States and hence minimal sales in the United States but like all other Streetheart records, sold extremely well in Canada (over 100,000 copies). Frustrated with their inability to crack the U.S. market, the band eventually decided to disband. This is by no means an isolated case as many other highly successful Canadian recording acts (Toronto, Harlequin, Queen City Kids, The Payolas and Orphan to name but a few) received minimal support and promotion from their U.S. based labels (especially in the lucrative U.S. market) which has resulted in the eventual demise of some of these bands. For more information on successful Canadian bands that were unable to crack the U.S. market See Kerry Doole, "The Beaver They Couldn't Kill," Rock Express (June/July, 1987) pp. C4 & C5.
129. For more information on the state of the Canadian independent music and recording scene See, "Revenge of the Killer Indies," Rock Express (December/January, 1987) pp. C17-C20. OR for more information about the current state of the Canadian music industry See Rod McQueen, "Rock N' Roll Inc.," Canadian Business (October 1987) pp. 31-34 and pp. 122-130.
130. Op. Cit., Audley, p. 174.
131. According to Duff Roman; "... You still need the multi-nationals to achieve the kind of fame and monetary reward that a Bryan Adams has achieved. You won't find Bryan Adams or Corey Hart complaining about the multi-nationals and managers like Bruce Allen have had no problems dealing with the multi-nationals." Op. Cit., Duff Roman interview.
132. CRTC, Toronto Public Hearings Vol. 1. 20 December, 1985 p. 55.
133. Op. Cit., Denis Menard interview.
134. Op. Cit., Earl Rosen interview. For a complete listing of all the distributors in Canada See Music Director Canada '86 pp. 319-327.
135. Ibid. For a complete listing of all the rack-jobbers in Canada See Music Directory Canada '86 pp. 243-247.
136. Ibid.
137. Op. Cit., Audley, p. 180.
138. The CRTC's 30 per cent AM Canadian content requirements have not had a significant effect on the Quebec music industry because prior to the implementation of the

regulations, much of the music on Quebec radio stations was already being produced and recorded in Quebec and therefore, Quebec artists and musicians did not greatly benefit from 30 per cent AM Canadian content regulations. In fact, there was little increase in composer revenues after the initiation of AM Canadian content regulations, and in general, French Canadian talent has not benefitted from the regulations the way English Canadian talent has. This is largely due to Quebec's cultural insulation to English language culture, though as one shall see, this is changing. For more information about the effects of 30 per cent AM Canadian content regulations on the Quebec music industry See Walter Ivan Romanov, The Canadian content Regulations in Canadian Broadcasting: An Historical and Critical Study, pp. 198-202. For more information about the distinctiveness of the Quebec music industry and the French language broadcasting system See Steven Harris, The Mechanics of the Music-Recording Industry in Canada, pp. 20-25 and Martin Melhuish, Heart of Gold pp. 174-190 OR See Chapter Eight of the Royal Task Force on Broadcasting, 1986 pp. 205-265.

139. "Masse Promises Millions to Recording Industry," Winnipeg Free Press, 10 May 1986, p. 47.
140. Op. Cit., Royal Task Force on Broadcasting - 1986, p. 408.
141. Op. Cit., Burley, p. 96.
142. "Radio, Recording Industries, United," Winnipeg Free Press, 25 September 1986, p. 27.
143. The problems currently experienced by the Quebec music industry are not so much a problem of fulfilling the 30 per cent AM Canadian content quotas as they are a problem of the decline in the number of French- language recordings being produced not only in Quebec, but in the entire French-speaking world. This decline has led to the reduction by the CRTC of the amount of French language lyrics required on Quebec radio, a reduction from 65 per cent to 55 per cent. Real Therrien of the CRTC explains why the levels were reduced:
- On the French vocal music, for example, we started at 75 per cent because you had a period from 1972-75 where there were a lot of recordings by the chansonniers. Then, we went to 65 per cent, then through the public hearing process, we heard some comments from stations in Montreal saying that on the rock side, that many Francophone groups not only from Quebec, but from other French speaking countries like Belgium, France, etc., some of

them are now singing in English to reach other markets. So, things change, that is why we reduced the requirements to 55 per cent. Op. Cit., Real Therrien interview.

And, Earl Rosen comments on the situation in Quebec:

Quebec stations are notorious for flaunting the regulations and to a certain extent, the CRTC acknowledged this by allowing them to reduce their content for French-language lyrics by 10 per cent. I don't think that its going to make a difference anyway, that's just an acknowledgment of reality, they're not playing 65 per cent French-language lyrics anyway, the CRTC just ignored that for years.

To some extent, that's an insolvable problem, Rock N' Roll is an English language medium throughout the world. You hear more French-language lyrics in Quebec than you do in France where private radio is almost totally English.

The French-language stations in Quebec are limited as to how much English-language lyrics they can put on the air or else they get in trouble and English-language radio is not allowed to use any French on air announcements or else they get into trouble because then the French-language stations would say, jeez you English-language stations can play all the English-language lyrics you want, so if we're trying to protect our audience by having our announcers speak in French, if you start speaking in French, then you'll steal more of our audience. Op. Cit., Earl Rosen interview.

For more information on the CRTC's decision to relax its French-language lyrics requirements for Quebec radio stations See "CRTC Decision to Relax Rule on French-language discs Upsets Record Firms," Winnipeg Free Press, 22 March 1986, p. 27 and for more information on the French-language music quota problem See The Royal Task Force on Broadcasting - 1986 pp. 235-242 OR for more information about the problems besetting the Quebec music industry, See the CRTC's Task Force on French-Language Popular Music, CRTC Public Notice (Ottawa: Minister of Supply and Services, March 1986).

It is also interesting to note that the sagging Quebec music industry has received a much needed boost with the arrival of the Musique Plus Video Network, the brainchild of Moses Znaimer, President of Toronto's City-TV and the MuchMusic pay-television network. For more information on the possible effects of MusiquePlus on the Quebec music industry See Anthony Wilson Smith, "Upbeat Sounds for Francophone Blues," Maclean's, 15 September 1986, pp. 61 &

62 and "Video Network Revives French Music Industry," Winnipeg Free Press, 6 September 1986, p. 24.

144. Kerry Doole, "Videofact," Music Express (September, 1985) p. 35.

145. Ibid., p. 35.

MuchMusic has done much more than just providing funding for Videofact. It has provided a much needed boost for the Canadian record and music industries just when they needed it. MuchMusic has helped to revitalize the industry not just through Videofact but by helping local acts become national acts - by giving them more exposure.

For example, the success of Toronto-based Platinum Blonde as a highly successful national acts was aided significantly by the airing of three slick videos on MuchMusic. In addition, MuchMusic has helped the Canadian independent record companies enormously and this is duly noted by Earl Rosen; "Video has been fantastic for independents, without video, the record industry would be much worse off than it is right now. It is helping to fill the gap left by radio." "Revenge of the Killer Indies," Rock Express (December/January, 1987) p. C19.

And, the following statements by MuchMusic's Program Director, John Martin, are typical of MuchMusic's commitment to the promotion of Canadian talent; "We're going to make regional bands national. The Canadian video industry is going to explode, and there is no way the Americans can ignore us now ... I've no apology for playing Loverboy, Rush, Triumph, Bryan Adams.." Gillian Mackay, "Panoramic Screen Changes," Maclean's, 24 September 1984, pp. 48 & 49. And, it is the CRTC's AM Canadian content regulations which helped to foster such attitudes and an environment in which Canadian artists could develop and mature. Therefore, in essence, the CRTC's Canadian content regulations have created an environment which has allowed a Canadian music video network like MuchMusic to succeed on its own terms (not as a pale comparison of the U.S. video service, MTV). At the very least, 30 per cent AM Canadian content regulations have complemented MuchMusic.

146. In fact, competently made Canadian videos can give the Canadian bands they promote an advantage over their U.S. counterparts. American bands can rarely afford to make a video without the backing of a major U.S. record company but Canadians, whose local labels have backed their first video can use their tapes to generate U.S. interest. So far, the giant U.S. music channel MTV, has aired videos by such Canadian groups as the Pukka Orchestra, Blue Peter, Santers, Corey Hart and the Parachute Club, rapidly broadening their exposure. And, according to Andy Crosbie, former President of the now defunct Ready Records; "You

have no idea how powerful a video can be in landing a U.S. record deal. It might soon be the most important factor for a Canadian." Paul McGrath, "Makers of the Illustrated Hit Parade," Maclean's, 24 September 1984, p. 52. Bruce Cockburn, veteran singer/songwriter serves as an example of the effect videos can have on a performer's record sales. In 1983, record sales for Cockburn's latest release plummeted to 53,000 from a high of more than 100,000 in 1980. In 1984, he made two videos for the bargain basement cost of \$15,000 each to promote his Stealing Fire album. By mid-February, the album had sold 100,000 copies in Canada and 200,000 copies in the United States, a market that has eluded Cockburn for five years. According to Bernie Finklestein, President of the True North records; "By early January, through the Canadian TV exposure for "If I had a Rocket Launcher" (the second video released to promote Cockburn's Stealing Fire album) we sold 17,000 to 18,000 more records." Ivan Pearson, "The Music Men," Canadian Business (April, 1985) p. 72.

147. Op. Cit., Duff Roman interview. But despite all the aid being given to the Canadian recording industry, the Canadian Independent Record Producer's Association recommends that an additional \$14 million in grants be given to the Ontario Recording industry as well as calling for a long term loan program for Ontario record distribution companies. "Ontario Record Industry Seeks \$14 million in Grants," Winnipeg Free Press, 18 February 1987, p. 33.
148. Op. Cit., "Radio, Recording Industries United," p. 27.
149. In the same manner that private television broadcasters find numerous ways of "getting around" their Canadian content commitments by producing cheap "filler" Canadian programming like quiz shows or by showing repeats of Canadian movies ad nauseam or by producing hybrid Canadian productions which have little to do with Canada itself (like CTV's Bizarre for example). The point being made is that the enforcement of policies that clash with the profit-oriented goals of broadcasts is inherently a losing proposition.
150. The CRTC revised its Canadian content regulations for television in 1983, so that they would be more incentive oriented and there has been a noticeable improvement in the production of Canadian programming since that period. See CRTC, CRTC Policy Statement on Canadian Content in Television (Ottawa: Minister of Supply and Services, January 31, 1983).
151. At a recent conference, Earl Rosen summed up his industry's

viewpoint on government assistance thusly:

We don't want the government out there selling our records or telling us what we should record. We want to take some responsibility and implement a structure within which we can run a profitable business.

Rosen wants the risks of backing music recognized (as is done in the oil and mining industries) so that programs will be adequately developed to "induce investment and adequately reward successful risk takers." Op. Cit., Zimbel, p. 9.

152. Op. Cit., Audley, p. 194.

153. In fact, another problem faced by the domestic recording industry according to Brian Robertson, President of the Canadian Record Industry Association is that "hundreds of thousands of copies of illegal records are being shipped into Canada by foreign bootleggers and counterfeiters and this is costing the Canadian music industry as much as \$50 million a year." And in addition, according to Robertson; "They (the bootleggers) form the grey area of the Canadian record retail business." For more information about this problem See "Import Laws Help Record Bootleggers," Winnipeg Free Press, 25 November 1986, p. 30.

154. Op. Cit., Toronto Public Hearings Vol. 1, (2 December, 1985) p. 14.

155. Op. Cit., Peter Flemming interview.

156. In fact, private television broadcasters, cognizant of the fact that during the summer months, the average viewing time per person is only 16 hours a week compared to 24 hours a week during the fall and winter months, would schedule an inordinate amount of their Canadian programming in these summer months, thus complying with Canadian content quotas and minimizing audience loss. The same principle is in effect when radio broadcasters schedule or stockpile their Canadian content in hours when audiences are at their lowest. For the most part though, aside from scheduling problems, one cannot draw many other parallels between 30 per cent AM Canadian content requirements and the 60 per cent Canadian content requirements for television, as the regulations for television are subject to many acute problems that 30 per cent AM Canadian content regulations are not. For more information on these problems See Robert Babe, Canadian Television Broadcasting Structure, Performance and Regulation (Ottawa: Economic Council of Canada, 1980) and Herschel Hardin, Closed Circuits: The Sellout of Canadian Television (Toronto: MacMillan of Canada) 1985 OR Peter W. Johansen, "The CRTC and Canadian Content Regulation," Journal of Broadcasting

- 17 (1972-73) pp. 465-472.
157. Op. Cit., Duff Roman interview.
158. Op. Cit., Mark Caporal interview.
159. For the implication of this on the Winnipeg radio market See Kevin Prokosh, "The Big Radio Squeeze," Winnipeg Free Press, 11 April 1986, p. 29.
160. Tim O'Connor, "Golden Oldies Riding High on the Radio Airwaves in Canada," Winnipeg Free Press, 20 November 1986, p. 52.
161. Ibid., p. 52.
 Rather than signing to an established label, a growing number of artists are funding their own releases. Earl Rosen sees this "as totally economic." The record labels are cutting back on their rosters and the number of records they release, so more and more artists are having to put out their own records.
 Such is the case with a Winnipeg-based band called The Cheer, whose debut album *Swimming to Work* was totally self-produced and financed. Such an album and a recently released single by the band, acts as their calling card for the major recording labels or the large independent recording labels.
 According to Liz Janik, a broadcaster and journalist; "A band proves itself by being able to release an independent record, selling copies, getting airplay and establishing itself as a possible winner to a major label." And, as Earl Rosen correctly points out; "In effect, those home-made records are doing the A&R (artist and repertoire) function of the majors." "Revenge of the Killer Indies," Rock Express (December/January, 1987) pp. C19-C20.
162. According to Mark Caporal, Dalcourte and Ready Records went bankrupt because of mismanagement and Solid Gold Records (another independent Canadian record company) also recently declared bankruptcy, again because of mismanagement. Op. Cit., Mark Caporal interview.
163. Op. Cit., O'Connor, p. 52.
164. Despite the fact that there has been a decline in the production of Canadian content recordings, in 1984, 22 per cent of all Canadian content releases were new Canadian content releases. This represented an increase of one per cent from 1983. Op. Cit., "The Recording Industry," Culture Statistics, p. 3.
165. Rosen maintains that this is not a priority with CIRPA -

its not a burning issue because CIRPA is striving to reduce regulation. Op. Cit., Earl Rosen interview.

166. Op. Cit., Lees, p. 64.

167. For example, Corey Hart's first album First Offence, wasn't successful in Canada until AFTER the single Sunglasses at Night was a hit on the American music video network, MTV, so to a certain extent, it seems that Canadians are still taking their cue from Americans but not nearly to the extent that they once did prior to the implementation of 30 per cent AM Canadian content regulations. They now appreciate the fact that while there is good American talent, there is also good Canadian talent.

168. The evidence for this is overwhelming and it ranges from the million selling albums by both Cory Hart and Bryan Adams, to the 45,000 people who attended a Bryan Adams concert at Toronto's CNE stadium, to the 20,000 people who mobbed Nathan Phillips Square in Toronto to see Canadian stars Platinum Blonde perform.

169. Op. Cit., Mark Caporal interview.

170. Gary Fjeilgard, The Music Scene (March/April, 1986) Special Supplemental, Probe, Letter to the Editor, "The Pros and Cons of Cancon," p. 2.

171. Op. Cit., "Radio, Recording Industries, United," p. 27. And, for more information on some of the other recommendations of the Caplan-Sauvageau Task Force on Broadcasting See Maria Cioni, "The Broadcasting Task Force Report," Broadcaster (October, 1986) pp. 36-42.

172. Ibid., p. 27.

173. Op. Cit., Audley, p. 198.

174. In fact, for television, the bulk of their Canadian content requirements can be met between 6:00 PM and Midnight with news and sports programming. If a station has an hour of news between 6:00 PM and Midnight and half an hour at 11:00 PM, that alone accounts for half of their Canadian content requirement. And, in addition, many private television broadcasters schedule Canadian quiz shows in the early afternoons. At one point, the CRTC was considering implementing a 35 per cent dramatic programming quota for mid-programming viewing hours to stimulate the production of quality dramatic programming but backed away from this proposal when broadcasters complained about it.

175. Op. Cit., Earl Rosen interview.
176. Op. Cit., Royal Task Force on Broadcasting - 1986, p. 238.
177. Jan Matejcek, "Sounding the Alarm for Canadian Content," The Music Scene (September/October, 1985) p. 2.
178. The question posed to broadcasters was the following; Should the CRTC be more flexible in its regulation of stations which program country or easy listening music? Six broadcasters (a majority) responded affirmatively, four broadcasters replied negatively while one broadcaster ventured no opinion on the matter.
179. John Parikhhal, "FM and the CRTC Must Communicate," Broadcaster (July, 1980) p. 24.
180. Op. Cit., Robert Babe interview.
181. Op. Cit., Royal Task Force on Broadcasting - 1986, p. 400.
182. Op. Cit., Robert Laine interview.
183. Barbara Moes, "AM Regs: From the CAB with Candor," Broadcaster (September, 1980) p. 8.
184. The exact question posed to broadcasters was the following; Should a record that fulfills all of the CRTC's AM Canadian content requirements (performer, lyrics, instruments, etc.) count as two plays instead of one? The majority of broadcasters surveyed, nine in total, replied affirmatively while only two broadcasters replied negatively to this question.
185. Op. Cit., "Radio, Recording Industries United," p. 27. Broadcasters, represented by Canadian Association of Broadcasters have made several presentations to the CRTC regarding a revision of Canadian content regulations to make them more flexible. In fact, when Pierre Juneau was Chairman of the CRTC, the CAB made a proposal to the effect that if a record in its initial stages gets airplay, its worth so many points, after three to six months from the date of release its worth two plays, after six months from the date of its release its worth two plays and after eight years, its only worth half a play. The impetus behind the proposal was to encourage broadcasters to play new Canadian material. Op. Cit. Robert Laine interview. A recent proposal by the CAB calls for a reduction in Canadian content levels for country AM stations, from their current levels of 30 per cent to 15 or 20 per cent.

186. Op. Cit., Earl Rosen interview.
187. Hudson Janisch, Professor of Law, University of Toronto, interview by author, tape recording, 9 April, 1986, Toronto, Ontario.
188. The CRTC, under current Chairman Andre Bureau, are in the process of streamlining many of its regulations. Among other things, the CRTC has allowed pay-television stations to reduce their Canadian content commitments, has proposed dropping advertising limits for AM radio, has reduced foreground programming requirements for FM broadcasters and has also recently allowed a reduction in the amount of French-language lyrics on Quebec radio stations from 55 per cent to 65 per cent. This is all consistent with Bureau's philosophy that the CRTC should adopt a "supervisory" as opposed to a regulatory role.
189. CRTC, Annual Report, 1985-86 (Ottawa: Minister of Supply and Services) p. 5.
190. As it stands now, only composers, publishers and copyright owners of songs are entitled to compensation for their works - the revisions would allow performers to be compensated as well.
191. Op. Cit., Earl Rosen interview.
192. Op. Cit., Craig Forten interview.
193. For more information about the imminent revision of the Copyright Act See Canada, "A Charter of Rights for Creators," A report of the sub-committee on Communications and Culture (Ottawa: Minister of Supply and Services, October 1986) and "Charter of Rights for Creators," The Music Scene (November/December, 1985) p. 19 OR "Good News in Copyright Revision," The Canadian Composer (September, 1985) pp. 18-22 OR Micheal Bergman, "A Charter of Rights for Creators," Cinema Canada (January, 1986) pp. 22-23 or "Songwriters Demand Rise in Royalties," Winnipeg Free Press, 12 March 1987, p. 35.
194. The Federal Government has promised to introduce a bill in the House of Commons to revise the Copyright Act in early 1987. Tom Messer, "Feds Promise Changes to Copyright Laws," Marketing, 18 November 1985, p. 18.
195. See Brenda M. McPhail, "Canadian Content and the Canadian Charter of Rights and Freedoms," Canadian Journal of Communications 12 (1986), pp. 41-53.
196. Martin Mehr, "Canadian Content Still a Struggle," Financial Post (7 April, 1982) p. 7.

197. See Erwin G. Krasnow and Lawrence D. Longley. The Politics of Broadcast Regulation (New York: St. Martin's Press) 1973 and Richard Labonski, The First Amendment Under Siege (Greenwood Press: Westport, Connecticut) 1981 OR Stephen J. Brayer, Administrator Law and Regulatory Policy (Boston: Little, Brown and Company) 1979 OR Bruce Doern (Editor) The Regulatory Process in Canada (Toronto: Macmillan of Canada) 1978, Chapter Two.
198. Brenda McPhail, "Canadian Content Regulations and the Canadian Charter of Rights and Freedoms," Canadian Journal of Communications 12 (1986) p. 42.
199. Ibid., p. 50.
200. Ibid., p. 50.
201. Steven Globerman and Aidan Vining, "Canadian Culture under Free Trade," Canadian Business Review (September, 1986) p. 18. For more information on cultural sovereignty and free trade See an excellent article by Robert Fulford, "Blaming the Yanks," Saturday Night (March, 1986) pp. 7-9 and Micheal Bergman, "The Impact of Free Trade on Canadian Cultural Industries," Cinema Canada (November, 1985) p. 9 OR for a more in-depth analysis of cultural sovereignty as it pertains to Canada's relations with the United States See Goodwin, Cooke (Editor) Cultures in Collision (New York: Praeger Publishers) 1984.
202. Ibid., pp. 19 & 22.
203. Ibid., pp. 19 & 22.
204. For more information about the implications than any possible free trade agreement might have on the Canadian recording industry See Jamie Portman, "Record Industry Warns Against Free Trade," Ottawa Citizen, 21 January, 1986.
205. Mike Burnside, Chief Programming Director, Prairie Region, Canadian Radio-television and Telecommunications Commission, interview by author, telephone interview, 20 January, 1988.

Chapter Four

Introduction

Foreground is a unique type of programming that was adopted by the CRTC in September 1976 to replace the Board of Broadcast Governor's Arts, Letters and Science Requirements.

Foreground programming requirements were intended to promote the principles of Section 3 of the Broadcasting Act which calls for a "varied and comprehensive" broadcasting system. Among other things, foreground programming was intended to differentiate AM radio services from FM radio services and to provide FM radio listeners with a distinctive alternative.

Opponents of foreground regulations contend that they are unnecessary and cumbersome and serve no genuine purpose other than to drain the resources of FM broadcasters. Before one can examine the validity of such claims and before one can attempt to determine the relative success or failure of foreground, one must first undertake a description of the regulations themselves.

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The Canadian Radio-television and Telecommunications Commission's foreground regulations came into effect in 1976 and revoked the requirement that station's program 20 per cent Arts, Letters and Sciences.

Instead, FM stations were required to devote a certain percentage of time between 6: AM and Midnight to "foreground programs," in the case of joint FM licensees (AM/FM operations) 20 per cent; for independent FM stations 12 per cent.

"Foreground format" demands the listener's attention, presenting one particular theme, subject or personality for at least 15 minutes. It excludes what the Commission terms "gramophone format" (music with only title, composer and/or performer) or rolling format (music with "surveillance material," - time, weather, contests etc. - this is the format most commonly found on AM). Any other kind of format is termed mosaic.

The Commission discourages the use of rolling formats and encourages the use of foreground and mosaic formats on FM.¹ In fact, the Commission insists that anything less than 15 minutes cannot be classified as foreground programming. Programs shorter than 15 minutes are considered to be features or packages and are the primary component of the mosaic format. In other words, mosaic format is made up of shorter pieces or

packages and is distinguishable from the foreground format in structure and treatment.

Mosaic programming, nevertheless, fulfills a valuable role in radio. The Commission is particularly interested in encouraging the use of mosaic packages in former content categories two (backgrounding) and five (Spoken Word-Other) since these embrace matters that substantially enrich the level of normal radio programming² (a 30 second mosaic qualifies as a whole 15 minute segment as operating in the mosaic format). Therefore, the mosaic format is meant to complement foreground in that programming that may not be long enough to qualify as foreground may qualify as mosaic.

Returning to foreground, it is programming which must meet all of the following criteria:

- (a) The intrinsic intellectual content of the matter being broadcast is entirely related to a particular theme or subject and matter from content category 3 or 4 is included in the presentation
- (b) The duration of the presentation is at least 15 minutes
- (c) The presentation is broadcast without interruption, other than commercials, station or program announcements or public service announcements.³

Material in the foreground format is to be scheduled at "reasonable" hours throughout the day and week, and may be repeated. Active promotion will be needed to inform the audience of its availability.⁴

The CRTC further defined foreground programming in its 1975 policy statement on FM radio:

Foreground programming or the type of programming that demands much closer attention from its audiences, caters to the needs of listeners who work unusual hours or who are at home, students, people in retirement or leisure, or those who seek a more involved listening experience. A program of this type can be described as a significant period of time reserved for the preparation of material with essential unity of content or form.⁵

As examples of foreground programs, which require that a subject be treated at length and with thorough preparation (enrichment material in official CRTC jargon), the CRTC suggests the following:

Musical Foreground - i.e. music magazines, star or supersets focussing on one particular artist or group and programs focussing on a particular kind of music (like jazz for example).

Event Coverage - Meetings, concerts or sports events etc.

Stage Presentation - Concerts, dramas, etc. This can include syndicated spoken word programs like the "Green Hornet" etc.

Magazine Programs - Reviews, commentaries, consumer information.

Structural Programs - Documentaries, profiles, etc.⁶

And, in 1984, after reevaluating its policies for FM radio, the CRTC decided to expand its definition of foreground to include the following types of programs:

(a) a live or tape-delayed musical concert produced by a Canadian primarily for broadcast use and is broadcast without interruption and the duration of the presentation is at least 15 minutes

- (b) a live or tape-delayed concert of a Canadian artist produced primarily for broadcast use that is broadcast without interruption and the duration of the presentation is at least 15 minutes or
- (c) a public affairs magazine program which is broadcast in which 60 per cent of the presentation is devoted to material from content category 3 - enrichment and the duration of the presentation is at least 30 minutes;
- (d) a magazine program in which 60 per cent of the presentation is devoted to material from content category 3 - enrichment which is broadcast without interruption and the duration of the presentation is at least 30 minutes.⁷

In addition, in September of 1986, the CRTC decided to reduce the amount of foreground programming that FM broadcasters must produce. Joint AM and FM operators who previously had to produce 20 per cent foreground are now allowed to produce 15 per cent foreground and independent stations who previously had to produce 12 per cent of their programs in the foreground format are now allowed to produce 9 per cent foreground.⁸

In summary then, it can be said that foreground programming must be thematic (with the exception of public affairs or magazine programs in which 60 per cent of the presentation is devoted to material from content category 3 - Enrichment);⁹ must be least at 15 minutes in length; must contain material from either content categories 3 or 4 (The Enrichment and Spoken Word Actuality categories - see Appendix III for a more detailed examination of these categories); must not contain surveillance material (time and weather checks, etc.) should not be scheduled

between the hours of 12 midnight and 6 a.m., should be "reasonably distributed" throughout the day and throughout the week and should constitute 15 per cent of a joint licensee's schedule and nine per cent of an independent FM station's schedule.

The CRTC enacted foreground programming regulations to ensure that FM no longer operated as a mere adjunct or appendage of AM radio, "that the role of FM as an original radio voice in the community must be established and developed."¹⁰ The CRTC wanted to ensure that FM would not become merely "jukebox" radio. Barry Grainger of the CRTC notes that AM radio can be characterized by frequent time and weather checks, road reports and advertising sandwiched in between musical selections. He then explains that foreground regulations were enacted so that this same pattern would not be duplicated on FM - so that FM could develop an identity of its own distinct from AM.¹¹ And Peter Flemming, the CRTC's Director of Radio Policy Planning and Analysis adds that; "The Commission wanted a more diverse program service available on FM and foreground was also seen as presenting an in-depth approach, as opposed to a trivial approach, to things, so that's how the idea evolved."¹² According to Real Therrien, Vice-Chairman of the CRTC; "The main principal behind foreground is the fact that we wanted to build something different on FM than currently existed on AM and so the question that was asked was this - is it possible to have

creative programs on FM? Then we asked, is it possible to create a thematic program on FM, something that would have a start and an end, and the answer we came up with was foreground."¹³ And finally, according to Sjief Frenken who at one time was the Assistant Director of the Policy Development Programs Branch of the CRTC (and who today is the Director of the Broadcast Programs Analysis Division of the CRTC) and who was partially responsible for creating the new sound; "I think the CRTC was slightly ahead of its time when it conceived the regulations. Our FM policy presumes people would want to start listening to radio for more than just a "juke-box" sound."¹⁴

In fact, the CRTC made it clear that the five minute rip and read newscast, nonsensical deejay chatter and a montage of hit parade songs would not qualify as foreground content:

Present AM programming answers in general the need of the listening public to keep in constant touch with developing conditions of immediate interest and relevance. The formats of AM which have been developed to meet this need reflect the belief, which was prevalent following the advent of television, that radio could not compete for the audiences attention with the entertainment and information programs of the visual medium. Thus, AM radio tended increasingly to concentrate its attention on its immediate community, seeking through music and personalities to identify with the basic and continuing needs of the community for companionship and familiarity.

In this context, however, radio programming cannot be permitted to remain in limited subject ghettos. An average of seventy-five per cent of radio programming is recorded music, and yet only a fraction of the recordings available is ever broadcast. When

compared to the diversity of material that is available in bookshops, record stores, magazine racks, or in the events listed on newspaper entertainment pages, radio is a limited vehicle of expression. Radio must expand its offering of content with new opportunities for public discovery and appreciation of a spectrum of music and the spoken word.

In fact, isolated examples in several Canadian markets show that there are possibilities that competitive and lively programs can be developed which fulfill a completely different role in the community and moreover which can attract considerable audiences even when the competition from television is most severe.¹⁵

This, according to the CRTC, can be accomplished through programs in the foreground format-radio with a sense of form and purpose:

The foreground format is meant to encourage the presentation of programs of sufficient structure and duration that may be promoted in program schedules and encourage new patterns of listener loyalty.

This will not be accomplished through the presentation of shorter packaged presentations of five or seven or 10 minutes - which are already a feature of major market AM stations.¹⁶

In addition, according to the CRTC, one of the other purposes of the regulations was to differentiate the AM from the FM band. In fact, the Commission.. " Considers it to be a basic principle that there should be two demonstrably kinds of radio - one on AM and the other on FM.." ¹⁷ This can be accomplished by (among other things) featuring programming on FM like foreground, programming that is inherently different than the programming found on AM. In fact, once again, according to

Peter Flemming of the CRTC; "In enacting foreground programming regulations, the Commission wanted FM to be different from AM but not necessarily to be a wasteland that nobody listened to, so one way of being different was to have more in-depth programs and that's where the concept of foreground came from. The Commission wanted programming on FM to be different than AM."¹⁸ And the Commission itself goes on to explain how this programming should be different than the programming found on AM; .."The programming service available on FM stations can be clearly distinguished from the AM programming service by developing different approaches to the scheduling, pacing and organization of programming and by providing a choice of content not available on AM stations. Listeners should be able to hear on FM at various regularly promoted times, programs with a sense of form and purpose."¹⁹ The CRTC wanted to create programming that would require "active listener involvement" because according to the Commission:

With the advent of television, Canadian radio with the exception of the CBC, drastically reduced "foreground programming", that is programming requiring active attention on the part of the listener. It was assumed that the vast majority of the radio audience is "on the go," and that people listen sporadically, using radio as background for other activities.

The Commission considers that this assumption has prevented radio from developing programming types and forms to meet other kinds of listening needs. It is not convinced that all listeners are permanently unable to devote longer periods of time listening to more engaging radio programs. The disavowal of "foreground" programming has led to radio programming which is imitative rather than

innovative. Radio schedules composed of records, chatter and capsule news do not meet the range of interests, lifestyles and cultural patterns of all Canadians in different communities and regions.²⁰

In addition to changing the listening habits or patterns of Canadians, the Commission also hoped that foreground regulations would stimulate the development of quality syndicated programming which would result in the networking of programs on a co-operative basis.

In summary, it can be concluded that foreground regulations were enacted for a variety of reasons: to differentiate the AM from the FM band, which would contribute in turn to diversity in broadcasting and to uphold the principles of Section 3 of the Broadcasting Act which calls for a broadcasting system that is "varied and comprehensive."

In addition, the CRTC sought to stimulate the production of programming requiring more research, preparation, resources and time than programming found on AM. Such programming, with a "sense of form and purpose," would require more "active listener participation" and would make radio less of a background medium than it had become after the advent of television. Finally, foreground programming requirements, it was hoped, would stimulate the development of a Canadian syndicated programming network.

The initial response of broadcasters to foreground regulations were mixed. While some broadcasters applauded their introduction, others reacted negatively. Dr. Pierre Camu, President of the Canadian Association of Broadcasters in 1974, was one of those who spoke in favour of the new regulations:

Change induced by new CRTC guidelines and regulations (including foreground) will set the stage for the most challenging period in FM's history.

FM programming will become more exciting and increasingly diversified as FM programmers apply their creative ability to this new challenge. This year will bring entirely new programming concepts, skillfully blended with current techniques in refreshing and different ways.²¹

Gerard Rejskind of Broadcast Canada (an independent syndication company) agreed: "In particular we applaud the replacement of Arts, Letter and Sciences" with the "foreground format" category. We think this kind of programming is most rewarding to produce as well as to listen to. And we agree that there isn't enough of it around."²² David Charles, Director of programming of Radio Q-107, suggested that "If you understand them and apply them properly, they can bring radio to the foreground instead of having it only as background sound."²³ Nor did, Harvey Glatt of Chez-FM in Ottawa, find the new regulations to be restrictive; "We entered the game knowing what it was, I think many of the regulations are good."²⁴ Many stations though, like CHEZ-FM and Q-107 (which both went on the air in March 1977) were born under the

new FM regulations because when the CRTC issued its new FM regulations, it also lifted its freeze on commercial FM licences, and licensed about two dozen new FM stations. New stations like CHEZ-FM and Q-107 therefore may have found the regulations easier to accept than already established stations because they had nothing to compare them to.

Not all reactions to the FM proposals were so positive. Jerry Good, Program Director of CKFM Toronto in 1978 described the regulations a "challenging," but he wasn't convinced that "its what the listeners want.": He felt that the CRTC might be getting ahead of listeners.²⁵ Peter Shurman, then Vice-President of CJFM in Montreal, summarized his mixed feelings as follows:

At the beginning, like most broadcasters, we were apprehensive about this new kind of FM radio. And it took us about six months to figure out what the CRTC really wanted when it called for 20 per cent foreground programming.

But now, hell, if the CRTC took away the regulations, we would still do foreground programming. We like our sound. Only we can't afford it.²⁶

The concern about costs was raised when the foreground regulations were first introduced and still remains a concern for some broadcasters today.

Peter Shurman noted that one year after the implementation of foreground programming requirements, his station was spending 30-50 per cent more money on programming, which amounted to

\$260,000 more than the previous year.²⁷ And, according to Jerry Good; "Doing our budgets this year was tough, foreground programming can be very expensive."²⁸ It was not just the expenditure of creating the programming itself that was a concern for broadcasters. Some stations like CHUM in Toronto, CFMI in Vancouver and CJCA in Edmonton also had to make capital expenditures for production facilities. Capital expenditures of \$50,000 were common throughout the industry and in some cases, ranged as high as \$200,000.²⁹ In addition, broadcasters also initially experienced increased personnel costs because of foreground. In fact, a survey conducted by the Financial Post in October 1976, just after the implementation of foreground regulations showed that almost every FM station surveyed had added at least two full-time employees in the news and public affairs section, were employing freelancers, or were searching out programs to buy from other stations. All were borrowing personnel from AM sister stations.³⁰

"Our costs are up, complained CJFM's Peter Shurman. Costs of personnel and freelance work have jumped 30 to 40 per cent he estimated³¹ and once again, according to the Financial Post, broadcasters in both small and large stations concurred with his figures.³²

Some broadcasters felt that foreground regulations would especially hurt middle of the road and easy listening stations

like CHQM-FM in Vancouver, for example. Its Vice-President of programming, Maurice Foisy noted that; "We program middle of the road music, and that's the least fertile format for talk. We were severely hurt by the FM requirements for extra talk. We were adding words to a format that didn't need them." The same individual suggested that; "The CRTC wants to push programming down people's throats. Whether out of all of this will come something, we'll have to see."³³

Broadcasters also expressed concern about the definition of foreground and the flexibility of foreground regulations. Alden Diehl, manager of CKY-FM Winnipeg in 1975, noted that: "Specific clarification is required on what constitutes foreground programming. We are now doing a number of things which meet the criteria but there are other areas where we are not sure."³⁴ To illustrate the potential confusion, Gerard Rejskind of Broadcast Canada, Montreal leafed through the CRTC guide to the new regulations:

The phrase "foreground format" seems particularly apt. But, paradoxically it loses some of its apparent clarity when we examine its definition.

On page 14 of FM radio in Canada, the Commission provides detailed examples of what will qualify as foreground format under the future regulations. A significant amount of commentary or explanation would apparently qualify a show as foreground format. So would the presentation of folklore. All fair enough.

But leafing back to page 13, we see not examples but a single rigid definition. "This

foreground format is characterized by the presentation of one particular theme, subject or personality for at least 15 minutes without interruption.

The Commission has affirmed its intent to be flexible, and this kind of definition is perhaps the ground where flexibility is most needed.

As a start, why the arbitrary 15 minute cut-off? Does the CRTC suggest that a 14 minute program cannot be foreground format?³⁵

In summary then, broadcasters initially had mixed feelings about the implementation of foreground regulations. While some felt that they would help in the overall development of Canadian radio by stimulating the production of challenging and exciting programming, others were skeptical about the necessity of such regulations and complained about the costs. Other broadcasters were baffled by the definition of foreground and were concerned about the potential inflexibility of the regulations. Many of the same claims or contentions about foreground regulations can still be heard today, ten years after their introduction.

Some broadcasters still support foreground regulations. Robert Laine of Winnipeg's Q94/1290 Fox states: "The regs used to be a hinderance, but I don't think they are anymore."³⁶ In addition, Harvey Glatt of CHEz-FM stated: "I think to a certain extent the regulations have seen radio benefit in Canada. CHEZ has become a very successful radio station I think partly because we have lived up to the spirit of the foreground regulations and provided people with a balance of music and

information.." ³⁷ And according to another Ottawa area broadcaster; "The regs have provided the opportunity for Canada to develop a unique radio that will produce some excellent communications in the long term. The regs seem to embody the ingredients of successful radio.. especially when one considers that FM could have become just stereo jukeboxes like their AM counterparts." ³⁸ And finally, Barry Smith, Program Director of CFPC-FM London notes that; "There a number of things I like about the regulations the 20 per cent factor might be a bit high for some but I like it and our listeners seem to like it." ³⁹

And then there are those like Pierre Nadeau, Executive Vice-President of the Canadian Association of Broadcasters (Radio) who feel that foreground itself is a good theoretical concept but one which does not necessarily work in practice:

From an intellectual point of view, it makes a lot of sense to say that radio should be that way. On the other hand, in practice its a very different story because you don't know what kind of appeal it will have with the public, you also don't know how it will go on radio - it might be suitable for the written media, but not for the spoken media. ⁴⁰

Nadeau further explains why he opposes foreground regulations in practice:

In the case of FM, the Commission sat in its ivory tower and decided that the essence of radio would be different from what existed at the present time. So instead of using reality as the basis, they developed an "intellectual concept of radio" and the "ideal" radio was the one that they conceived

and therefore they proceeded to ask the world to conform to that concept and I'm not saying it this way to try and put them down because if you look at it strictly from an intellectual, rational point of view, the FM policy in a certain sense, makes a lot of sense, but the CRTC's criticism of radio was an intellectual criticism of radio or the criticism of the elite of radio and the elite found radio objectionable but radio was not designed to cater to the elite. Foreground really fits well into the objectionable mould of the CRTC's decision that radio shall be this way and shall not be any other way.⁴¹

Duff Roman, Operations Manager of CHUM-FM Ltd. and General Manager of CHUM-FM Toronto, agrees with Nadeau that the CRTC's foreground regulations are presumptive regulations:

I think that it (foreground) started out as fairly presumptive regulation. I think there have been variations of foreground programming long before the regulations came into effect, those regulations all come from idealized notions about radio and some of it were examples of things that the regulator liked about radio..⁴²

And once more, Nadeau notes that this idealized concept of radio has manifested itself in the form of foreground and the attempt by the CRTC to use the FM band as an educational medium:

The second aspect which I found objectionable in the FM policy was that again it relates to an elitist concept of reality and it was basically designed to use radio as an educational medium - they never used the word educational and they were smart in not using it for two reasons.

First of all, they didn't want to come out and say we want radio to be educational because it would have been objectionable and secondly because education is Provincial and that's dangerous territory for the CRTC as well as for the Federal Government. Remember that was introduced at a time when the

Provinces were really up against the Federal Government for getting too involved in their affairs. Now the word the CRTC has used throughout the policy instead of educational is enriching, now whatever is enriching must be educational, these two words are interchangeable - its really basically the same thing and two formats mosaic and foreground are called the enriched formats or the educational formats if you will.⁴³

And, in addition, besides these philosophical objections to foreground, there are still broadcasters who feel that the CRTC "wants to push programming down people's throats."

In fact, according to Peter Grant, General Manager of CKIS-FM in Winnipeg:

I'm free a enterpriser, stations should be allowed to do what they think is best for their market, we're in the radio business - we shouldn't have someone in Ottawa telling us what to do. We're not stupid, we're not going to do things to turn off our audiences, but at the same time, if we have a good foreground programming show that people are listening to, we'll play it. On the other hand, if we find that foreground programming serves no purpose and people would rather listen to music we should be allowed the opportunity to play music.⁴⁴

And, according to Grant, people would rather listen to music on FM than spoken word programming and that:

The CRTC completely destroyed what the whole premise of the people's perception of FM is.

The people perceive AM radio to be the information medium and FM to be the music medium, but the CRTC didn't take that into consideration when they made the regulations, and they tried to force the FM stations to do more spoken word programming than people wanted to hear.⁴⁵

But, Grant is apparently not the only broadcaster who believes that FM should be primarily a music medium.

In fact, an extensive study conducted for the Ontario Ministry of Transportation and Communications (OMTC) by the Toronto based Research-Communications Center revealed that of 100 Senior Canadian FM broadcasting executives interviewed (station managers or program directors) over two-thirds of those executives cited good quality music as the primary reason people listen to FM radio.⁴⁶ And these beliefs are supported by the results of the listener survey that was also conducted for the OMTC study. Of 703 respondents interviewed in Northern Ontario and the Sault Ste. Marie region a majority of listeners (82 per cent) stated that music is the most important part of an FM station's programming.⁴⁷ When asked about the main differences between AM and FM radio, nine out of ten listeners (or 92 per cent of all listeners surveyed) said that FM radio is for music and over three-quarters of respondents felt that AM radio is for talk and that AM radio has more news.⁴⁸ Therefore, it appears that broadcasters do have substantial evidence to back up their claim that listeners (at least in this particular region) perceive FM as a music medium and AM as the information or talk medium (partially because of the technical superiority of FM and because of the influence of American FM stations in the region).

According to Brian Gordon, Manager of the Cable Broadcast office of the Ontario Ministry of Communications:

I think one of the things that we have found in our work in Windsor last year and have found subsequently in the study, is that people turn to FM because it provides them with a better quality of sound for the music they want to hear. And it seems to me that they are saying that they want to hear music, and they want to hear the music they like more often than the regulations will allow the broadcasters to provide it. And the AM broadcasters can do it but the quality of the sound is not there on AM and people are turning to their own programming, prerecorded cassettes in increasing numbers as a result. And I think overall that if the trend continues, the FM broadcasters are going to start to experience some problems.

I think that one ought to take advantage of the technological advantage that FM has over AM; as far as music is concerned, and allow it to do what it can do best and that is provide good quality music.⁴⁹

John Parikhal, a partner in Joint Communications Corporation (a Toronto communications consulting firm) concurs with Gordon and adds that; "In the one radio medium designed perfectly for music, the CRTC is trying to make a talk radio format. It doesn't make any sense. The CRTC is opposed to the very direction of where FM in North America is going-toward more music due to a demand from the marketplace."⁵⁰

Earl Rosen, President of Marquis Records agrees that the FM medium is better suited to music than the AM band:

There is a certain irony that people listen

to FM very much because of the quality of the sound and yet we see the heavy emphasis on the spoken word. I mean, if we had our choice, we would almost like to see the frequencies reversed and all the AM rules given to FM and the FM rules given to AM because then the music would have a better shot ... Let AM be used for talk and news formats and things like that ... ⁵¹

Denis Menard, Director General of Radio programming for the CRTC's Maritime region rebuts these arguments as follows:

There are some who say that the FM medium is stereo and therefore its better suited to music. You can't please everybody but it seems that FM radio has developed a role for itself and its a role that the Canadian citizen has adopted and learned to appreciate. The talk is on FM radio and the ratings are there, people are listening. The music is also there but there is also some talk - some good talk. ⁵²

Despite the "so-called" unnecessary talk on FM and despite the apparent perception of FM as a music medium, Canadian FM stations have experienced phenomenal growth in the past few years which indicates that Canadians are getting used to the talk on FM and are learning to appreciate the foreground programming found on FM.

Once AM stereo achieves significant penetration of the market (which admittedly will not occur for a while) then the technical superiority of FM will no longer be a reality. But, despite future developments and despite the assertions of the CRTC, many broadcasters and listeners in Southern Ontario feel that FM is meant for music and not for talk. And, other

broadcasters complain that foreground programming is simply too costly to produce.

A survey conducted for this study revealed that 27 per cent of the broadcasters who responded believed that foreground regulations hurt their station's financially,⁵³ compared to 15 per cent of broadcasters participating in the previously cited CMTC study who felt that foreground programming was too costly to produce.⁵⁴

These relatively low figures can be partially explained by the fact that capital costs to facilitate the production of foreground programming (i.e. improving production facilities etc.) were already incurred much earlier, during the initial phase of foreground. Secondly, the fact that the regulations apply to all Canadian FM stations means that no individual Canadian FM station gains a financial advantage over another Canadian FM station simply because of the FM requirements - they all must produce a specified amount of foreground. Problems arise (as we shall see later) when Canadian FM stations compete directly with unregulated American FM stations. While the FM rules do not favour some stations over others, there is no denying that the rules impose additional costs on broadcasters. In fact, according to Peter Grant of CKIS-FM Winnipeg; "it costs a lot of money to produce foreground programming,"⁵⁵ and Roy Hennessey, General Manager of CKXL/CHFM Calgary argues

that; "We can't afford to produce quality programming like foreground."⁵⁶

In addition, 82 per cent of broadcasters surveyed for this study noted that compliance with foreground regulations takes up too much of their station's time and resources.⁵⁷ Therefore, according to some broadcasters like W.M. Hutton of CFNY-FM in Toronto; "Most radio stations have taken advantage of the regs and spend more time trying to figure out how to beat them rather than how to produce good programming."⁵⁸ Peter Flemming, Senior Radio Broadcasting Policy Analyst with the CRTC does not agree with Hutton that most broadcasters spend more time trying to beat the regulations rather than complying with them but he does note that; "it would be interesting to see some broadcasters, some not all of them, put as much energy into trying to meet the regulations as they do trying to get around them."⁵⁹ Flemming is referring to the fact that some broadcasters, in an attempt to minimize the effects of foreground, produce foreground programming which meets the letter of the law but not the spirit of it."

An example of compliance with the letter, but not the spirit of the foreground regulations are the so-called "star sets" featured by many FM stations. These programs generally focus on one artist or group and feature that artist's or group's music and some background information about them and

while such programs do in fact qualify as foreground,⁶⁰ according to Barry Grainger of the CRTC: "These supersets are the bread and butter of most stations but they only meet the letter of the law. Such themes wear thin and we encourage stations to go beyond that."⁶¹ In fact, the CRTC expects foreground programming to include a significant amount of research and while it is not enthralled with "supersets" it does encourage the production of music magazines (like *Discomentary* or *The Rock Journal*) and it also tries to encourage a balance between "music oriented" foreground programming and talk oriented foreground programming (like public affairs programming for example).

Barry Grainger points out that the FM policy does not specify which kind of foreground programming is preferred by the Commission. He also notes that some stations produce 100 per cent music oriented foreground while other stations produce 100 per cent talk oriented foreground and estimates that the average station will present foreground programming that is predominantly music oriented as opposed to talk oriented foreground.⁶² But, despite the fact that the FM policy does not indicate a preference for music or talk oriented foreground, the CRTC itself has often stated in licence decisions that "high quality foreground or mosaic programming generally requires substantial spoken word content."⁶³ And Grainger himself admits that in many instances, the commission would ideally

prefer to see foreground as predominantly verbal or spoken word but for some FM stations, any significant amount of spoken word programming severely disrupts the stations's musical flow.

According to the Canadian Association of Broadcasters:

Certain types of FM program content lend themselves to block programming, into which the foreground format naturally fits. Other stations have developed a more homogenous flow which is ideally suited to mosaic format enrichment. In such cases, large amounts of foreground programming interferes with the station's sound and are inappropriate to the listening pattern of its audience.⁶⁴

Stations which operate in the easy listening format still are experiencing the greatest difficulty in meeting the foreground requirements.

Gordon Atkinson, Station Manager of CFMO-FM in Ottawa explains; .."Because we are an easy listening station, most of our foreground, not all of it, but most of it is in a music format." Atkinson also noted that his station has taken steps to include more spoken word foreground programming but also stated that; "As an easy listening musical radio station, there is only a certain degree of that type of programming that you can do that a listenership like ours will accept. They tune us in primarily for music."⁶⁵ Gordon Ashworth, Vice-President and Secretary of Russwood Broadcasting and acting General Manager of CKLW and CKEZ-FM in Windsor, concurs with Atkinson:

What we are dealing with here is an easy listening format, and we feel very strongly that the mood of the format must be preserved and maintained and that to move into significant amounts of foreground would disrupt the mood of the station and would present the listeners with a different kind of treatment which would certainly not be in the best interests of the future growth and stability of the station.⁶⁶

And finally, according to Noel Hullah, co-manager of CHQM-AM and FM in Vancouver; "It should be noted that the easy listening format is one that succeeds primarily as a music oriented source. This is what our listeners want from the station."⁶⁷ The difficulties that easy listening stations have encountered with foreground helps to illustrate one of the fundamental problems with foreground regulations and that is their inflexibility. This inflexibility leads to many problems like; the recycling of scripts, burnt out themes, scheduling and compliance problems.

First of all, it must be noted that broadcasters continually experienced problems trying to meet the former foreground programming levels of 20 per cent for joint licensees and 12 per cent for independents. Duff Roman, Operations Manager of CHUM-FM Ltd., and Station Manager of CHUM-FM Toronto explains why:

What's wrong with foreground programming is that 20 per cent or one-fifth of your programming (for joint licensees) devoted to thematic programming is too much, and hence you get those burnt out themes - isn't it

awful to hear people talk about rainy day themes, love themes, songs with the word arts in them and that is actually observing the letter of the regulations, not the spirit of them because your spirit gets defeated when you have to do 20 per cent a week and so what you do is recycle the scripts.. rotate them..⁶⁸

Gordon Atkinson of CFMO-FM in Ottawa agrees with Roman and notes that:

For over 10 years now we have been dealing with basically the same topics; artists, composers, periods in time, geographical locations and the like for our foreground programs. We have to continually recycle those subjects and it is extremely difficult and frankly, at times it can be very boring to keep having the same things about the same people. Thankfully, we have a staff who are very creative and who are very professional, and they try to take those topics and those subjects and give them a fresh slant and angle whenever they come up.

But to give you a very good recent example. I just not very long ago did two one-hour programs with Anne Murray. I had done extensive interviewing with her, both in Las Vegas and here in Ottawa when she was at the National Arts Centre. Both of those programs went on the air and both of them were repeated. Now everything that I think most people ever want to know or be curious about Anne Murray were in those two programs. However, within a period of a week after the second one, we had to go with another 15 minute lower case "f" foreground to have enough subject material to meet our foreground commitment and this has been going on for 10 years.⁶⁹

Therefore, in order to meet the 20 per cent and 12 per cent levels, in many cases, broadcasters were forced to spread out their resources and the foreground programming that they produce very thinly and hence this prompted the recent CRTC decision to

reduce the required foreground programming levels (which one will examine in greater detail later on in the course of this chapter). In addition, the former minimum level of 20 per cent and 12 per cent in combination with the requirement that foreground be 15 minutes in duration and be thematically linked, according to the Canadian Association of Broadcasters (CAB) "... Ensures that foreground is quantity oriented and not quality oriented."⁷⁰ (And in fact, as was previously noted in Chapter Three, this is the same argument used by broadcasters against the imposition of 30 per cent AM Canadian content regulations - that they are quantity and not quality oriented regulations).

Therefore, the CAB notes that:

It must be reiterated that, in the association's view, an increase in the quantity of programming, of no matter what sort, is not directly linked to an increase in quality. In fact, the reverse may be true. In an attempt to meet their foreground quotas, broadcasters are tempted, or even forced to stretch a good seven-minute program into a less appealing fifteen minute one, or to spread their resources which would make one good foreground segment over two or three...⁷¹

Hence, the inflexible nature of foreground will not allow any program under 15 minutes to qualify as foreground and this presents difficulties for broadcasters and in fact in the past, they have suggested that the time requirement be changed from 15 minutes to 10 minutes minimum and that foreground credit be

given to identifiable hour or half hour programs, where at least 40 and 20 minutes respectively qualify as foreground. The 15 minute time limit and the need to maintain one theme according to many broadcasters is oftentimes counterproductive.⁷²

But, the CRTC's official position on the 15 minute time limit can be found in its original 1975 FM policy:

A number of broadcasters suggested reducing the length of time required to constitute a program in a foreground format from 15 minutes to a smaller time period say 5 or 10 minutes in order to allow shorter programs of a foreground nature to qualify.

The Commission has not accepted this approach and it has retained the 15 minute requirement. The Commission is determined not only to encourage more thought and preparation on FM stations but also to distinguish such stations from AM stations. The foreground format regulation is meant to encourage the presentation of programs of sufficient structure and duration that they may be promoted in program schedules and encourage new patterns of listener loyalty. This will not be accomplished through the presentation of shorter packaged presentations of five or seven or even 10 minutes which are already a common feature of major market AM stations.⁷³

And in a 1978 report, the CRTC further explains why it uses the 15 minute minimum as a benchmark for foreground format programs; "Why the 15 minute duration for a foreground format segment? Because the traditional foreground format - the network program had a length of multiples of 15 minutes. Even today, the TV program is basically one and a half hours or one

hour long."⁷⁴ So, in effect the CRTC believes that the 15 minute time limit helps to differentiate foreground programming from a majority of the programming found on AM and hence helps to differentiate the AM from the FM band. And in addition, it appears that the CRTC is trying to pattern the foreground format after the format of programs found in "The Golden Age of Radio." In fact, some broadcasters argue that this is precisely what the CRTC was trying to do when it enacted foreground - to take FM radio back to the "Golden Age of Radio" when spoken word programming in the foreground format was the norm. Indeed programs from the "Golden Age of Radio", like "The Shadow or the Green Hornet" do qualify as foreground.

Whatever justification the CRTC gives for the 15 minute time limit, it still creates problems for broadcasters especially when a program in the foreground format falls short of the 15 minute mark by a matter of seconds. In such cases, the broadcaster receives no credit at all for the program as foreground even though the program may have been produced in the spirit of the regulations (i.e. was substantially enriched and thematically linked). Terry Kielty, General Manager of CFRA and CFMO-FM in Ottawa explains:

In a 15 minute foreground segment where we do a very entertaining piece with information about an artist or some other subject that runs for 14 minutes and 15 seconds, it is disqualified you get nothing. So when you balance the books, you were not just

45 seconds short, you were 15 minutes short.⁷⁵

Robert Laine, General Manager of 1290 FOX/Q94-FM in Winnipeg agrees with Kielty and notes that:

The problem with the 15 minute mark as a benchmark for foreground programming is that it emphasizes quantity instead of quality - it doesn't take into account the hours of research that a station might put into a program that is shorter than 15 minutes. Stations that put together a good show that falls short of the 15 minutes receive no credit and the problem is that you can't pad programming without diluting quality. Foreground regulations should be more flexible to take into account quality, for example an excellent theme show that is not quite 15 minutes should still qualify as foreground.⁷⁶

Broadcasters also argue that the requirement that foreground material be thematically linked contributes to the inflexibility of the rules and dilutes the quality of the programming:

Any and every thematic thread however slender is used to hang a foreground segment on. This is especially true of music-oriented programs presented with substantial backgrounding, that are much better suited to treatment in the mosaic format, but that broadcasters are forced to transform into foreground format, again simply to meet the quotas.⁷⁷

The requirement that foreground programs "be entirely related to a particular theme or subject" also creates compliance problems since the CRTC will often deem that a program's theme is insufficiently developed. Programs which are in the "spirit" of the regulations (i.e. that are substantially enriched and

researched) but which do not meet the "letter of the law" because the program is not tied together by a common theme, should qualify as foreground, according to many broadcasters.

Another major implementation problem faced by the CRTC with respect to the FM regulations is the failure of some broadcasters to "reasonably distribute" foreground material throughout the program day or week. Instead, it is oftentimes presented mainly in the early morning or late night hours and on the weekends.⁷⁸

Broadcasters defend this pattern as resulting from the inflexibility of foreground regulations themselves. Robert Laine explains that:

The reason why most foreground programming is in non-peak hours is because we can't do surveillance material like weather forecasts or time checks, so we just don't do foreground where those elements are necessary.⁷⁹

Duff Roman of CHUM-FM adds that:

Because of foreground radio, radio isn't allowed to be radio, you can't do a time and temperature check which means you can't do foreground in the morning drive or in the afternoon. So where do you get foreground? On weekends, in evenings, in ghettos - you can't put foreground in periods when radio is allowed to do what it does best ... provide instant information...⁸⁰

Spokesmen for the CRTC respond that to allow surveillance material in foreground programming would destroy the distinctiveness of FM radio. They also claim to recognize the

needs of FM broadcasters to program such material during some time periods:

We don't expect broadcasters to program foreground in the morning hour time slot. We say "reasonably distributed" throughout the broadcast so if its all on Saturday and Sunday mornings and after 11:00 at night then we have a concern but at the same time, we don't expect foreground programming during the morning drive periods. However, after the morning drive from 9:00 till noon, or in early evening periods we do expect foreground programming, but if its all at 10:30 or 11:00 on Saturday mornings, then you know they're trying to bury it.⁸¹

Jim Robson, a CRTC commissioner, agrees and notes that: "The idea of course is to have some continuity throughout not only the broadcast day but throughout the broadcast week."⁸²

But, some broadcasters like Noel Hullah and Wayne Bryant of CHFM Calgary argue that they've experienced success with foreground programs late at night⁸³ while other broadcasters contend that its difficult to program foreground during the day because audiences just don't have the time to listen to it.

Such is the argument of Wayne Bryant, Program Director of CHFM Calgary: "Our experience in the past with foreground programs is that during the day, people haven't been able to listen to the radio long enough to appreciate a foreground program so we've put them on at those times when people are available and are able to spend longer periods of time listening to the radio."⁸⁴ And one of those times that people are available to listen to the radio for longer periods of time are

the weekends as J. Robert Wood (a representative from a company which submitted an application to carry on an English language FM radio undertaking in Toronto) astutely notes:

Basically our observations are that in a large metropolitan centre like Toronto, where it is virtually drive time or busy time all day long, not just from 6:00 to 9:00 in the morning and 4:00 to 6:00 but all day long, people spend a great deal of time just getting from one end of the city to the other in commuting to work, to shopping and so on and as such they don't have the kind of time and I say leisure time, if you will to sit down and listen to radio for extended periods of time in the way they might have 20 years ago in Toronto or in a smaller community today.⁸⁵

Pat Kiely, General Manager of CJQR-FM in St. Catherines Ontario, agrees with Wood and notes that: "I must point out that unlike Toronto or Montreal or Vancouver, on a bad day, I'm seven minutes from my home and almost virtually everybody in my radio station goes home for lunch and has the opportunity to enjoy a magazine format show and actually listen to it.⁸⁶ But, once again, as J. Robert Wood correctly points out, such is not necessarily the case in larger markets where: "The only time available to really sit down and listen to the radio in the foreground mode is on the weekend. And in addition, people tend to be in a more relaxed and receptive frame of mind on the weekend "⁸⁷

Two Ottawa area broadcasters, Gordon Atkinson of CFMO-FM and Harvey Glatt of CHEZ-FM agree with Wood.

First of all, Atkinson notes that:

On Sundays, we carry considerably more foreground than we do on other days of the week because people are more predisposed on a Sunday or even on a Saturday for that matter to sit by their radio and listen to the radio rather than just have it on as background.⁸⁸

And, according to Glatt: "On the weekends and on Sunday nights particularly, people seem to be in a different headspace and they seem willing to sit down and actually listen to the radio rather than have radio as a background passive medium."⁸⁹

This philosophy is also evident in the Winnipeg market as almost all Winnipeg FM broadcasters program a substantial amount of foreground on weekends, particularly on Sunday nights from 7 - 10 p.m. Once again, according to Peter Flemming (when questioned about the acceptability of such a situation)". Its acceptable that foreground be scheduled at that time (Sunday nights) as long as all of it isn't in that time slot. Its got to be reasonably distributed - if all of the foreground is scheduled in times that are not accessible, then that's when it becomes a matter of concern."⁹⁰

Besides scheduling problems, the CRTC has also experienced difficulties in obtaining compliance by broadcasters with the foreground levels outlined in their promise of performance. Such compliance problems, according the CAB, illustrate the inflexibility of the regulations:

Foreground is a subject over which broadcasters and regulators experience great difficulty in reaching mutual understanding, interpretation and agreement. Broadcasters are honorable people and Commission staff members are reasonable people. Yet consistently we find broadcasters reporting a higher level of foreground format performance than that verified by the Commission in its programming analysis. What this means, quite simply, is that broadcasters are expending vast amounts of their human and financial resources in a vain attempt to accomplish the desired results. Such an exercise in futility is frustrating to both parties, a disservice to audiences and generally counterproductive.

Foreground programming is difficult and expensive to produce. Moreover, it has just been argued that the foreground format requirement as presently constituted may not be equitable to all broadcasters, may not be a service to all listeners, and may not serve the policy goals of either the Commission or FM broadcasters.⁹¹

CRTC representatives agree that there has been a problem in enforcing foreground regulations:

It has been a problem with some stations, we've given a number of short term renewals over the past year (four in total). I think there's two things here. Over the early part of the regulations I think there were stations that simply ignored the requirement and didn't even try to do the 20 per cent or 12 per cent - there is less of that now but what we have more of is that stations will try but they don't qualify on some kind of technical basis or they do a sort of slap-dash job of it - they still at least make a stab at it and we're trying to go along with the stations and say "well look that's not acceptable, but this is how you should do it and in the areas where stations have a legitimate beef that our regulations are preventing them from doing quality programming we've changed."⁹²

Denis Menard of the CRTC also notes that in areas where broadcasters are having problems that the Commission:

Will come in almost as consultants and will tell broadcasters here's how you can achieve this and here's how you can amend this program to make it into a foreground program or here's where this program doesn't qualify and the reasons are the following.

The Commission will do this up to two or three times, then after that we feel we have given the guy a fair chance and if they still don't meet their requirements, that's when the difficulties arise - sometimes licences are taken away or a licence is granted for a short term to allow the person to give it another try before the licence is taken away. Some licences have been taken away as a result of non-compliance with this regulation.⁹³ But, despite such measures, there still appears to be significant compliance problems.

For example, an analysis of CRTC Public Hearings conducted in 1985 revealed that of 21 stations that came before the Commission to renew their licences, over half of those stations (52 per cent or a total of 11 broadcasters) did not meet the foreground levels outlined in their promises of performance.⁹⁴

The reasons for non-compliance ranged from the technical (or housekeeping problems) experienced by some stations like CFMO-FM Ottawa, CING-FM Burlington Ontario or CJYC-FM Saint John New Brunswick who either accidentally included time or weather checks in their foreground programming or whose foreground programs were simply not long enough to those stations like CJAY-FM Calgary, CKRA Edmonton or CHEZ-FM Ottawa whose foreground programs were insufficiently enriched or were not

thematically linked to the problems of stations like CKTO-FM Truro, Nova Scotia whose staff simply were not conversant with foreground regulations (for whatever reason) and who thus had problems implementing foreground to stations like CHEZ-Q FM Smith Falls, Ontario who acquired programming which they mistakenly thought was produced in the foreground format to the problems experienced by CFLG-FM Cornwall, Ontario or once again, CFMO-FM Ottawa who interpreted foreground differently than the CRTC. It must be also noted that some stations experienced any combination of the above problems.

Some of the above problems (like the technical or housekeeping problems) are in fact testimony to the inflexibility of foreground regulations. As was noted earlier, a foreground program in which a time or weather check is accidentally included or a foreground program that falls 30 seconds short of the 15 minute time limit for foreground is completely disqualified as foreground - it is given no credit at all as foreground. So, therefore when a broadcaster accidentally includes a time or weather check or accidentally breaks the theme of a foreground program or stops the program short of the 15 minute mark, then the program is automatically disqualified as foreground. This helps to explain some of the problems that broadcasters experience in complying with their foreground requirements. These may be just an "honest mistake" or may result from the fact that the on air personality does not

fully understand foreground. To this end, a representative from CFAY-FM in Calgary explained that it encountered difficulties meeting its foreground commitments because new personnel, who were unfamiliar with foreground were inadvertently disqualifying some program material by including time or weather checks or by breaking the theme of the show.⁹⁵ CISN-FM radio in Edmonton has encountered similar problems. According to a representative from that station; "In two successive analyses, there were some problems with announcers stopping at 13 minutes or breaking the theme."⁹⁶

Many broadcasters (especially station managers and program directors) may understand foreground regulations in theory but may experience difficulties implementing them in practice for a variety of reason (some of which were touched upon in the preceding paragraphs).

The frequent personnel turnover in the radio broadcasting industry complicates the situation because in some cases, new personnel coming from AM stations or students fresh from broadcasting colleges (where they oftentimes receive technical training but who have minimal knowledge of FM regulations like foreground) must receive training in foreground and other FM regulations from the station itself.

But, in some instances (as the previous examples

illustrated) some stations are not ensuring that their personnel are adequately familiar with foreground and hence such stations experience difficulties fulfilling their foreground programming commitments.

Other problems experienced by broadcasters can be attributed to the fact that some stations purchase syndicated programming under the assumption that it was produced in the foreground format, only to find out later that it does not meet the CRTC's criteria. In fact stations which purchase syndicated Canadian programs like Big Country and Its Your World experienced this very problem. And some CBC-FM affiliates like CHEZ-Q FM of Smith Falls, Ontario experienced similar problems with programming acquired from CBC-AM, programming which they wrongly assumed was foreground. This misjudgment caused them to fall short of their foreground commitments. The CBC is the sole broadcaster today who produces significant amounts of foreground programming (including popular programs like Sunday Morning, Morningside, The entertainers and the Royal Canadian Air Farce) but CBC affiliates accept only a portion of the CBC network service and hence, this makes it difficult at times, for them to meet their foreground quotas.

Differences in interpretation between the Commission and broadcasters over the precise definition of foreground can also cause compliance problems. The CRTC rules from time to time

that programs do not qualify because they did not contain enough enrichment or that the themes contained within the programs were insufficiently developed. Gordon Atkinson of CFMO-FM in Ottawa notes that this is one of the reasons why his station did not meet its foreground commitments - in effect because of a difference of interpretation of some of the material that the station thought qualified as foreground. The problems experienced by CFMO are similar to the problems experienced by another Ottawa area broadcaster, CHEZ-FM as Programming Director Steve Colwill explains.. "Quite frankly, I was surprised that some of the things that I believed were foreground turned out not to be so."⁹⁷ Therefore, a difference in interpretation of the regulations also leads to compliance problems.

A cynical observer might suggest that broadcasters could use definitional problems to "get around" foreground regulations" - regulations which impose extra costs on them. Such behaviour has been observed in television where private broadcasters produce cheap Canadian quiz shows and other such programming to qualify as Canadian and schedule it in the non-peak viewing times when audiences are at their lowest.

And, during an earlier period, when the BBG tried to enforce a 20 per cent Arts, Letters and Science rule on FM, some stations began categorizing music by Bill Haley and the Comets as Arts, Letters and Science material.⁹⁸ Broadcasters, then

can find a variety of excuses for not complying with regulations that they find objectionable or unreasonable and this may account for some of the alleged compliance problems experienced by broadcasters in regards to foreground. The motivation behind compliance difficulties however, is merely speculation and cannot be proven.

In some cases the CRTC's analysis of programming (which is called a RAP (Radio Analysis Project which is a one day to one week analysis of a stations' programming) may have been conducted on a day when the foreground programming levels were not necessarily indicative of the station's foreground levels during the rest of the week as not all stations necessarily program exactly the same amount of foreground every single day (although as previously noted, the CRTC does expect stations "to reasonably distribute their foreground programming throughout the week). This may account for some of the discrepancies between the CRTC's analysis of the station's foreground programming levels and the amount of foreground programming that the station is actually producing, but in the final analysis, it appears that many of the problems that broadcasters have experienced in relation to complying with foreground can be attributed to the fact that many broadcasters still seem confused or unsure of what the CRTC wants when it calls for foreground.

In fact, the results of the survey conducted for this study revealed that 73 per cent of them still find foreground regulations confusing⁹⁹ while an identical percentage (73 per cent) noted that one of the problems that they have in complying with foreground is based on the fact that the CRTC has not made it EXPLICITLY clear what qualifies as foreground and what does not.¹⁰⁰

But, some broadcasters like Robert Laine, Harvey Glatt and Peter Grant contend that foreground regulations are not confusing. And, according to Real Therrien, Vice-chairman of the CRTC;... "We are finding more and more as time goes on that when broadcasters find out what we mean by thematic programming they are not experiencing the same problems."¹⁰¹ Despite such assertions and despite the long period that the policy has been in place, broadcasters still appear to be confused by foreground.

Two less significant and related problems with the FM rules involve the difficulty of producing French-language foreground programming and the failure of foreground regulations to create a healthy and flourishing Canadian syndication industry.

Many radio stations in Quebec have experienced problems in producing foreground programming as Real Therrien of the CRTC explains:

On the French side, there is more of a

problem in producing foreground because you don't buy already made American or Canadian programming because of the language barriers and as a result, most of their foreground was Canadian but they had a difficult time building it up, so you had a situation where there was a more developed syndication network than in the rest of Canada.

In fact, Telemedia, a Montreal based syndicator, was syndicating some of their programming to the small independent stations because they didn't have the resources to produce foreground on their own.¹⁰²

So a couple of factors come into play when discussing foreground programming in Quebec.

First, French-language broadcasters usually cannot buy pre-produced programming from Canadian or American sources because programs are produced in English. Therefore, many French-language broadcasters must produce their own foreground programming and this represents a significant financial burden for these stations many of which are small independent stations (as Quebec has more independent radio stations than most other Canadian provinces).

In order to examine this problem more closely, the CRTC, in 1985, launched a Task Force of the Association de la langue Francaise (ACTRF) to conduct a study of the issues. A survey of French and English-language broadcasters operating in markets of various sizes were undertaken. Broadcasters were asked various questions regarding the types of foreground format their aired, the costs and personnel involved in their production and the

revenues derived from such programs.¹⁰³ The questionnaire placed special emphasis on the use of foreground format obtained from outside sources.¹⁰⁴ The results of the survey are not yet available, but once the CRTC has evaluated the findings it will likely issue a statement on how it will deal with the problem.

The difficulties experienced by French-language broadcasters reveals the inability of foreground regulations to stimulate the development of a strong Canadian syndication industry. While the Canadian syndication industry has experienced growth since the FM policy was adopted, according to the CRTC, it has not grown enough. The Commission had hoped that .. "Stations would find it in their interests to enter into program exchanges or syndication arrangements and that there would be a substantial increase in syndication activities."¹⁰⁵ This has not happened to any great extent; while there has been some additional growth, it has been limited, as even the CRTC is forced to admit

In the FM policy, the Commission expressed the hope that a Canadian independent radio program production industry would develop and would encourage licensees to investigate the purchase of such programs. However, a syndication industry has not yet flourished in Canada, although a few syndicators have proved successful. Nor have radio stations extensively exchanged or co-produced high quality foreground and mosaic programs.¹⁰⁶

Despite such an admission, it is still true that the

Canadian syndication industry, received a much needed boost when foreground regulations were introduced. Prior to that time, syndication was virtually non-existent in Canada. According to Gerard Rejskind of Broadcast Canada, one of the leading independent syndicators; "Back in 1972, I remember explaining to broadcasters what it was we did for a living. Once they did figure out what syndication was, they swore they would never use it."¹⁰⁷ But, after the initiation of foreground regulations, program directors began looking for programming to help fulfill their foreground programming requirements and in some cases, also began syndicating some of their own programming and a Canadian syndication industry began a slow process of development.

In fact, in 1976, CHUM produced the 64-hour Evolution of Rock, distributing it to all the CHUM group stations and syndicating it in the U.S.¹⁰⁸

In that same year, CFMI Vancouver began syndication of a program called "Discumentary" which is now syndicated throughout Western Canada and has achieved good ratings.¹⁰⁹

In 1977, St. Clair Productions (a division of Standard Broadcasting Ltd.) launched Big Country, a weekly two hour mix of country music, interviews and features. Its been a big success and is now heard on 60 stations and the CRTC has been

encouraging St. Clair to take the program into coast to coast syndication.¹¹⁰ As yet it has been unable to do so because of conflicting AM-FM regulations.¹¹¹

Telemedia jumped into the syndication business the following year. They began by distributing pop and rock concerts in the U.S. and they've just recently begun syndicating Canadian series both here and internationally. And Telemedia now owns broadcasts rights to the Toronto Blue Jays (a 50 station national network), Toronto Maple Leafs (a 20 station Ontario grid) and the World Series Playoffs which involves 90 stations coast to coast in English and French.¹¹²

Telemedia is also involved with live satellite transmissions. A half-dozen major advertisers including John Lobbatt Ltd. of London, Ontario and Pepsi-Cola Canada Ltd. of Toronto buy time on Rockline, a weekly hour and a half teen show out of Los Angeles that features top musical guest stars.¹¹³

The next to enter the field in a big way was Rogers Broadcast Services. They began by syndicating their innovative current affairs series Sunday Sunday and Charlotte Adele's Tapestry.¹¹⁴

And then there is Micheal Morgan and Associates in Vancouver, an independent syndicator who produce and distribute

such successful syndicated programming as The Discovery Show hosted by David Suzuki and the Celebrity Sports Report, a 30 minute show sponsored by Labbatts.¹¹⁵

In addition to series, most syndicated production houses also produce one shot specials.

On Christmas Eve, Drew Marketing runs an annual special called Noel Chez Tex, a 90 minute program heard on 48 stations in Quebec.¹¹⁶ In November 1985, Telemedia aired a 3-hour tribute to John Lennon entitled the Ballad of John and Yoko on 70 stations.¹¹⁷ And finally, David Pritchard's 30 hour documentary on the Beatles has run in every major market in Canada, 150 stations in the U.S. plus Japan and other countries.¹¹⁸

The syndication business unfortunately is dominated by the same three companies - Standard (through its subsidiary St. Clair Productions) Telemedia and Rogers which have chains of stations to guarantee distribution and through which they can amortize costs. For the smaller independent syndicators like Holloway Air Marketing of Guelph, Ontario, or Les Productions Pro-Dis Ltee of Laval, Quebec, it is infinitely more difficult to secure distribution of their programming.

And according to Prior Smith, a former radio announcer who

manages St. Clair Productions; "On weekends, we distribute three hours of programming to 60 stations. Down there (in the United States) they send a whole weekend of programming to hundreds of stations."¹¹⁹ Real Therrien of the CRTC admits that the Commission would like to see the same pattern develop in Canada; "In the U.S. there is a lot of syndication and of course some Canadian stations even on AM were buying American syndicated material, so if we can develop the same pattern in Canada, this would be great."¹²⁰ But, as the CRTC itself admits it will be difficult to develop a similar pattern in Canada because of the competition that Canadian syndicators must face from across the border from American syndicators. The CRTC itself explains the effects American syndicators have on their Canadian counterparts:

Increasingly, licensees have acquired syndicated programs produced in the United States. The large American market allows the amortization of costs over a large number of domestic stations, thereby enabling the sale of those programs to Canadian syndicators at prices far below what Canadian syndicators can demand. Canadian syndicators are therefore severely economically disadvantaged even though their programs may well equal or exceed the quality of their foreign competition.¹²¹

If such is indeed the case then Canadian syndicators face the same problems that Canadian television broadcasters face when trying to produce quality Canadian programming. In both cases, because of economies of scale, American productions are cheaper to acquire than Canadian programming which leads broadcasters in

many instances to purchase the cheaper American programming. It must be noted though that in regards to the use of American syndicated programming on FM radio, the CRTC expects that applicants ... "set out the nature of the foreign syndicated programs they intend to use, the reasons for such use and the applicants policies towards the increased use of Canadian material."¹²²

In fact, the CRTC had also hoped that a by-product of creating a thriving Canadian syndication industry would in effect mean an increased use of Canadian material or programming which focussed on Canadian artists, performers and personalities. The CRTC also felt that general non-syndicated foreground programming would also give more exposure to Canadian artists, performers and personalities and could indirectly aid the Canadian recording industry.

Earl Rosen of Marquis Records feels that such a policy is positive and notes that:

...We agree with you that things like concerts and specials that feature Canadian artists or thematic programs is a tremendous way to build the industry and we are very pleased to see that you take that aspect of programming very seriously also because we know that exposure is very crucial and descriptions and backgrounds become very important so that the listening audience can feel that the artist is one of them, someone that they know about.¹²³

But, Al Mair, President of Attic Records argues that;

"Foreground programming obviously tends to support the established artist as opposed to the new artist."¹²⁴ And Mair also notes that foreground programs both syndicated and otherwise do not provide sufficient exposure of Canadian artists; "In my experience, I tend to hear a lot more foreign artists featured that way as opposed to Canadian artists."¹²⁵

The CRTC had such complaints in mind when it recently enacted its new incentive scheme for foreground programs of this type (as one shall see later on in the course of this chapter) and although foreground programs have not been utilized to expose Canadian artists and personalities as much as the CRTC would have hoped Canadian artists and personalities (once again, as one shall also see later on in the course of this chapter) have nonetheless received increased exposure because of foreground regulations. In the final analysis though, this is an area which requires improvement.

Besides syndication problems and the insufficient exposure of Canadian artists through foreground programs, there are other problems with foreground regulations particularly in the Detroit/Windsor area.

Andre Bureau, current Chairman of the CRTC, explains the problems besetting Windsor broadcasters:

Windsor is a very particular case. Windsor has always been a very special market because of its proximity to Detroit, of course. Windsor has four private radio stations besides the CBC. The four stations broadcast in English, there are two AM and two FM stations. Over a time the stations have seen their audience decreasing at a very dangerous rate especially during the last few years. And because they are also losing audience, they are also losing money as you can well imagine. Those stations have been accumulating yearly deficits. If they had not belonged to very solid financial groups, they would have closed down thus depriving the people of Windsor of a Canadian service. I am sure that you know that there are over 25 radio stations in Detroit that the great majority of the Windsor audience can pull in. 126

And, George Ferguson, General Manager of Radio Windsor Canada Limited and General Manager of Windsor stations CKWW and CJOM-FM describes the uniqueness of the Windsor situation:

Windsor, Ontario lives, works and plays a mere stone's throw from the invisible boundary that separates it from Detroit, the giant metropolis which lies a scant few hundred meters beyond. As a community of two hundred thousand we live in the encroaching and literal shadow of the fifth largest city in the United States; a city more than double the size of Montreal, a city whose Metropolitan population is almost equal to the entire province of Quebec. By size and proximity, by industry and economics, by culture and recreation, Windsor is actually more of a part of Downtown Detroit than a satellite of Toronto.

Each morning, thousands of Windsorites commute to work in Detroit, passing on their way several thousand Detroiters coming to work in Windsor. A trip to Tiger Stadium, the Joe Louis Arena or the Fisher Theatre is shorter from Windsor than from 85 per cent of Metropolitan Detroit. The contiguous context of the two cities achieves ultimate impact on a summer's late afternoon, as the lengthening shadow of Detroit's Renaissance Center creeps

across the gardens of Windsor's Dieppe Park. That extraordinary sight underlines the observation that the international boundary is physically invisible, geographically illogical, but yet emotionally inescapable.¹²⁷

Ferguson then goes on to explain the implications that the proximity of Detroit has on Windsor radio:

If a shadow casts unimpeded across that international demarcation, so will a broadcast signal. A trip up and down the Windsor radio dial will find more than 50 high-quality signals 95 per cent of which are unregulated American stations.

To the Windsor listener, these are not "distant American signals." They are local radio stations where the weather forecasts and temperatures relate to a Windsor listener, and the cultural and sporting events programmed are mere minutes away from the Windsor motorist. The latest research of the BBM puts Windsor listening to Detroit radio, Monday through Sunday at 75.4 per cent of available Canadian audiences. Windsor listening to Detroit radio peaks at an astounding 91 per cent and 91.4 per cent of Windsor Canadian teenage tuning is captured by Detroit radio stations. Windsor's adults of tomorrow are growing up listening to radio with no Canadian content, no Canadian news, no Canadian identity and Fahrenheit temperatures.¹²⁸

Given such exceptional circumstances, the CRTC felt compelled to take some form of action as Andre Bureau explains:

The Commission went to Windsor and held a hearing at the beginning of the year with all of the interested parties; the radio broadcasters, the cable distributors, the owners of the area's television stations, groups which were representative of the Windsor population, producers and all other kinds of people who were nice enough to take part in the discussion. We tried to find out how it would be possible to adapt to the Windsor market, the Canadian regulations on broadcasting. We want to make it possible for

all those stations to be competitive, efficiently and intelligently with Detroit radio stations.¹²⁹

After these hearings, the CRTC issued a public notice called the "Windsor Radio Review" and stated in part that; "The Windsor market has special features unparalleled in Canada which warrants an extraordinary flexible regulatory approach." And the Commission further noted that; "It is willing to attempt to assist the Windsor licensees by taking further steps to counterbalance the heavy Detroit presence in the community."¹³⁰ The CRTC then allowed a change of ownership of all four private Windsor stations CKLW and CKEZ-FM (formerly CFXX-FM) and CKWW and CJOM-FM and granted both FM stations (CKEZ and CJOM) an experimental licence which essentially allowed them to use AM formats on FM. Among other things, this allowed them to substantially reduce their foreground commitments (to around nine or ten percent) as one of the problems that Windsor FM broadcasters encountered in trying to attract Windsor audiences to listen to their stations was that compared to the Detroit FM stations that many Windsor listeners were tuning in to, Windsor FM stations had a substantial amount of talk and because of this fact, many broadcasters feel that the problems experienced by Windsor FM broadcasters is evidence of the ultimate failure of foreground regulations. To illustrate this one need only cite the fact that 82 per cent of the broadcasters surveyed for this study indicated that they felt that the Detroit/Windsor area serves to illustrate the failure of foreground

regulations.¹³¹

In fact, according to George Stirling of Radio Windsor Canada Limited; "This is not radio, this is bureaucratic radio and people are not listening to it. You cannot force a Canadian to do something he will not do. He still has that freedom of choice and it has been demonstrated very vividly in Detroit and Windsor."¹³² And, Pierre Nadeau, Senior Executive Vice-President of the Radio Division of the Canadian Association of Broadcasters notes that:

Detroit gives the indication that Canadian listeners want less talk on radio and more music. Foreground is a form of programming which requires considerable research and which militates against diversity. In more ways than one, people want diversity and this is the lesson to be learned from Detroit.¹³³

But, according to Peter Flemming of the CRTC:

Windsor is a unique situation in Canada; Windsor and Detroit are virtually the same community in many senses - you have in Windsor available to you some 30 stations well financed from a great metropolis versus four Canadian stations from reasonably but not particularly well-financed groups so I don't think you can expect to have really high audiences in those areas because of all the competition. If you do a rock format on FM in Windsor, you have six of them sitting across the river in Detroit.¹³⁴

Robert Laine agrees with Flemming and notes that; "In Windsor, you're sitting in a community of 200,000 and you have all that Detroit radio coming in at you which is strictly out of

economics, better quality than what can be afforded by the Windsor stations."¹³⁵ So therefore, sheer economies of scale work against Windsor broadcasters.

Windsor, Ontario, is Canada's 12th or 13th largest city with just over 200,000 people, while Detroit, the fifth largest market in the entire United States, has over four million people or over 20 times the population of Windsor. Detroit has over 60 radio stations altogether, 30 of which are coming into Windsor and in addition, Detroit is one of the best FM markets in the U.S. with 35 FM stations.¹³⁶ Windsor has six radio stations in total (three of which are AM and three of which are FM). Given such circumstances, it is not difficult to see why Windsor area radio broadcasters were experiencing problems.¹³⁷

In addition, in Detroit/Windsor, an important element which has made Canadian radio a relative success in other parts of Canada and which has made radio a relative success in general - especially when one compares it with Canadian television - is the fact that radio, unlike television is a local medium. And according to Hudson Janisch, a Professor of Law at the University of Toronto; "In radio Canadians can compete because they don't lose out on the massive economies of scale that the Americans have and radio is local. You do get an extreme situation like Windsor, but essentially people are listening to local radio."¹³⁸ However, in the Detroit/Windsor area that

"local" aspect is neutralized because Detroit is in essence considered to be "local" by Windsor residents.

But, besides this problem of the proximity of Windsor to Detroit, Peter Flemming of the CRTC also claims that; "Another thing that happened in Windsor was poor management on the part of the people that were running those stations and so now we have to two different owners and those stations are doing better."¹³⁹ So therefore, according to some broadcasters and the CRTC, the Windsor/Detroit situation is an exceptional case in that Windsor broadcasters operate under conditions unlike those in any other part of Canada. And some broadcasters like Robert Laine and Duff Roman (both part of the CHUM network which currently runs two stations in Windsor CKWW and CJOM-FM) note that the Windsor/Detroit situation is also unique from another perspective as well. Roman explains that; "Windsor/Detroit is an example of the consultative process between the CRTC and broadcasters."¹⁴⁰ Laine agrees with Roman that the Detroit/Windsor area is an example of how the relationship between the CRTC and broadcasters has improved and he also notes that the Detroit/Windsor area serves as an example of the success of consultative process; "Its a recent phenomena, the Windsor broadcasters went in and said we have a unique problem, you can't find it anywhere else in Canada and the Commission responded and reacted to their pleas."¹⁴¹ But there are those who argue that the Detroit/Windsor situation is not unique

and that is only the tip of the iceberg in that Canadians are becoming more aware of the attractiveness of American FM stations and that dealing with Windsor as a unique situation "would be akin to putting a thumb in a leaking dike."¹⁴²

Indeed, such an argument is put forth by the Ontario Ministry of Transportation and Communications (OMTC) who note that the Windsor/Detroit area is not the only area of Canada where substantial numbers of Canadians are listening to American radio.

In fact, the OMTC notes that the results of the extensive survey that it conducted revealed that of 353 listeners contacted in the Sault Ste. Marie region, fully 78 per cent of those respondents listened to American FM radio during a typical week and that in terms of hours of listening, respondents spent 50 per cent more hours per week listening to American FM stations than Canadian FM stations.¹⁴³ The OMTC further notes that the influence of American FM radio and its competitive threat is a problem faced by 44 per cent of all Ontario broadcasters and by almost one-third of broadcasters throughout other parts of Canada.¹⁴⁴

But, according to Peter Flemming of the CRTC:

The government of Ontario looked at Sault Ste. Marie and the St. Catherines/Niagara

region and they said that there was a lot of FM listeners who were listening to American stations but when we looked at the BBM's, what they were listening to were formats that weren't available in the Canadian market.¹⁴⁵

Independent research conducted by the Joint Communications Corporation of Toronto confirms Flemming's assertions as it was found that "contemporary" or "hit radio" (CHR) (commonly known as top 40 radio) formats which are explicitly forbidden by the CRTC on Canadian FM. are the most attractive formats for 18-34 year old FM listeners.¹⁴⁶ In addition, the region was not served by a country FM station and hence many listeners in the region were listening to an American country FM station.

And once again, according to Peter Flemming; "If you look at other markets where American stations are available as well as Canadian, let's say Toronto for example - where you can pick up a number of Buffalo stations, the actual impact of those stations is minimal."¹⁴⁷ (In fact, according to Real Therrien of the Commission, some Buffalo FM stations in an attempt to compete with Toronto FM stations are experimenting with foreground formats).¹⁴⁸ Flemming asserts that the same is true in Vancouver and Victoria:

If you look at Vancouver there's a lot of out of market stations available there but the vast majority of the listeners are listening to Vancouver AM and FM stations, so you have to say to yourself maybe there's a little bit of dribbling out but nonetheless the vast majority of tuning is to Canadian stations.

In fact, Victoria has a real problem with out of market tuning but most of the tuning goes to Canadian not American stations.¹⁴⁹

The authors of the Caplan-Sauvageau Report on Broadcasting confirm Flemmings contentions and assert that:

While Canadian viewing of television stations in the United States is significant Canadian listening to American radio stations is not. Although many American stations can be received in the Toronto and Vancouver metropolitan areas for example, the American station's share of audience in Toronto is only 4 per cent and in Vancouver only six per cent. In the whole country, it is a little under four per cent and has remained at that level for the past five years.¹⁵⁰

But, they do also note that; "A few border communities however have high listenership to stations in the U.S. - almost 60 per cent in Windsor and just over 25 per cent in the St. Catherines area."¹⁵¹ So therefore in summation, it appears that the only areas where there is significant out of market tuning to American FM stations are in communities that are in close proximity to the United States, like Windsor or St. Catherines.

It is interesting to note that in both of these areas, the residents of these regions do not view the American FM stations that they receive as "foreign distant signals." Those American stations broadcast information that is relevant to Canadian listeners and are in many respects "local stations." This is especially true in the Windsor/Detroit area where Detroit stations are considered to be "local" in Windsor while even in the St. Catherines/Niagara region, Buffalo stations are

considered to be local by listeners in that area.¹⁵² So it appears that out of market tuning to American FM stations (and American radio in general) is most likely to occur in smaller border communities where the "local" element has been nullified by the proximity of large American cities.

As previously mentioned though, this out of market tuning does not occur in other Canadian cities like Victoria where a lot of American FM stations are available because in such locales as Peter Flemming correctly notes; "The Canadian stations have an automatic advantage in that they're giving local Canadian news that is more relevant to Canadians."¹⁵³ It appears that the "local" factor works to the advantage of many Canadian FM stations (particularly in cities like Winnipeg, Edmonton, Calgary or Regina in which if there are American FM signals available, they are from cities hundred of miles away) and as aforementioned, helps to partially explain why Canadian radio has experienced less siphoning off of its audiences to American broadcasters than Canadian television has, however, in areas like Windsor and the St. Catherines/Niagara region where American FM radio stations are perceived as "local" stations, significant out of market tuning has occurred.

This is not the only reason why Canadians in these regions have tuned in to American FM stations. Listeners in these regions, partially because of the influence of American FM

stations, perceive FM as primarily a music medium which is a feature of American and not Canadian FM stations. The American FM stations, according to the previously cited OMTC survey, are listened to by Canadians because they feature less talk, more music and a wider variety of music. However, this perception is not held by FM listeners in all regions of Canada, otherwise there would not have been the phenomenal growth that FM radio has experienced in Canada during the past ten years.

The evidence for the growth of FM radio in Canada is indisputable. The number of FM stations in this country has almost doubled from a decade ago (when the CRTC's FM policy was first implemented) from 62 to 120 or from 17 per cent to 27 per cent of the total number of private radio stations while only a handful of AM stations were added in that same period. Today, there are approximately 325 AM stations in Canada which represents 73 per cent of all radio stations in Canada and which also represents a drop from 83 per cent in 1976.¹⁵⁴

In addition, FM revenue has grown an incredible 468 per cent from \$25 million in 1977 to \$142 million in 1984. The growth of AM revenue in this same period has been 69.5 per cent, from \$246 million to \$417 million.¹⁵⁵ This growth in FM revenue has occurred despite the fact the FM band offers broadcasters less potential revenue than AM as FM band stations are only allowed a maximum of 150 minutes a day of commercial

time (advertising) compared with no limits for advertising on AM radio.¹⁵⁶ This restriction on FM advertising is consistent with the CRTC's attempts to differentiate the AM and the FM bands and to create a broadcasting system that is varied and comprehensive.¹⁵⁷ Yet another indication of the growth of FM besides revenue growth can be found in the changing listening habits of Canadians over the past decade.

Surveys by both the CBC and the Bureau of Broadcast Measurement (BBM) show an almost identical trend. The CBC survey indicates that in 1968, FM listening was a mere six per cent of the total radio audience. The growth of FM was slow over the next six years. By 1974, FM listening had climbed to 16 per cent in small yearly increments. Between 1974 and 1978, there was virtually no change (from 16 per cent to 18 per cent) but in the next few years, FM listening underwent an explosion. In 1979, listenership jumped a full six per cent to 24 per cent of all radio listening while AM still commanded 76 per cent of the audience. In 1981, FM had climbed to 30 per cent of the total audience and in 1982 it reached 35 per cent. So according to the CBC figures, from 1968 to 1982, FM listenership increased nearly six fold with most of that increase in the latter four years.¹⁵⁸

The BBM figures which cover 1978 through 1983 are almost identical. They show FM listenership in 1978 at 19 per cent

growing to 36 per cent in 1982. The BBM survey is more up to date than the CBC figures as it also includes 1983. According to the BBM's, the FM share of total radio listening rose to 38 per cent.¹⁵⁹

The BBM survey contained another important indication of Canadian listening trends. It measured the FM reach among the population - the percentage of the population that tuned to FM for even a short period as opposed to a percentage of total listening hours. Here the BBM found an even greater trend towards FM listening in the years 1978 through to 1983. In 1978, the FM reach was 34 per cent, by 1983 it had climbed to 56 per cent.¹⁶⁰ (Back in 1970, FM's reach was a mere 13 per cent, in 1971 it was 15 per cent, in 1972 it was 17 per cent and only a mere 18 per cent in 1973.)

And in addition, in many markets across Canada, FM stations are number one in their markets. The success of FM has been greatest in urban markets particularly in Montreal (where FM has captured 54 per cent of the audience), Ottawa (where FM has captured 50 per cent of the audience) and Toronto (where FM has captured 47 per cent of the radio audience). But having said this, it must be also noted that the growth of FM appears to be, at least up to this point in time, by and large regional.

In fact, according to James McLaughlin, Vice-President of

Moffat Communications Ltd. of Winnipeg; "The growth of FM remains regional. The penetration of FM in Regina is still very small."¹⁶¹ The same can be said of Winnipeg and the Maritime Provinces where penetration of FM is also limited.¹⁶² Despite the limited penetration of FM in some regions of Canada, overall FM radio in this country has progressed tremendously in the past ten years. As the authors of the Caplan Sauvageau Report on broadcasting note; "The substantial growth in listenership, revenues and profits that has occurred in FM radio has been achieved in spite of the heavier regulatory expectations on FM."¹⁶³ Andre Bureau, Chairman of the CRTC finds this to be an intriguing development; .. "Across Canada FM stations, despite the detailed regulations are now number one in their markets which is a very interesting precedent."¹⁶⁴

In fact, the CRTC itself argues that part of the phenomenal growth of FM can be partially attributed to the detailed regulations (like foreground) that they imposed on FM stations and that this phenomenal growth is in fact evidence of the overall success of the Commission's FM policy.

Such an argument is put forth by Jim Robson of the CRTC who notes that; "I would expect that the FM policy had more than a

little bit to do with the dramatic growth of FM radio in this country over the past ten years or so."¹⁶⁵ Robson feels that the CRTC's FM regulations (including foreground) have been a "contributing factor" to FM's success. But, Brian Gordon, Manager of the Cable Broadcast Office of the Ontario Ministry of Transportation and Communications expresses the opposite view; "It is our contention that the bulk of the success of FM's growth in the last ten years has been in spite of the regulations and not because of them."¹⁶⁶

And to prove its contention that FM in Canada has grown "in spite of" regulations like foreground, the OMTC and others who argue that the CRTC's FM regulations have proven to be a burden or a hindrance for FM operators cite the growth of FM in the United States to prove their point.

In the U.S., FM has grown at a much greater rate than in Canada. FM radio in the U.S. has approximately 66 per cent of total radio listening which represents a 47 per cent increase since 1977.¹⁶⁷ It must be noted that such a comparison is misleading because while FM stations in the U.S. represent 49 per cent of all stations, in Canada, only 35 per cent of all stations broadcast on the FM band.¹⁶⁸ But, besides this difference, Canadian and U.S. FM stations are different in many other ways as well.

For example, FM operators in the United States function in a less restrictive regulatory environment than their Canadian counterparts - in fact U.S., FM stations are currently operating in a deregulated radio environment which is still undergoing changes.¹⁶⁹

In order for a station to receive a licence in the United States, an applicant has to prove it has investigated the community through "ascertainment." Having adduced the needs of the community, the applicant is expected to propose programming that meets those needs and requirements.¹⁷⁰ But, in reality this commitment usually translates into news and public affairs programming which is oftentimes buried at 3:00 in the morning as the Federal Communications Commission is reluctant to specify when such material should be broadcast.¹⁷¹

And U.S. FM stations can change formats virtually overnight - in fact a successful radio station can find its format copied overnight by others in the same market. This cannot happen in Canada where a change in format requires approval from the CRTC.¹⁷² In addition, U.S. FM broadcasters are not bound by hit to non-hit requirements, advertising restrictions, foreground or mosaic requirements or any type of content quota like Canadian content.

In fact, according to the Federal Communications Commission

(the U.S. broadcast regulatory which performs some of the same functions that the CRTC does in Canada) regulations like foreground would not be allowed in the United States because of the non-censorship provision of The Communications Act.¹⁷³ In other words, in the U.S. regulations like foreground could not be allowed because they would in effect place "prior constraint" upon broadcasters which could be interpreted as censorship by U.S. courts and therefore this helps to explain why broadcasters in the U.S. cannot be told when to schedule their news and public affairs programming and why the FCC has been reluctant to suggest that they schedule specific types of programming lest they be called a censorship board, something which is explicitly forbidden in The Communications Act.¹⁷⁴ Such a regulatory environment helps to explain the development in the U.S. of what is commonly known as "raunch or Shock radio."

In dozens of cities across America today, morning radio is riding high on what has been called "a wave of stupidity." Eager to be taunted and titillated, millions of listeners are tuning in rock deejays who specialize in stretching the boundaries of bad taste and "shock radio" is the end result.¹⁷⁵

The critics dismiss "shock radio" as filthy and offensive, loaded with racial and sexual innuendo. In fact, the humour is

so loaded with potentially offensive material that only a small percentage of the most widely quoted jokes could be printed in a newspaper. However, in U.S. radio, anything goes whether the laughs come from jokes about sexual misadventures, the Catholic Church, ethnic minorities or mass murder.¹⁷⁶ In Canada, unlike the United States, "shock radio" would never be allowed to develop.

Another major difference between Canadian and American radio is that in the U.S., AM stations are shifting more and more towards talk-news formats and away from music. In Canada (as one shall see in greater detail in the course of this chapter) many AM stations, like CFTR Toronto or KY-58 Winnipeg, are experiencing success with music formats and many other Canadian AM stations are putting an increased emphasis on music by featuring music sweeps - more rock, less talk formats.

On AM radio in the United States, on the other hand, according to Tony Viner of Rogers Broadcasting; "With a couple of exceptions, there are virtually no AM music based stations in the top five significant markets in the U.S."¹⁷⁷ And according to Paul Ski, General Manager of CFUN Vancouver; "There is evidence that in a less regulated environment, such as in the U.S., music programming on AM has difficulty competing with high fidelity stereo on FM."¹⁷⁸ And indeed the evidence speaks for itself.

For example, in New York City, three of the top ten stations are AM; all three of those are news or news/talk formats.¹⁷⁹ In fact, WABC-AM New York, once one of the most important rock stations in the country itself recently switched to an all-talk format.¹⁸⁰ And in other cities like Baltimore, the only AM in the top ten is newstalk.¹⁸¹ The same is true in Miami where the only AM among the top ten is news/talk.¹⁸²

In Houston, Texas, there are no AMs among the top ten.¹⁸³ In New Orleans, the top eight stations are all FM. The number nine station is an AM news/talk.¹⁸⁴

In Cleveland, the top eight stations are FM and the ninth and tenth highest rated stations in the city are AM stations which are news/talk stations, who combined, account for only 12.8 per cent of the hours tuned among the top ten.¹⁸⁵

So, in other words, of the hours tuned to the top ten stations in Cleveland, 87 per cent are tuned to FM stations.

In Dallas, again eight out of the top ten stations are FM and 81 per cent of the hours tuned to the top ten are to FM stations.¹⁸⁶

And in many other cities in the United States, there is no

AM among the top stations. These include cities like Tampa, Sacramento, Norfolk, Rochester, Oklahoma City, Birmingham, Orlando and Jacksonville.¹⁸⁷ There is no AM among the top five stations in any of these cities.

So, in an attempt to compete with FM, AM stations in many cities throughout the United States are narrowcasting (i.e. broadcasting to a specific, narrowly defined target audience). There are big-talk stations, all news stations, all weather stations, all sports stations, all comedy stations, all jazz stations, all classical stations, all religious stations and some beautiful music, rock and country stations.¹⁸⁸ There is even an all-game show station, while an AM station in Texas recently decided to play wall to wall Beatle's music.¹⁸⁹ Sandy Sanderson, Vice-President of AM programming and programming director of CFTR Toronto explains why AM radio has developed in this manner in the United States; "In the U.S., FM was allowed to copy AM. And when that happens, especially in music formats, there's no contest. The technical superiority of FM is so pronounced that its impossible to compete on a record for record basis.¹⁹⁰ So, the end result was that in the United States, in order to survive, many AM stations have switched (are in the process of switching) to non-musical formats or to formats in which music is not the primary element. The other development that has occurred in the United States as a result of allowing FM stations to copy AM stations

is that AM stations in the United States have experienced a severe decline in their listenership.

In fact, in the United States today, 4,754 AM stations share 29 per cent of the listenership; 3,658 FMs command 71 per cent of the listeners.¹⁹¹ So this in effect means that the average FM station in the United States attracts more than three times the listenership of the average AM. Such a development has prompted some observers like Roy Hennessy to note that unlike the situation in Canada, "AM in the U.S. is absolutely dead."¹⁹²

In fact, according to James McKinney, Chief of the Mass Media Bureau of the Federal Communications Commission:

The Commission (the FCC) has assumed all along that as FM grew and expanded it would bring in new markets and that AM would continue to be successful. That has not happened. There aren't many more people listening to radio than there were ten years ago. FM has expanded at the expense of AM.¹⁹³

So, in the United States, FM radio stations are in fact thriving at the expense of AM stations. In fact, they are thriving to such an extent at the expense of AM that broadcasters and U.S. government communications policy makers have been forced to scramble to develop plans that will stop the decline.¹⁹⁴

In Canada, although AM broadcasters have realized a decline

in audience and revenue because of the rise of FM as Pierre Nadeau of the CAB correctly points out; "AM has lost audience but not to the extent that it has in the United States."¹⁹⁵ And according to one FM broadcaster who appeared at public hearings conducted for the recent task force on broadcasting:

The situation in Canada should be contrasted with that in the United States where FM and AM have been virtually deregulated, with the results being that in most major U.S. markets over 70 per cent of the tuning is to FM stations and in some cases as high as 80 per cent or more. This results in a serious deterioration in the quality of AM radio without contributing to diversity in the marketplace.¹⁹⁶

And although Canadian AM operators like their U.S. counterparts, have experienced a decline in listenership and revenues, in Canada, unlike the U.S., Am still accounts for 75 per cent of total radio revenues of \$559 million.¹⁹⁷ And, according to Alan Watters of CHUM FM LTD.; "AM radio is coming back quite nicely from its unhealthy state in recent years."¹⁹⁸

So therefore, in effect as one FM broadcaster correctly points out; "The benefit of current FM regulations is that they have permitted AM radio in Canada to remain healthy, strong and to provide tremendous service in all markets across Canada."¹⁹⁹ And once again, according to Paul Ski of CFUN-AM Vancouver; "FM's development in Canada has prospered in concert with AM partly because of the Commission's regulations which have ensured the balanced growth of both radio

services."²⁰⁰ Robert Laine of Q-94/1290 FOX in Winnipeg agrees that FM regulations like foreground have helped keep the AM band healthy and also believes that the regulations have in fact contributed to the diversity of the Canadian broadcasting system. Laine comments on the implications for the Winnipeg radio market if foreground regulations were not in place; "I suggest to you that the top two stations would be FM. And it would have happened a while ago and AM stations like CFRW or CKY would be in serious trouble because a majority of their air time is devoted to the playing of music."²⁰¹ And even Milt Hamerlink of the Ontario Ministry of Transportation and Communications is willing to acknowledge that; .. "The FM regulations as they have been put in place have provided somewhat of a softer landing, if you like - an easier transition period for AM than would be the case without them."²⁰² So in summation, it can be said that one of the ancillary benefits of FM regulations like foreground is that they have helped to keep AM as a financially viable entity as FM operators may have increased their revenues even more than they already have had they not had to allocate funds to fulfill foreground requirements. In fact, Hudson Hanisch of the University of Toronto comments .. "That's where FM operators go bananas, its foregone earnings that they could have had if they did not have to adhere to regulations like foreground and if they'd been allowed to use FM as a great big jukebox..²⁰³ Indeed, in the United States, unlike Canada, FM is used as a "great, big

jukebox." FM stations in the United States play wall to wall music with very little spoken word or public affairs programming.

In fact, according to Harvey Glatt of CHEZ-FM Ottawa; "If you go from market to market in the United States, you hear the same type of FM stations from market to market, they're almost interchangeable, they don't say much, they avoid news and if somebody wants news, they must switch to another station."²⁰⁴ Therefore in the United States, because of the fact that the FM band is used predominantly for music it is on the AM band where most spoken word programming can be found. And hence, in the United States, AM is the talk medium while FM is the music medium but whereas the difference between AM and FM in the U.S., can be characterized simply by music and talk, the differentiation between AM and FM in Canada is more complex.

Unlike the U.S. where AM is primarily a talk medium, in Canada there are still many AM broadcasters who predominantly feature music as part of their programming schedules and who are relatively successful. Stations like CKNW, CFUN and CKLG Vancouver (in 1984, CKNW was Vancouver's ratings leader) CFRN and CHED Edmonton, KY-58 or CKRC Winnipeg (In 1986 KY-58 was the ratings leader Winnipeg) CHAM Hamilton, CFGO or CFRA Ottawa and CHUM-AM or CFTR Toronto (In 1986, CFTR was the ratings leader in Toronto followed by CHUM-AM). In addition to these relatively

successful music oriented AM stations there are also successful information oriented stations like CFRB Toronto, CJAD Montreal or CJOB Winnipeg. And, according to Paul Ski of CFUN Vancouver; "Based on the current rules, AM radio in Canada continues on a stable course, by adapting, researching and servicing a variety of programming niches; nostalgia formats such as "The Music of Your Life", "oldies - based Adult Contemporary, full-time gold music formats, Top 40 and information personality hybrids."²⁰⁵ And thus, AM radio in Canada is much different from AM radio in the United States.

Another difference between Canadian and American radio, is that in Canada, unlike the U.S., AM and FM stations can be distinguished partially by their spoken word programming. This is an important distinction because as Peter Shurman, President of the Radio Division of Standard Broadcasting correctly notes; "We believe that the spoken word by and large in radio in general, not only in Canada but in North America and the entire world is the way. The spoken word is the differentiation between any two stations at this point because music is too fluid right now."²⁰⁶ And because of regulations like foreground this holds true in Canada much more so than in the United States.

In fact, unlike the United States, in Canada, one of the major distinctions between AM and FM radio is that on AM radio

in general (excluding the CBC) the spoken word is for the most part, unstructured or free form spoken word in a rolling format and hence can be characterized by open-line talk shows, D.J. banter, contests, advertisements, frequent time, weather and road checks and fast up to the date information which keeps the listener informed about local, national or international developments. And in fact, the strength of AM radio is that it is fast, flexible and generally very accurate and reliable.

FM radio in Canada, on the other hand, has a less frantic, more easygoing and more structured pace than AM does and it can be characterized by its more informed and better prepared spoken word programming. Whereas AM is sometimes likely to "chatter" at the listener, FM is more likely to speak knowledgeably to the listener with programming that is well researched and documented. The programming found on FM generally requires more attention from its listeners than AM does primarily because of foreground requirements.

In fact, this is one of the reasons why many foreground programs are scheduled on Sunday nights. If one listens to an FM station in almost any given market in Canada on a Sunday night, one is more than likely to hear foreground programming principally because this is a time when listeners are willing or are able to spend a longer span of time listening to the radio. In general, then FM radio presents more though provoking,

stimulating and innovative programming that AM radio and it also generally presents more background information about issues, people and places than AM radio does.

For example, if one wants to hear more detailed information or a more in-depth analysis of certain issues or topics or if one just wants to be presented with more information about one's favourite group or artist, then one need only listen to FM radio as Real Therrien, Vice-Chairman of the CRTC explains:

If you listen to AM and you hear a singer, you don't know who's singing, and what the artist has done - the song comes out of the blue, its popular, its sung by so and so - you don't get any background information about the artist.

When we speak about sports, we know where the guy comes from and how many touchdowns or goals he has - the same thing should happen to the artist, foreground programming helps to give exposure that artists and performers do not receive on AM radio.²⁰⁷

In fact, many programs produced to fulfill foreground programming requirements have provided information about artists, performers and personalities, information which is generally not heard on AM radio.

For example, CFMO Ottawa, features a program called Insight which consists of in-depth backgrounding and interviews with various personalities.²⁰⁸ Q-94 in Winnipeg features a similar program in its schedule called in Winnipeg and many other stations across Canada feature similar such programming.

In addition, many stations across Canada feature "Musictorials" or "Star-sets" which focus on one group, artist or even musical genre.

For instance, CISN-FM Edmonton, has achieved success with such programs not only in Edmonton but across Western Canada as many of its "musictorials" have received exposure through the facilities of Broadcast News and have been picked up for airplay on other radio stations in areas such as Red Deer, Calgary and Saskatoon.²⁰⁹ And according to Bruce Weaver, Program Director of CJYC-FM in St. John's Newfoundland, his station has received favourable responses to their fifteen minute foreground feature called "Mini-concerts" which are a fifteen minute block featuring a running theme or a single artist and Weaver also notes that; "Through our BBM responses more and more people are saying that one of the things that they enjoy about CJYC-FM are the mini-concerts throughout the day."²¹⁰ Other foreground programs have helped give exposure to Canadian artists and to the Canadian music scene in general. This is duly noted by Douglas Rawlinson of Rawlco Communications of Calgary; "Foreground is especially good for featuring Canadian artists and for promoting new artists."²¹¹ And there is evidence to support such a claim.

For example, CING-FM Burlington has run hour long interviews with Lucille Star, Priscilla Wright, Little Caesar

and the Consols, Bobby Curtola, Burton Cummings, The Bells and others. In addition, the station has traced the history of Canadian music and Canadian record companies.²¹² An CJAX Edmonton broadcast a program from one of the biggest country clubs in Edmonton called "live from Cook Country." This program usually features Canadian country entertainers and provides them with valuable exposure.²¹³ Many other FM stations across the country feature similar live simulcast programs or tape-delayed programs (like CKRA Edmonton's Take One Program or 97 KIS-FM Winnipeg's "Live at Night Moves".) In addition to these kinds of programs, many FM stations produce highly successful public affairs or magazine programs to fulfill their foreground commitments.

Such stations include 92 CITI FM Winnipeg which produces "CITI Life" magazine and CJAY-FM Edmonton which produces the highly rated public affairs program "Stereotypes."²¹⁴ And once again, CISN-FM Edmonton has achieved success with its public affairs program called "Inside Story". In fact, the station has received excellent ratings for the program and has received commendation for the program from such groups as the City of Edmonton Fire Department, the City of Edmonton Police Department, the Unitarian Service Committee and various other groups.²¹⁵ And finally, according to Peter Flemming of the CRTC:

CHEZ-FM Ottawa features some good in-depth programs like CHEZ Ottawa at noon or their afternoon program at 5 p.m. called In the City. Both are quite interesting, well produced programs which provide the listener with in-depth information. And there are lots of other examples of that. Most major markets have at noon hour or at one PM an hour long news program which are usually very interesting.²¹⁶

Of course, besides these kinds of programs, there are many other programs which are produced to fulfill foreground requirements.

For example, there are innovative programs like CING-FM's Second Time Around in which two versions of the same song would be played back to back and then the two versions would be compared (for example Glen Miller's version of Blueberry Hill and Fats Domino's version of that same song).²¹⁷ And CKRA Edmonton has experienced success with an innovative daily two hour program called People's Choice which takes approximately three to four hours to prepare and which has received excellent ratings.²¹⁸

People's Choice asks listeners to call the station and suggest a theme. The station then picks out music that is compatible with its format and that listeners have picked out and try to develop themes out of it.²¹⁹ For example, the theme might be the Casby Music Awards and the program would then focus on some of the musicians who played at the Casbys and would then possibly also examine the state of the Canadian

alternative music scene.

In addition, besides these innovative kinds of foreground programs, other foreground programs that have been produced by Canadian FM stations include comedy programs like "The Comedy Bowl: which is featured on CKRA Edmonton and which is pure spoken word comedy²²⁰ or "The Comedy Show" which is featured on CJAY-FM Edmonton. Other stations have experienced success by running old radio programs from the "Golden Age of Radio" (such programs do qualify as foreground) to fulfill their foreground programming requirements. To this effect, Warren Cosford, Special Projects Director the the CHUM group notes that:

In 1976, when I was programming CHUM-FM, I was looking for some old radio dramas on Sunday nights - "The Shadow" and shows like that - and they turned out to be a terrific success and we drew many new listeners from all age groups and Theater of the Mind became one of our highest rated time slots.²²¹

And today, many other stations across the country have realized success in this manner.

And, finally, as was noted earlier in this chapter, many stations schedule syndicated foreground programs in their line-ups. Programs like: Opry North, Discomentary, The Rock Journal Rock Talk, Sunday Sunday, Off the Record, Big Country, Countrymentary and Country Music, the Human Experience. Therefore, in light of these and the previously cited examples, Peter Flemming of the CRTC would appear to be correct in his

observation that: .. "On balance there's enough good programming that came about as a result of foreground regulations that probably wouldn't have occurred otherwise."²²² And it must be reiterated that many of the foreground programs previously mentioned have also achieved high ratings and in fact, some Station Managers note that it is precisely because of foreground that listeners are tuning in to their stations as Vince Demaggio, General Manager of Edmonton station CJAY-FM points out: "CJAY-FM with the highest foreground commitment and mosaic commitments in Canada has developed a large and loyal audience and it was our foreground programs, programs such as "Stereotypes" that attracted our largest audiences."²²³ There is also some further evidence to suggest that many radio listeners are attracted to FM radio because of the programming and pace of FM, especially when compared with AM radio.

For example, an ancillary finding of a recent study of 500 Winnipeg radio listeners conducted by Angus Reid and Associates (for Rawlco Communications of Calgary to determine the feasibility of establishing another FM radio station in the City of Winnipeg) revealed that a large percentage of respondents felt that the music and programming found on FM is superior to the music and programming found on AM radio.²²⁴

In fact, according to one respondent: "AM is too commercialized. You only get one song and then you get a whole

bunch of talking and commercials and then a half an hour later you get another song."²²⁵ And according to another respondent:

I'm an FM listener basically or I listen to my own country music. I don't listen to AM at all.

I think there are less commercials on FM. FM definitely has much more quality music and FM stations have a lot more information about the entertainers that they are playing.²²⁶

In addition, Angus Reid himself observes that in the last ten years the audience for FM in Winnipeg has tripled because:

.. "As baby boomers age, they're taking a preference for FM radio with them."²²⁷ So, there is in fact evidence to suggest that the programming on FM and particularly foreground has been at least partially responsible for the gradual shift of AM listeners to FM, at least in the Winnipeg market. There is also evidence that foreground programs have attracted audiences, especially quality foreground programs, but as it was previously pointed out in the course of this chapter, part of the problem is that not enough good quality foreground programming has been produced partially because of the time and resources that broadcasters must expend to produce good quality foreground programming.

In fact, one can draw a parallel with the problems faced by private television broadcasters in producing quality Canadian programming and the problems FM broadcaster face in attempting to produce quality foreground.

Television broadcasters (particularly private broadcasters) complain that producing quality Canadian content takes up too much of their time and resources. Many private FM broadcasters voice the same complaints about foreground programming. But, in the case of television, it has been proven that when quality Canadian programming is produced, Canadians will watch such programs (i.e., programs like Charlie Grant's War, Seeing Things, Anne of Green Gables, Tramp at the Door etc.). The same principle holds true for foreground programming - when quality foreground programming is produced (i.e., programming that fulfills the spirit and the letter of the law) then people will listen to it. Such an observation is made by a representative of CKIK-FM Calgary: "Quality foreground programs will always attract listeners, as will quality radio overall."²²⁸ Peter Flemming of the CRTC agrees with such an observation and also notes that:

We've looked at some BBM numbers, we haven't done a rigorous study, but we've taken a number of stations and followed the BBMS and charted the audiences and the share and then marked in where foreground is - it really depends on the program. If you have a Beatles special on you're going to get a good audience if you've got an underpaid jock who is talking about his personal preferences, you're going to turn off a lot of people. If you have a good public affairs magazine program, you're going to lose some of your audience that is there for the music but you're going to gain other audiences that comes for that public affairs program.²²⁹

Harvey Glatt of CHEZ-FM Ottawa illustrates Flemming's point when he notes that:

We have a program at noon, that runs for an hour - its strictly a magazine type program and our ratings don't suffer because of it - maybe some people who are in a music mood at that particular time will switch to another station but a lot of other people tune in to our station because its really a good quality magazine type program.²³⁰

And according to Danny Kingsbury, Program Director of 92 CITI-FM Winnipeg commenting on his station's major foreground undertaking a public affairs program called CITI-LIFE magazine:

I can go to the newsroom and spare 3 staff members plus a producer to work 4 hours a day on one half-hour of programming and it sounds like they're working 4 hours a day on this one half-hour of programming or I could get on of our staff to play 3 Supertramp songs, read a card for 2 minutes and get credit for it - you get the same thing out of it as far as complying with the regulation - it doesn't matter how you do it as long as it fits the definition of foreground.

You have approximately 25 hours of foreground to program in a week, so you can do 25 hours a week of CITI-LIFE magazine or 25 hours a week of Supertramp starsets or whatever you want - it doesn't matter how you comply just as long as you fulfill that 25 hours, but we'd rather spend four hours on one half hour program because we think its quality broadcasting.²³¹

This is the type of attitude that the CRTC would like to see from ALL FM broadcasters but unfortunately, as previously pointed out, some broadcasters would rather try to find ways to avoid foreground regulations, some broadcasters genuinely don't understand or have misinterpreted the CRTC's definition of foreground while some broadcasters simply don't have the resources to produce the amount of quality of foreground programming that the CRTC would like to see. And, because of

this broadcasters admit that this results in a great deal of idle talk or fill-in talk, which is scheduled simply to fulfill the CRTC's foreground requirements but which has no significant value (i.e. programming which fulfills the letter and not the spirit of the law).

In fact, according to the Ontario Ministry of Transportation and Communications (OTMC) broadcasters believe that it is the idle talk which causes listener dissatisfaction, creates boredom, reduces the quality of FM programming and increases costs.²³² And once again, according to the OMTC, broadcasters feel that FM radio would be more attractive to listeners if they were able to substantially reduce the amount of airplay that is devoted to idle talk and broadcast only meaningful talk, news and information.²³³ But, regulations like foreground are in fact meant to stimulate the production of programs which feature "meaningful talk" and not just "idle chatter."

And in fact, because of foreground program requirements, there has been an increase in the amount of programs which feature "meaningful talk" - in other words, there has been an increase in the amount of quality programming on FM radio because of foreground regulations and this programming in turn helps to distinguish the AM from the FM band. This is especially apparent when one compares Canadian radio with U.S.

radio as Robert Laine notes; " There is a lot of excellent talent in the United States, but as far as programming is concerned, they can't hold a candle to what goes on in this country. Far more innovative and interesting programming is happening in Canada than anywhere else in the world."²³⁴ And according to Gord Rawlinson, President of Rawlco Communications; "Radio in Canada is unquestionably superior to radio in the United States. In Canada, we have diversity and balance by having AM and FM sound different."²³⁵ And, one of the major distinctions between American and Canadian radio and between AM and FM radio in Canada itself is the existence of foreground regulations.

In fact, it can be argued that because of foreground regulations, FM radio in Canada has in effect evolved (or is in the process of evolving) into "research radio" - radio that emphasizes programming which has form and structure and which is thoroughly prepared and documented. "Research radio" is indeed foreground radio, radio which requires or demands a greater degree of concentration and attention from the listener and radio which is more in-depth and analytical than its AM counterpart. Even Pierre Nadeau of the CAB is willing to concede as much; "One of the byproducts of the FM policy is that it helped develop a kind of radio that is substantially different. We do have a more in-depth type of radio on FM."²³⁶ But Nadeau is not certain that this is such a

positive development:

The regulations (foreground) really forced surveillance stuff onto the AM band and the entertainment aspect and high brow things on FM. In a certain way, we're unconsciously saying to the people that FM is high class radio. The CRTC has done that and that perception has been reinforced by the quality of the sound on FM as compared to AM - I'm not totally sure that its a good thing but we're locked into it.²³⁷

The CRTC counters such allegations by noting that there is nothing elitist or "high brow" about public affairs programs or music magazines. The Commission also notes that there is nothing elitist about trying to cater to minority tastes that aren't being served on the radio. Peter Flemming of the CRTC explains:

... There's a significant minority that don't get served so what we wanted to see was that those people who wanted a little bit more would have the opportunity some time during the programming week.

Don't forget, it wasn't 50 per cent or 100 per cent of the programming day, it was only 20 per cent (and now its even lower than that and the argument that comes back from broadcasters is that the CBC does that but the CBC only does certain things, for instance, if you're a rock fan and you want to know a little more about what's going on in rock music or what the transition is from blues to rock - you're going to hear largely classical music and jazz and largely information programming as you only have a certain amount of local time. So, what I'm trying to say is that I don't think that its elitist to ask people to do their best and I don't think its elitist to say that there are significant minorities who aren't being served on radio.²³⁸

But, whatever the case may be (its basically a very subjective judgement whether one believes foreground regulations are high brow or not) what is certain is that since the implementation of foreground regulations, the quality of FM radio programming has improved and compared with FM radio in the United States, Canadian FM is more diverse, more imformative, more stimulating and more entertaining. Even Pierre Nadeau agrees that FM radio in Canada is better than U.S. FM radio; "There is no question that we have a better radio using the FM criteria."²³⁹ And part of the reason for this difference is the existence of foreground regulations. But, besides spurring the development of innovative, entertaining and quality programming, foreground regulations have helped contribute to the diversity of Canadian broadcasting - they have helped to create a broadcasting system that is "varied and comprehensive" by helping to differentiate the AM and the FM band. But, it must be noted that this is not the only means through which the CRTC has attempted to achieve diversity in Canadian radio.

In fact, in order to attempt to achieve diversity in Canadian radio, besides initiating foreground regulations to differentiate the AM and the FM band, the CRTC has restricted entry into the FM market in Canada,²⁴⁰ has initiated hit to non-hit and maximum repeat factor regulations,²⁴¹ has limited the amount of advertising on FM²⁴² and has regulated music formats on FM.²⁴³ Through these measures, the CRTC

has attempted to create a radio broadcasting system that is "varied and comprehensive" by in effect, "regulating diversity."

The CRTC's approach can be contrasted with the approach used by the American broadcast regulator, the Federal Communications Commission which feels that diversity can be attained through the marketplace - that one can bring about a radio broadcasting system that is "varied and comprehensive" by licensing a plethora of stations, as the FCC has done on the FM band. The Americans believe that the more you divide the spectrum, the more choice you will get. There are some observers in Canada who argue that the CRTC's "regulated diversity" approach should be replaced with the American "marketplace approach."

In fact, the Ontario Ministry of Transportation and Communications recommends that; "The regulated diversity approach inherent in the FM policy and regulations be abandoned in favour of a flexible approach to achieve diversity based on market demands."²⁴⁴ The OMTC found that 66 per cent of 100 senior FM broadcasting executives that were interviewed in their survey preferred to operate in a deregulated environment.²⁴⁵

Concerning its regulated diversity approach, the CRTC in its 1975 FM policy outlines why it opted for such an approach compared to the "free-market" approach adopted by the FCC:

The free market model would have the future of FM programming shaped by the forces of the market place. In theory, given enough frequencies and a sufficiently large population base, there will be entrepreneurs willing to serve even minorities. Regrettably there are few places with both enough frequencies and enough population for this to happen. For it takes quite a number of stations for even a reasonable range of diversity to occur, due to a clustering effect around the most profitable formats.

Those North American centres that can be said to have "enough service for everyone" are New York, Chicago, San Francisco and Los Angeles. In each of these markets, more than 50 signals are available (and in fact required) to force the market to develop minority services. Nowhere in Canada's largest cities are 50 signals available, no major Canadian market will "naturally" get a full varied and comprehensive service.

In short, one needs an extraordinary amount of competition before one gets a truly diversified service.

There is the other phenomenon that competition especially in small markets, tends to reduce diversity. Where a single station could afford a certain amount of "tune-out" for minority programming, the addition of a competitor not only causes both to compete with similar programming for the largest share of the market, but causes the elimination of minority programs for fear of "tune-out."

So, in summation it can be said that the free market model was rejected because;

1. There was an insufficient number of frequencies generally available, nor the population to support them.
2. The addition of new stations in the period from 1960-1973 had not generally, naturally and of itself increased the amount of relevant choice to the public.
3. With increasing audience levels, FM stations had become less distinct from AM and were duplicating AM content and formats, or else reducing their programming activity more and more to a background music function.²⁴⁶

Thus the CRTC feels that the "regulated diversity" approach that

it has adopted is more appropriate for Canada (given the circumstances prevailing in this country - i.e. the smaller markets in Canada) than the "free-market" approach of the Americans.

Concerning the CRTC's policy of differentiating the AM and the FM bands, Jim Robson of the CRTC notes:

The whole point of the FM policy is that there be a distinctive radio service that is in many respects unlike AM. If all of a sudden you take the wraps off all of the FM regulations, then you would just have a complete mishmash of radio stations, with the labels being dropped. And I suggest that this would create a very different environment than is presently the case. The whole purpose of the FM policy was to make it distinctively different within the market.²⁴⁷

So therefore the CRTC feels that differentiating AM and FM through means like foreground, helps to provide a "varied and comprehensive service."

Concerning deregulation, once again, Jim Robson of the CRTC notes:

Now calling for deregulation is a relatively easy thing to do. I wonder if we were to deregulate completely, all the rules off and all the protection is gone, how long it would be before the broadcasting fraternity would come back to the Commission or some other body and say "well you know we wanted some relief, but this is ridiculous because so and so has completely stolen my market and I need some help."²⁴⁸

In fact, to illustrate Robson's point, one need only cite the

fact that in the previously cited survey that was conducted for the OMTC in which 66 per cent of broadcasters interviewed indicated that they favoured deregulation, 47 per cent of those same broadcasters indicated that they also felt that the regulation limiting the number of stations permitted in each market has had a positive effect on their ability to compete and helps to create diversity ²⁴⁹ So, it appears that in reality Canadian FM broadcasters have a schizophrenic attitude when it come to the issue of deregulation.

It must be noted though, that the CAB, the organization that represents a majority of broadcasters, like the OMTC, also rejects the CRTC's "regulated diversity" approach. In addition, the CAB opposes the CRTC's interpretation as to what constitutes a varied and comprehensive system and the means by which the CRTC has attempted to achieve its version of diversity. Pierre Nadeau of the CAB explains:

The Act states the broadcasting system should be varied and comprehensive, they said in the policy that radio should be varied and comprehensive, they said FM, not radio and not the system should be varied and comprehensive, they said that in the policy, so already they've stretched it to a second step and then they've added that it must be varied and comprehensive in general and in relation to one another. Now you're getting pretty far away from the idea that the system should be varied and comprehensive.

They also state that the private FM stations in each market should be varied and comprehensive. Then they're saying that programming on each station should be varied

and comprehensive. You know how they implement this By syndicated material, by specific music requirements and by having quotas for spoken word.

Then, they stretch it even further and say that music and spoken word should be varied and comprehensive, not just the programming, but the music and spoken word ... In the final analysis, they're a long way from their statutory requirement.²⁵⁰

Nadeau further explains that this interpretation of "varied and comprehensive" by the CRTC led to the formulation of foreground; "Foreground is within the CRTC's mandate because of the vague reference in the Broadcasting Act to "varied and comprehensive" but if you basically read the act, you would never think that this is what was meant - its a long way from "varied and comprehensive" to foreground".²⁵¹ Nadeau goes on to also explain that he feels that foreground regulations have contributed to a "varied and comprehensive" radio broadcasting system by helping to distinguish the AM and FM bands but he also notes that; "The only thing I disagree with is the fact that the CRTC has said that the only way to contribute to diversity is this way and all other ways are excluded."²⁵² So Nadeau and the CAB do not necessarily disagree with the objective of trying to achieve a "varied and comprehensive" broadcasting system they just oppose the "regulated diversity" approach that is favoured by the CRTC. It is also interesting to note that in regards to deregulation, Nadeau himself admits that the long term profitability of Canadian radio broadcasting depends more on the Canadian economy

than on deregulation.²⁵³ But, despite the contentions of Pierre Nadeau and the OMTC, there are many who support the CRTC's "regulated diversity" approach especially in comparison with the "marketplace approach" employed by the Americans in an attempt to achieve diversity in radio.

For example, Harvey Glatt of CHEZ-FM Ottawa notes that:

If you get into a large market like New York or Chicago, you will find a great variety of stations but we in Canada don't have markets of that size and not as many stations per market either. What I've seen happen is that the advertisers are mostly interested in audiences 25 to 44 and as a result, everybody's starting to play all the same records and all the same hits.

Sometimes in order for all the diverse elements in a community to be served, you may need regulations to do that. One of the mandates of The Broadcasting Act is to provide diversity in the marketplace - if you just let the market decide, a lot of people will gravitate to the same point.²⁵⁴

Hudson Janisch, a Law Professor at the University of Toronto who has written extensively about the CRTC agrees with Glatt and notes that:

One of the American arguments is that the more you divide the spectrum, the more choice you will get, that the more you divide the spectrum increased choices become available but Robert Babe notes that before you can have a significant departure from a common broadcasting targeted audience you have to have something like 27 stations in any particular market. In other words, the American idea of saying "let a thousand flowers blossom" will not lead to variety and diversity, it will only lead to more of the same because broadcasters will not risk

seeking separate and distinct audiences until the market is absolutely saturated - in other words, each new broadcaster will try to steal a little bit of the general audience and won't in fact target specific audiences so that therefore more doesn't necessarily mean more varied, more just means more of the same. That's the fundamental difference between our belief and the American belief, that's why we justify for example, not putting a huge number of stations in each market because we would say what's the point of dividing the spectrum even more narrowly to provide more stations if in fact all that happens is that those stations keep competing for a narrower and narrower space on the spectrum. So the major difference is that a Canadian policy maker would say that more just means more of the same while an American policy maker would say that I believe that comprehensiveness and diversity will be attained through the marketplace.²⁵⁵

And the authors of the recently published Task Force on Broadcasting also reject following the American example of marketplace diversity:

To hold a radio licence in Canada is to hold a public trust. In return for the privilege of holding a licence, private broadcasters can be appropriately required by public policy to contribute - as integral parts of the system to providing balance and diversity to the listening audience. The American experience tends to demonstrate that none of these objectives would be achieved if market forces were permitted free play. We reject for Canadian private radio the role of private radio in the United States as little more than a marketing tool to sell large blocks of consumers to advertisers.²⁵⁶

In addition, they also believe that the CRTC's policy of distinguishing AM and FM should be continued: "We are satisfied that regulation should continue to ensure the programming distinction between AM and FM which limits direct competition

between the two services. To abolish such a distinction would mean a revolution in the present broadcasting structure, the consequences of which the Task Force cannot foresee."²⁵⁷

So, the authors of the Task Force support the CRTC's "regulated diversity" approach as compared to the "marketplace approach" employed by the Americans and at this point, it must be noted that there is no conclusive evidence to suggest that American attempts to achieve diversity through the marketplace have even succeeded. In fact, there is some evidence to the contrary.

According to H.C. Jassem, R.J. Desmond and Theodore Glasser:

While radio is America's most abundant medium its content is characterized more by sameness than by diversity. The regulatory system has been unsuccessful in creating incentives to foster radio activity, so stations find it more profitable to duplicate mass appeal programming than appeal to minority tastes.²⁵⁸

And in a separate study, Theodore Glasser himself found that format duplication among the most profitable radio stations in the larger markets in the United States is often as high as 40 per cent. Glasser also found that in some markets, there are more duplicated formats than there are distinctive formats.

"Format diversity exists, notes Glasser, but only to the extent that consumer preferences cluster into large and profitable audiences."²⁵⁹ Glasser also astutely notes that:

Theoretically, the marketplace for radio is

structurally imperfect from a listener's perspective in three ways. First, since commercial radio is supported entirely through advertising, broadcasters tend to be more responsive to advertisers than to listeners. Inevitably, broadcasters are concerned more with advertiser welfare than listener welfare because the advertiser, not the listener is the consumer. Since a broadcaster's goal is to provide the most attractive product (audience) to the consumer (the advertiser) radio programming is more likely to reflect the advertiser's interests in a particular kind of programming. Although advertiser and listener interests may at times converge and perhaps even overlap considerably, to the extent that advertiser satisfaction and listener satisfaction do not actually coincide, the marketplace for radio can be said to be structurally deficient..²⁶⁰

Such a contention is graphically illustrated by the current movement or gravitation by many broadcasters to formats designed to attract those who are seen to have the most disposable income - Young Urban Professionals - and thus this helps to explain the soft-rock, golden-oldie formats currently in vogue..²⁶¹

But perhaps Duff Roman of CHUM-FM Ltd. and CHUM FM Toronto is correct in his assessment of the Toronto market: "This market is so large that you can find a niche of your own... "we've often made the case that in a large market, the diversity comes from the market and that stations should specialize."²⁶² In the Canadian context though this would only be applicable to cities like Toronto or Montreal and even in those cities it is not a certainty that the "marketplace approach" would provide diversity and therefore applying the American approach in Canada would have questionable results.

Interestingly enough though, as Hudson Janisch correctly points out: "The ironic thing is that if you asked an American policy maker, he'd say that I agree with everything in Section 3 of the Broadcasting Act, its just that he would suggest that you get there by the free market rather than through regulations - so its a question of means and objectives."²⁶³ Janisch is also of the opinion that because of the "regulated diversity" approach and because of regulations like foreground that "radio in Canada is infinitely better than radio in the U.S."²⁶⁴ Top executives from Canada's largest broadcasting organizations agree with Janisch's assertions that Canadian radio is better than American radio. In fact, Fred Sherat, Vice-President of CHUM Ltd., one of the largest private radio broadcasting organizations in North America, echoes the sentiments of many of his colleagues²⁶⁵ when he notes that.. "CHUM Ltd., believes that the Canadian system of radio broadcasting is superior to the highly centralized and state-controlled systems of Europe and the virtually unregulated radio industry found in the United States."²⁶⁶ And Robert Whyte, a Vancouver media consultant who founded KIK radio in Calgary explains why he believes that the Canadian radio broadcasting service is superior to the American system of radio broadcasting: "We produce some of the best broadcasters in the world because we have to deal with regulations. Top Canadian broadcasters are able to make the regulations work for them and are creative enough to do something within the constraints."²⁶⁷ And one of the

constraints that Canadian broadcasters have to deal with is foreground but is precisely because of regulations like foreground that Canadian radio is inherently different from American radio.

In fact, Canadian radio is diverse especially when one compares it with U.S. radio which can be characterized by similar formats and programs and "raunch" or "shock radio." Because of foreground regulations on Canadian radio, AM and FM radio can be more readily distinguished because the programming on FM radio, unlike the United States, is more thought-provoking and in-depth and does provide the listener with a distinctive alternative to AM. So in effect, it can be said that foreground regulations have contributed to the diversity of the Canadian broadcasting system in that they have helped to differentiate the AM and the FM bands and have thus in combination with some of the CRTC's other FM regulations, helped to establish a radio broadcasting system that is truly "varied and comprehensive." And, according to the agency which was responsible for the creation of foreground programming requirements:

Many licensees have responded to these requirements (foreground) by providing high quality programs featuring Canadian musical, journalistic and other artistic talent. Such programs include public affairs and arts magazine programs, original humour, discussion of community issues, local sports commentary, drama, documentaries and programs on Canadian heritage and well-researched examinations of all genres of music. A number of broadcasters

have purchased syndicated programs featuring the highest quality Canadian creative and artistic resources. These kinds of programs exhibit the research and preparation for which the policy calls.²⁶⁸

But the Commission also notes that:

The Commission realizes that such programs are expensive to produce as they require the extensive use of human and other resources. For this reason, some licensees have produced programs that meet the letter rather than the spirit of the regulation with foreground format programs featuring several songs by an artist with only a brief biography or comment, or poorly researched musical programs. In addition, some licensees have indicated that they have had to rely on the repetition of foreground format programs in order to meet their commitments.

The Commission is concerned that some of its FM licensees do not have the financial or human resources to meet its requirements. The result is poor foreground programs that do not fulfill the goals of The Broadcasting Act and the FM policy.²⁶⁹

And in addition to the problems outlined by the Commission itself, as previously outlined in the course of this chapter, there are many other problems with foreground including among other things, compliance problems.

One of the major obstacles that broadcasters must face in attempting to comply with foreground requirements (besides the problem of insufficient resources) is the complexity and inflexibility of the regulations themselves. The inflexible nature of the regulations often times leads to compliance problems.

So, in order to attempt to solve these and some of the other problems already outlined in the course of this chapter (like the problems that easy listening stations have in trying to comply with foreground, French-language foreground problems etc.) that are associated with foreground, the CRTC has initiated a series of changes to foreground.

First of all, on December 2, 1980, the CRTC announced its intention to examine certain aspects of its radio broadcasting regulations. This re-examination of some of the Commission's policies was known as the "Review of Radio." The CRTC solicited public comment on matters specifically related to FM and in response, received 123 written submissions from representatives of the broadcasting and associated industries and from interested individuals and organizations.²⁷⁰ And, subsequently, a public hearing was held in Hull, Quebec, March 16 to March 20, 1982.²⁷¹

After reviewing the FM radio environment, in 1984, the CRTC reaffirmed that foreground format regulations are an essential element in ensuring a diverse FM programming service."²⁷² But in order to permit the inclusion of well-prepared public affairs magazine programs as foreground format, the Commission amended the foreground format to include public affairs magazine programs of at least 30 minutes duration which are not thematically linked and which are 60 per cent enriched to

qualify as foreground. In effect, the CRTC relaxed the thematic requirement to allow for well-researched public affairs programs to qualify as foreground as prior to this revision, only public affairs programs that were thematically linked qualified as foreground. Peter Flemming of the CRTC explains why the change was made: "We changed the regulation to allow certain kinds of magazine programs to qualify as foreground because they certainly were within the spirit of what we wanted to do but not the letter, so we changed the letter."²⁷³ And besides this change, another result of the "Review of Radio" was that the CRTC also decided to amend the foreground format to permit the inclusion of live and tape-delayed station produced broadcasts of musical concerts, as well as concerts of Canadian artists, produced primarily for broadcast use, to qualify as foreground (programs of "in-concert" records or simulated concerts of live cuts from records do not qualify under this criteria). According to the Commission: "This amendment is in keeping with the FM policy's encouragement of the creation of material that differs from commercially available recorded music particularly and especially local artists."²⁷⁴

According to Duff Roman of CHUM-FM Ltd., some of these changes were long overdue:

It took us several years to convince those regulators, for instance that a live concert did not require commentary the same way the BBC opera requires commentary - if you're

doing a rock concert "live from the El Mocambo" that's all you say and then the leader of the band makes his comments, "that was live from the El Mocambo." It took us two years to make that point that there's no way to put significant commentary in programs like that and that we shouldn't be penalized for doing so.²⁷⁵

In addition, Roman felt that the "Review of Radio" was a positive development "in which the regulator discovered that they could go into the arena with us private market guys and not get all beat up."²⁷⁶ Other broadcasters also feel that the changes instituted as a result of the "Review of Radio" were positive.

In fact, Steve Colwill, Program Director of CHEZ-FM is of the opinion that the CRTC's decision to allow magazine programs of at least 30 minutes duration with 60 per cent enrichment to qualify as foreground is a positive development:

It is sometimes difficult - in the case of our "In the City" program which runs from 5 to 6 every day - to pin a specific theme on each individual show. The show holds together because of the value of each individual component that works over a 45 minute or an hour long period. Yet each item does not necessarily relate to the same specific theme. We have material on entertainment, we have material on music, arts within the region and I think that the new regulations more adequately address the value of this type of a program as being qualifiable as a foreground show.²⁷⁷

And according to Jim McLaughlin, Vice-President of Radio Moffat Communications:

Unfortunately under the old regulations,

when you tried to use the concept of backgrounding in news, you were stuck with fifteen minutes per subject and that doesn't make for a very good fast paced show, so the commission through the "Review of Radio" has now allowed us to do a magazine format where we can cover a number of current topics.²⁷⁸

And Robert Laine of 1290/Q-94 Winnipeg feels that the changes made by the CRTC were positive "and have made life a little bit easier for us on FM." In fact, Laine also notes that: "The changes made by the CRTC were substantial, they were a step in the right direction. They were in fact, a breath of fresh air."²⁷⁹

Other broadcasters were not as positive about the changes initiated as a result of the "Review of Radio."

For example, according to Pierre Nadeau of the CAB: "In 1983, the CRTC made cosmetic changes in view of outside pressure from all segments to relax FM. The changes that were made were in fact very minor. You must look at them carefully to understand how little change was actually made. After a very detailed review of radio, the CRTC did not change what the industry had suggested."²⁸⁰ Sandy Davis, former Program Director of KY-58 Winnipeg agrees with Nadeau's contention that the "Review of Radio" did not accomplish much: "A lot of it was a smokescreen, in other words, the people not in the business, they went through the exercise but when it boiled down to it as

to how important the actual changes were and how they affected the FM stations of today, there was a lot of smoke but no fire."²⁸¹

But in the final analysis, the changes to foreground that were initiated as a result of the "Review of Radio" have made it much easier for broadcasters to fulfill their foreground programming commitments.

The changes initiated by the CRTC as a result of the "Review of Radio" and the Robson Commission, a consultative committee on FM radio which was established after the "Review of Radio" (and which was chaired by CRTC commissioner Jim Robson) were both an indication of the changing emphasis of the CRTC. Prior to these revisions, the CRTC had employed a "regulatory approach" but the changes it initiated after the "Review of Radio" signalled a change of focus for the CRTC.

In fact, at the time the Commission noted that:

The Commission has had the experience of eight years of implementation of its policy and regulation to guide it in a review of its regulatory practices, and it is now satisfied that regulatory intervention is no longer necessary in certain areas.²⁸²

And by 1986, in introducing even further changes to its FM policy (including changes to foreground) the Commission stated that:

The Commission is mandated to regulate and supervise the Canadian broadcasting system so as to implement the goals set out in the Broadcasting Act. Because of the rapid changes occurring in the system, the Commission has decided to place a greater emphasis on the supervisory aspect of its mandate under the Act.^{2 3}

And, according to Jim Robson of the CRTC:

A new set of ground rules have been brought about as a result of the Commission's "Review of Radio" hearing three years ago and subsequent to that process, the work of the FM consultative committee which was composed of industry and Commission representatives.

The net result of both the Radio Review and the Consultative Committee process is a more flexible and streamlined FM policy that allows FM broadcasters more freedom to program to the changing musical tastes and lifestyles of Canadians. The new ground rules should also enable the broadcaster to be more attentive to the shifting sands of the marketplace because he will be hopefully spending less time on undue paperwork and other regulatory complexities.

I mention this not only in the context of changes to the FM policy, which in itself is an important step forward, but of even greater significance is the fact that the whole exercise illustrates that the consultative process works very well.

The Commission under its able Chairman, Andre Bureau, has the interest and the will to work hand in glove with the industry in a spirit of mutual respect and cooperation. We also have the will when necessary to take whatever measures are required against those licensees who are not prepared to play the same rules of the game as the vast majority of their peers do. The Commission in changing its orientation from being the rigid regulator to employing more of its supervisory powers is sending I think a very clear message to the industry, we want to create as favourable an environment for broadcasters to operate in as possible, but in return we expect the very best from our licensees in terms of their

honouring their commitments of meeting their conditions of licence and of being in compliance.²⁸⁴

Real Therrien of the CRTC notes that this change in focus requires that the Commission must place greater emphasis on the consultative process in order to achieve the desired results: ".Well we do have more communication now because if you want to supervise you have to discuss not only with the broadcasters but with the artist, producers etc., and get more out in the field to get outside of the hearing process and gather some ideas."²⁸⁵

And the CRTC justifies this increased emphasis on "supervision" in two ways, both related to the expansion of broadcasting; increased competition among broadcasters and the dramatic increase in its own workload. By emphasizing supervision, rather than regulation, which reduces the CRTC's workload, the Commission avoids a bureaucratic and inflexible approach that would, according to CRTC Chairman Andre Bureau, ".Require hordes of increasingly interfering inspectors."²⁸⁶ By remaining more flexible to deal with the often abrupt and unforeseen requirements often imposed on licensees by technological change, the economy and a fickle public, the Commission in return expects licensees to comply with regulations and conditions of licence.²⁸⁷

The CRTC's current emphasis on the "supervisory" approach can also be partially attributed to the present day Chairman of the CRTC, Andre Bureau who is no fan of red tape and who has thus attempted to streamline the CRTC's regulations.

In fact, one former CRTC Commissioner has no doubt about Bureau's power to make his opinions stick. "The CRTC's decisions are a direct function of the personality of the Chairman," he says. If he wishes to be strongly centralized in his decision making, then he can impose his views."²⁸⁸ All reports suggest that Bureau has a firm hold on the helm."²⁸⁹ And, besides the influence of its Chairman, Pierre Nadeau of the CAB is of the belief that the CRTC has adopted a supervisory approach for the following additional reasons:

The CRTC was compelled to revise the regulations and adopt a supervisory approach based on a number of things. First, the CRTC doesn't have the staff necessary to do the monitoring that it should be doing now. Secondly, the Caplan-Sauvageau committee was getting itself involved in the CRTC's area. And finally, the supervisory approach was adopted because the Minister has Bill C-20 which will basically give him the power of telling the CRTC what to do. And therefore, the CRTC based on these three things, decided that before the world tells us what to do, we're going to act - and so they did and they used their authority to quickly change a number of things.

In addition, it must be noted that we went to Parliament and we told Parliament that in case you don't know, your Act is being implemented in this way and they almost fell

out of their chairs and we said, we have about 35 checks and balances every day, every hour, every minute on radio, so that's how we got the process rolling.²⁹⁰

So, it appears that there were a variety of reasons why the CRTC has decided to adopt a "supervisory" approach and this approach is in fact reflected in the CRTC's recent decision to relax its FM policy and to reduce its foreground programming requirements although as Mike Burnside, Chief Programming Director of Radio Policy for the CRTC's Prairie region notes: "The new FM regs must be viewed in context with other recent Commission decisions like the new cable regulations, pay-television regulations, etc."²⁹¹ Burnside also notes that these regulations to a certain extent, "reflect a general trend towards deregulation by the CRTC."²⁹² Hudson Janisch views the new regulations as "in effect the Canadian version of deregulation"²⁹³ while Andre Bureau describes the new regulations as "part of the Commission's long standing efforts to lighten the regulatory burden."²⁹⁴ And indeed, the CRTC's recent revision of its FM policy does in fact reflect the Commission's efforts to "lighten the regulatory burden."

In September 1986, the CRTC announced that it will allow FM operators to reduce their foreground programming quotas from 20 to 15 per cent for joint licensees and from 12 per cent to 9 per cent for independent licensees. According to Peter Flemming of

the CRTC.." In dropping the levels required for foreground what we're telling stations is to drop the cheaply produced material without coming out and saying what it is because maybe someone can do a superset that's good. But what we're basically telling stations is to drop the poorly produced programs."²⁹⁵ The CRTC feels that in reducing the amount of foreground that FM broadcasters must produce that perhaps they can concentrate their efforts on producing only high quality foreground (in whatever shape or form it takes). In addition to announcing a reduction in foreground programming levels, the Commission also announced an incentive scheme whereby any commercial messages contained in three special types of foreground programs will not be counted in a station's daily commercial limit of 150 minutes for the purpose of ensuring compliance with foreground requirements. These three foreground format programs are to be known as "Canadian feature segments" and include the following:

- a) Programs of journalistic and artistic expression produced by Canadians using primarily material from content category 3 - enrichment.
- b) Programs produced by Canadians whether by syndicators or licensees and broadcast by more than one station other than the producer.
- c) Musical foreground programs devoted totally to a Canadian artist or a Canadian group who have not achieved gold certification for an album during the five calendar years preceding the broadcast.²⁹⁶

Enacting these regulations the Commission noted:

The Commission is confident that the new levels established for foreground format programs will help to alleviate the current difficulty encountered by some FM stations, particularly in smaller markets, in financing

the high quality foreground programs expected of them.

The new incentive scheme for foreground format programming embodied in the regulations should benefit broadcasters as it is designed to increase the revenue potential of broadcasters while providing new sources and opportunities for the production and acquisition of high quality foreground programming. Canadian audiences will consequently have access to higher quality foreground programs. Independent producers will have additional opportunities to sell their programs. New Canadian artists can expect additional exposure of their works on radio.²⁹⁷

Whether such will actually be the case remains to be seen in the future, but the CRTC's reduction of foreground programming requirements, its new incentive scheme and the earlier revisions to foreground are evidence of the CRTC's willingness to significantly address the problems pertaining to foreground.

In fact, according to Pierre Nadeau of the CAB, the new revisions: .."Have addressed the issues that we've asked for. In fact, it goes further on some counts. It does not correct all of the problems but it does correct a lot of them."²⁹⁸ But, CRTC Commissioner, Monique Copal does not agree that the reduction of foreground is a positive step: .."With regard to the reduction in the level of foreground programming, the Commission has already made considerable adjustments to its FM policy enabling licensees to meet their requirement without any difficulty. A further reduction without any significant contribution by the industry towards the objectives of the

Broadcasting Act is unacceptable."²⁹⁹ But, the majority of Commissioners are obviously of the opinion that the reduced foreground levels will result in more quality foreground programming that will fulfill the spirit and the letter of the law and less foreground programming that is produced merely to meet the letter of the law.

So, in summation it can be said that the CRTC is cognizant of the many problems pertaining to foreground and has taken action to rectify these problems. The CRTC has relaxed its thematic requirement for foreground for certain programs, has relaxed its definition of foreground to allow for the inclusion of more programs in the foreground format and has reduced the quote for foreground. It has also introduced an incentive scheme which it hopes will result in the production of more "local live" programming and programming which features Canadian performers and personalities. It remains to be seen whether such initiatives prove to be successful but the CRTC has addressed most of the major concerns that broadcasters have about foreground and hopefully, the changes introduced by the CRTC will result in the production of more high quality programming.

But even though the CRTC has relaxed its definition of foreground and has reduced its foreground programming requirements, it is still committed to the principle of

foreground as a means of differentiating the AM and the FM band. The CRTC still believes that foreground regulations are necessary to ensure a varied and comprehensive service. But, there are future technological developments which might affect the ability of foreground to continue to fulfill this function.

For example, the distinction or differences between the AM and the FM bands are becoming blurred. AM stereo is now a reality and future technological developments could theoretically place AM and FM on the same band. However, such a development is unlikely to occur in the near future but on the other hand, many AM stations are currently broadcasting in stereo. The only problem is that up to this point in time, the market penetration of AM stereo has been extremely limited.

In fact, according to Tim Forsythe, Vice-President and General Manager of CHOZ-FM in St. John's Newfoundland:

I would say that it will be a good ten years before households are flooded with AM stereo. Even ten years may be calling it short as the penetration of AM stereo sets is still very low in the country, it hasn't even arrived in Newfoundland yet. AM stereo sets are available but they are not in widespread use yet - its like stereo-tv, its a long way down the road ...³⁰⁰

And according to Pierre Nadeau of the CAB:

AM stereo has been a very important technological development, but the problem is that the sets are too expensive and haven't been developed properly. It must be noted

though that the development of AM stereo could contribute to a levelling off of the transfer of listeners from AM to FM.³⁰¹

Besides this possibility, once AM stereo does achieve significant market penetration it may have the effect of increasing the significance of foreground as one of the major distinguishing features of FM radio in addition to diffusing the argument that FM, because of its technical superiority, should be used primarily as a music medium and should not feature programming like foreground which emphasizes the spoken word. But, the effects of AM stereo will not be fully felt until it achieves significant market penetration which may not be for a number of years, but in the meantime, this is a development that bears further watching.³⁰²

Another future development besides AM stereo that may effect foreground in the future is the advent of stereo-television. This development could provide FM broadcasters with increased competition.

There are in fact, at the present moment, two basically different systems of getting stereo sound with your television picture.

One system requires the incoming cable signal to be split between the TV and an FM radio set, allowing you to receive the stereo sound of cable's specialty services on the FM band, like

Much Music for example.³⁰³ In fact this is currently being done in cities like Montreal where there is a high incidence of people just tuning in the stereo sound portion of Much Music without the video and FM broadcasters in that city are complaining that their audiences are being fragmented by the video service.³⁰⁴

The other system currently in use requires the more expensive TV sets with built-in stereo (or with a stereo ready jack). No hook-up with FM radio is needed with this system, unless you want to get cable specialty stereo services.³⁰⁵

The first system hooking up with the FM band is more readily available and much cheaper, any TV set will do. The second system, with built in stereo, is the wave of the future, industry insiders insist.³⁰⁶ But, stereo-tv, like AM stereo is another technological development that has achieved up to this point in time, only limited market penetration. In fact, in 1985, sales of stereo-tv sets amounted to only two per cent of 1.3 million color sets sold.³⁰⁷ However, once stereo-tv does achieve significant market penetration the situation in Montreal may be magnified tenfold which might force FM broadcasters to look for ways to cut their costs which could in turn lead to a call for a reduction or an elimination of costly foreground requirements.³⁰⁸

And finally, another technological development that could further threaten FM broadcasters and in turn foreground itself is the ability of cable companies to offer their customers access to U.S., FM stations.

According to CRTC regulations, cable companies can offer cable TV subscribers access to U.S., FM stations on the regular FM band.³⁰⁹ And in addition, the CRTC has granted all stereo stations in Canada the privilege of going cable³¹⁰ (which will provide AM stereo stations with a much needed boost because AM stereo is now available on the regular FM band as cable will allow it to be converted onto FM). But, cable companies which provide the FM radio service must offer a balance between U.S. and Canadian stations. For every Canadian station that a receiver can pick up, one American station is allowed.³¹¹ The rationale behind such a policy is explained by Jim Robson of the CRTC:

I guess the central issue from the Commission's point of view is that while you can receive an abundance of U.S. signals, we want to ensure that there is a Canadian element within that milieu, that Canadians will have the option of tuning into a local station to get the local programming and local news as well as the musical variety.³¹²

At this point in time, most cable companies, like Videon cable TV in Winnipeg for example, are offering mainly local stations as part of their package. Videon itself only offers a

total of three American FM stations³¹³ but many broadcasters are worried that increased competition from American FM stations via new technological developments like cable FM will create a situation similar to the one in Detroit/Windsor and hence will necessitate a further reduction in foreground programming levels.

In fact, 82 per cent of FM broadcasts surveyed for this study indicated that they felt that more competition via stereo-tv or through the introduction of a substantial amount of distant U.S. FM signals on the FM band will mean that Canadian FM stations will have to reduce their foreground levels³¹⁴ and an identical percentage (82 per cent) are of the belief that further technological advances will render regulations like foreground obsolete.³¹⁵

It is true that future and even some current technological developments have the potential to affect foreground either directly or indirectly but at this point in time (even in the case of cable FM) it is difficult to predict the extent of their impact on foreground or if they will even affect foreground at all. Perhaps by the time that the full impact of these technological developments are felt, foreground will have been entrenched in the minds of Canadian broadcasters and the Canadian public as an indispensable element of FM radio in Canada.

Technological developments notwithstanding, it is certain that up to this point in time, foreground regulations have served a genuine purpose.

In fact, in summation it can be argued that the CRTC's foreground regulations have achieved most of their stated objectives.

Foreground regulations have helped to differentiate the AM and the FM bands and have helped to create a radio broadcasting system that is truly diverse especially when one compares Canadian radio with American radio.

Foreground regulations have also stimulated the production of many different types of quality programs on FM, programs that in all likelihood would never have been produced had foreground regulations not been in effect. In fact, had foreground regulations not been in place, FM radio in Canada would in all probability have developed in the same manner that U.S. FM had developed as primarily a music medium with little news, public affairs or magazine programming (or in other words, "a great big jukebox.").

In addition, it must be noted that FM radio in Canada has prospered in the past five years, but not nearly to the extent that FM radio in the U.S. has prospered, partially because of

the resources that Canadian FM broadcasters must commit to the production of foreground programming.

In the U.S., FM stations have been allowed to copy AM stations and the end result is that FM stations have prospered at the expense of AM stations - AM is dying while FM is thriving.

In Canada, because of regulations like foreground, besides better programming diversity, there is also a better economic balance between the AM and the FM bands. So, in effect, an ancillary benefit of foreground regulations is that they have indirectly helped keep the AM band alive.

But, despite such achievements, foreground regulations have not achieved all of their stated objectives and in addition, there are problems pertaining to foreground regulations themselves.

Foreground regulations have been unable to spur the development of a healthy Canadian syndication industry. There has been an increase in the amount of syndicated programming available since the implementation of foreground, but nothing overwhelming or substantial primarily due to structural problems inherent in the industry itself.

Similarly, foreground regulations have been unable to stimulate the production of a substantial amount of high quality programming that qualifies as foreground because for one thing, many broadcasters have produced programming which qualifies as foreground - or programming which fulfills the "letter of the law" but which does not meet the "spirit of the law" as many FM radio broadcasters complain that they do not have enough resources to produce the type and amount of foreground that the CRTC requires.

And besides this problem, the CRTC has also experienced problems in trying to persuade FM broadcasters to "reasonably distribute" their foreground programs throughout the day and throughout the week. But, this is a relatively minor problem compared with the problems that the CRTC has encountered in trying to ensure that FM broadcasters live up to their foreground commitments. Many of these compliance problems arise as a result of a misunderstanding or misinterpretation of foreground and some broadcasters complain that the problems that they have in complying with foreground can be attributed to the inflexibility of the regulations themselves. In addition to creating compliance problems, according to some broadcasters, this inflexibility also forces them to stretch out a seven or a ten minute program to fifteen minutes just so it will qualify as foreground as well as forcing them to recycle scripts and themes in an attempt to comply with foreground - all of which mitigates

against the production of high quality foreground programs.

Besides these problems, there are other problems pertaining to foreground as well.

For instance, Easy Listening and French language broadcasters have experienced particular difficulties in trying to fulfill their foreground programming requirements. So have Windsor broadcasters who in an attempt to compete with unregulated U.S. FM stations were allowed to reduce their foreground commitments. Some broadcasters and organizations (like the OMTC and the CAB) feel that Detroit/Windsor serves to illustrate the ultimate failure of regulations like foreground. But, Windsor broadcasters operate under exceptionally difficult circumstances. And, the CRTC has in fact acknowledged the precarious situation that Windsor radio must face and has thus granted them much warranted regulatory relief. In addition, the CRTC has also acknowledged that there are in fact many problems with foreground regulations themselves.

Therefore the Commission has introduced many changes to foreground in the past four years in an attempt to make it easier for broadcasters to comply with the regulations and to stimulate the production of more high quality foreground programming. It has also introduced incentives for broadcasters to give Canadian artists and performers more exposure through

programs which qualify as foreground in addition to providing incentives for stations to use more programming from Canadian syndicators. And finally, the Commission recently conducted a study of the problems that French language broadcasters face in regards to producing foreground and after evaluating the findings, will make recommendations accordingly. So, although there are problems with foreground regulations, the CRTC has acknowledged the existence of such problems and has through a variety of measures, attempted to address these problems.

And so, in the final analysis, despite the problems pertaining to foreground, overall they have benefitted Canadian radio and the recent changes to foreground should make the regulations more flexible and effect and should result in more high quality programming on the FM band-programming with "sense of form and purpose," which will help to further differentiate the AM and the FM band as well as helping to further contribute to the diversity of the Canadian radio broadcasting system.

NOTES TO CHAPTER FOUR

1. CRTC "FM Radio in Canada." A Policy to Ensure a Varied and Comprehensive Radio Service," (20 January 1975), p. 5.
2. Ibid., p. 21. In order for a program to qualify as mosaic it must contain at least 30 seconds of enrichment material.
3. CRTC, "Proposed Regulations Respecting Radio (AM) and Radio (FM) Broadcasting," 9 March 1986 p. 11 (Appendix)
4. Op. Cit., FM Radio in Canada, p. 6.
5. Ibid., p. 5.
6. Ibid., p. 6.
7. CRTC, "The Review of Radio - Simplification of the FM Policy," 18 June 1984, p. 2. (Appendix IV).
8. CRTC, "Regulations Respecting Radio Broadcasting," 19 September 1986, p. 15.
9. This category includes research and documentation of current and past events, including sports instruction and information concerning leisure interests, human information and creative uses of language. Included in the enrichment category are several subcategories.
 The rationale for enrichment is to ensure that programs in the mosaic and foreground format are more carefully prepared and researched than programs produced on other formats particularly rolling and gramophone formats which are a characteristic of AM radio. Enrichment then is an essential element of foreground programs.
 In 1984 the CRTC removed its enrichment guidelines. Prior to this, there was a 9-12 per cent enrichment guideline for joint licences and a six per cent requirement for independent stations. In essence, this meant that FM stations had to include a designated amount of material from the enrichment category in order for its programming to qualify as foreground. But, even though the CRTC has removed enrichment guidelines, the Commission still expects that licencees proposing minimal amounts of enrichment, be able to demonstrate how they will be able to attain their foreground and mosaic commitments. Licencees who have not proposed a sufficient amount of enrichment to meet their specific foreground and mosaic commitments will be expected to demonstrate at a public hearing, how they intend to meet those commitments. Op. Cit., The Review of Radio - Simplification of the FM Policy, pp. 4 & 5 and CRTC,

- Halifax Public Hearings, Vol. 3, 30 May 1985, p. 789.
10. Sheri Craig, "It must not become jukebox radio," Broadcaster, (27 January, 1975), p. 3.
 11. Barry Grainger, Programming Manager, Canadian Radio-television and Telecommunications Commission, interview by author, tape recording, 14 April 1986, Ottawa, Ontario.
 12. Peter Flemming, Director of Radio Policy, Planning and Analysis, Canadian Radio-television and Telecommunications Commission, interview by author, tape recording, 21 April 1986, Ottawa, Ontario.
 13. Real Therrien, Vice-Chairman, Canadian Radio-television and Telecommunications Commission, interview by author, tape recording, 21 April 1986, Ottawa, Ontario.
 14. Sheri Craig, "FM Radio's New Sound," Financial Post, 19 November 1977, p. 14.
 15. CRTC, "A Proposal for An FM Radio Policy in the Private Sector," 19 April 1973, p. 5 and Op. Cit., FM Radio in Canada, p. 5.
 16. Op. Cit., FM Radio in Canada, p. 20.
 17. Op. Cit., Proposal for an FM Radio Policy in The Private Sector, p. 5.
 18. Op. Cit., Peter Flemming Interview.
 19. Op. Cit., FM Radio in Canada, p. 5.
 20. CRTC, "FM Policy Review," 14 April 1978, p. 18.
 21. "FM 74: A Special Report" Broadcaster, (February, 1974) p. 18.
 22. "FM to the Foreground," Broadcaster, (February 1975) p. 19.
 23. "FM Policy: Nobody's Broke Because Of It," Marketing, 20 February 1978, p. 16.
 24. Ibid., p. 16.
 25. Op. Cit., Craig, FM Radio's New Sound, p. 14.
 26. FM Policy: Nobody's Broke Because Of It, p. 16.
 27. Op. Cit., Craig, FM Radio's New Sound, p. 16.

28. Ibid., p. 14
29. Douglas Mephram, "CRTC Rules Giving FM Stations Bad Vibes," Financial Post, 16 October 1976, p. 13.
30. Ibid., p. 13.
31. Ibid., p. 13.
32. Ibid., p. 13.
33. Op. Cit., Craig, FM Radio's New Sound, p. 14.
34. Op. Cit., "FM to the Foreground," p. 18.
35. Ibid., p. 19.
36. Robert Laine, General Manager, 1290 FOX/CHIQ FM, interview by author, tape recording, 9 January, 1986, Winnipeg, Manitoba.
37. Harvey Glatt, General Manager, CHEZ-FM Ottawa, interview by author, tape recording, 17 April, 1986, Ottawa, Ontario.
38. Barbara Byers, "Too Much Talk and Too Little Time," Broadcaster, (July 1978) p. 7.
39. Gary Touschek, "Russian Roulette or Radio Programming in Canada," Broadcaster, (April 1984) p. 40.
40. Pierre Nadeau, Senior Executive, Vice-President (Radio) Canadian Association of Broadcasters, interview by author, tape recording, 18 April 1986, Ottawa, Ontario.
41. Ibid.
42. Duff Roman, FM Operations Manager, CHUM-FM Ltd. and General-Manager, CHUM-FM Toronto, interview by author, tape recording, 10 April 1986, Toronto, Ontario.
43. Op. Cit., Pierre Nadeau, interview.
44. Peter Grant, General Manager, CKIS-FM Winnipeg, interview by author, tape recording, 23 December 1985, Winnipeg, Manitoba.
45. Ibid.
46. Ontario Ministry of Transportation and Communications, "FM Radio Listener and Broadcaster Attitudes," (a report prepared for the OMTC by the Communications Research Centre, Toronto, (May 1985) p. 80.

47. Ibid., p. 73.
48. Ibid., p. 72.
49. CRTC, Toronto Public Hearings, Vol. 1, 17 June 1985 p. 22.
50. Larry Leblanc, "AOR Has a Future on FM," Broadcaster, (July 1980) p. 12.
51. CRTC, Toronto Public Hearings, Vol. 1, 20 December 1985 p. 30.
52. Denis Menard, Director General, Radio Policy Division, Maritime Region, Canadian Radio-television and Telecommunications Commission, interview by author, tape recording, 21 April 1986 Ottawa, Ontario.
53. The exact question posed to FM broadcasters was the following; Have foreground regulations hurt your station financially? A total of three broadcasters replied affirmatively, a majority of broadcasters, six in total, responded negatively while two broadcasters were not sure about the financial effects of foreground regulations on their stations.
54. Op. Cit., OMTC Survey, p. 94.
55. Op. Cit., Peter Grant interview.
56. Roy Hennessey, General Manager, CKXL-CHFM Calgary, interview by author, tape recording, 10 January 1986, Winnipeg, Manitoba.
57. The question posed to FM broadcasters was the following; Do you feel that compliance with the foreground programming takes up too much of your station's time and resources? A majority of broadcasters, nine in total, responded yes, while only two FM broadcasters replied no.
58. From correspondence with W.N. Hutton, General Manager, CFNY-FM Toronto, 14 March 1986.
59. Op. Cit., Peter Flemming interview.
60. Op. Cit., Roy Hennessey interview.
61. Op. Cit., Barry Grainger interview.
62. Ibid.
63. Op. Cit., Byers, p. 6.

64. Canadian Association of Broadcasters, "A New Approach for Canada's AM and FM Radio Broadcasters," (Ottawa: CAB November 1985) p. 29.
65. CRTC, Hull Public Hearings, Vol. 3, 2 May 1985, p. 886.
66. CRTC, Windsor Public Hearings, Vol. 2, 13 February 1985, p. 278.
67. CRTC, Vancouver Public Hearings, Vol. 3, 20 June 1985, p. 648.
68. Op. Cit., Duff Roman interview.
69. Op. Cit., Hull Public Hearings, Vol. 3, 2 May 1985, p. 886.
70. Op. Cit., CAB Report, p. 29.
71. Ibid., p. 29.
72. Op. Cit., Byers, p. 6.
73. Op. Cit., FM Radio in Canada - 1975, p. 20.
74. Op. Cit., FM Policy review - 1978, p. 27.
75. Op. Cit., Hull Public Hearings - 1985, Vol. 3, p. 861.
76. Op. Cit., Robert Laine interview.
77. Op. Cit. CAB Report, p. 29.
78. CRTC, Calgary Public Hearings, 30 May 1985, Vo. 3, p. 793.
79. Op. Cit., Robert Laine interview.
80. Op. Cit., Duff Roman interview.
81. Op. Cit., Peter Flemming interview.
82. CRTC, Halifax Public Hearings, Vo. 3, 30 May 1985, p. 793.
83. Op. Cit., Calgary Public Hearings, Vol. 3, 30 May 1985, p. 644.
84. Ibid., p. 646.
85. CRTC, Toronto Public Hearings, Vol. 6, 10 December 1985, p. 1781.
86. CRTC, Toronto Public Hearings, Vol. 4, 20 June 1985, p. 1039.

87. Op. Cit., Toronto Public Hearings, December 1985, Vol. 6, p. 1781.
88. Op. Cit., Hull Public Hearings, May 1985, Vol. 3, p. 885.
89. Op. Cit., Harvey Glatt, interview.
90. Op. Cit., Peter Flemming interview.
91. Op. Cit., CAB Report p. 29.
92. Op. Cit., Peter Flemming interview.
93. Op. Cit., Denis Menard interview.
94. These results were achieved by a analysis of CRTC Public Hearings conducted in various cities throughout the country in 1985. Included in the analysis were the hearings conducted in Windsor, Ontario in February 1985, hearings conducted in St. John's, Newfoundland in March 1985, hearings conducted in Vancouver, British Columbia in April and June of 1985, hearings conducted in Calgary, Alberta and Hull, Quebec in May 1985 and finally, hearings conducted in Toronto, Ontario in June and December of 1985.
95. Op. Cit., Calgary Public Hearings - May 1985, Vol. 3, p. 566.
96. CRTC, Calgary Public Hearings, Vol. 2, 29 May 1985, p. 506.
97. CRTC, Hull Public Hearings, Vol. 4, 3 May 1985, p. 1155.
98. Mike Kelly, "CJMF Rocks the CRTC's Boat," Broadcaster, (September 1984) p. 32.
99. The question posed to FM broadcasters was the following; Are foreground regulations confusing? A majority of broadcasters, eight in total replied affirmatively while only three broadcasters replied that they felt foreground regulations were not confusing.
100. The question posed to broadcasters was the following; Is one of the problems of complying with foreground programming regulations based on the fact that the CRTC has not made it explicitly clear what qualifies as foreground and what does not? The majority, a total of eight broadcasters replied that such is in fact the case, while three broadcasters did not find this to be a problem.
101. Op. Cit., Real Therrien, interview.
102. Ibid., Real Therrien, interview.

103. Op. Cit., "Proposed Regulations" - March 1986. p. 29.
104. Ibid., p. 29.
105. Op. Cit., FM Radio in Canada, p. 7.
106. Op. Cit., Proposed Regulations - March 1986, p. 20.
107. Bill Prentice, "Growth in FM and Changing Listening Habits May Be Reason For Boom in Syndication," Broadcaster, (July 1978) p. 37.
108. Ibid., p. 32.
109. Alyn Edwards, "Discumentary: Music Foreground From CFMI," Broadcaster, (July 1978) p. 22.
110. Ben Fiber, "Sponsors Revive Syndication on Radio," Globe & Mail, 27 November 1985, pp. 6 and 17.
111. This program has been disqualified by the CRTC as foreground which has discouraged FM stations from picking up the program. In order to alleviate this problem, the CRTC has been trying to encourage St. Clair to produce the program in the foreground format.
112. Op. Cit., Fiber, p. 6.
113. Ibid., p. 7.
114. Op. Cit., Prentice, p. 38.
115. Barbara A. Moes, "B.C. Syndicators do the Hustle," Broadcaster, (February 1984) p. 24.
116. Op. Cit., Fiber, p. 6.
117. Ibid., p. 6.
118. Op. Cit., Prentice, p. 38.
119. Op. Cit., Fiber, p. 27.
120. Op. Cit., Real Therrien, interview.
121. Op. Cit., Proposed AM/FM Regulations - March 1986, p. 21. For more information on the problems besetting Canadian Syndicators See CRTC, Hull Public Hearings, Vol. 3, 23 May 1986, pp. 720 - 846.
122. Op. Cit., FM Radio in Canada - 1975, p. 14.

123. Op. Cit., CRTC, Toronto Public Hearings, Vol. 5, 20 December 1985, p. 25.
124. Ibid., p. 25.
125. Ibid., p. 25.
126. Canada "Proceedings and Evidence of the Standing Committee on Communications and Culture, Issue No. 16, 28 May 1985, p. 9.
127. CRTC, Hull Public Hearings, Vol. 2, 15 May 1985, p. 402.
128. Ibid., p. 403.
129. Op. Cit., Proceedings and Evidence - May 1985, p. 10.
130. Op. Cit., Hull Public Hearings - May 1985, Vol. 2, p. 985. The CRTC's flexible regulatory approach in Windsor has apparently been a success. The Fall, 1985 BBM survey reveals the total time that Windsor residents spend listening to Windsor stations is now 36 per cent, an increase of 27 per cent since 1984. CRTC, Hull Public Hearings, Vol. 1, 26 May 1986, p. 21.
131. The question posed to FM broadcasters was the following: Does the Detroit/Windsor area serve to illustrate the failure of foreground programming regulations? A majority of broadcasters, or nine in total, responded affirmatively while two broadcasters responded negatively.
132. Op. Cit., Hull Public Hearings, May 1985, Vol. 2, p. 528.
133. From correspondence with Pierre Nadeau, Executive Vice President of the Canadian Association of Broadcasters, 21 November 1985.
134. Op. Cit., Peter Flemming interview.
135. Op. Cit., Robert Laine interview.
136. "In Windroit, its CKLW not WLW, Aftra, not Actra, Broadcaster, (June 1981), p. 27.
137. In Windsor, 57 per cent of average hours tuned in by radio listeners were to FM, which is the highest percentage in Canada, and which for the most part was attributable to the number of people listening to FM stations from Detroit, Mike Kelly, "Windsor Radio Challenges FM Regs," Broadcaster, (February 1985), p. 11.
138. Op. Cit., Hudson Janisch, interview.

139. Op. Cit., Peter Flemming interview.
140. Op. Cit., Duff Roman interview.
141. Op. Cit., Robert Laine interview.
142. Mike Kelly, "Windsor Radio Challenges FM Regs," Broadcaster, (February 1985), p. 12.
143. Op. Cit., OMTC Survey, pp. 17, 24.
144. Ibid., pp. 108, 112.
145. Op. Cit., Peter Flemming interview.
146. CRTC, Toronto Public Hearings, Vol. 4, 20 June 1985, pp. 966 and 977.
147. Op. Cit., Peter Flemming interview.
148. Op. Cit., Real Therrien interview.
149. Op. Cit., Peter Flemming interview.
150. Canada, Task Force on Broadcasting, (Ottawa: Department of Communications, 1986), p. 122.
151. Ibid., p. 124.
152. In fact, according to Pat Kiely, General Manager of CJOR-FM in St. Catherines, "In the midst of Buffalo radio Niagara listeners do not feel alienated because much of the information is relevant to their lives, especially the weather and the sports information that focuses on Great Lakes conditions, on hockey in the winter and Blue Jays baseball all summer long," Op. Cit., Toronto Public Hearings - June 1985, Vol. 4, p. 968.
153. Op. Cit., Peter Flemming interview.
154. Harvey Enchin, "AM Radio Losing Audiences," Toronto Globe & Mail, 15 November 1985, p. B9.
155. Ibid., p. B9.
156. Prior to 1986, AM broadcasters were restricted to 250 minutes a day of advertising, although there were no hourly commercial limits. But, in 1986, the CRTC decided to eliminate altogether restrictions on advertising for AM stations. The CRTC hoped that this decision will strengthen AM revenues which will in turn generate increased support for the development of Canadian musical

- talent and the development of high quality programming. For more information on the rationale for this decision See CRTC, "Proposed Regulations Respecting Radio (AM) and Radio (FM) Broadcasting, (Ottawa: 19 March 1986) pp 14-16, and CRTC, "Regulations Respecting Radio Broadcasting," (Ottawa: 19 September 1986), pp. 5-7.
157. In attempting to create a broadcasting system that is varied and comprehensive through policies like foreground, the CRTC is fulfilling the principles of The Broadcasting Act which mandates the CRTC to create a broadcasting system that is varied and comprehensive.
158. Op. Cit., Kelly, "Windsor Radio," p. 11. For more information about the growth of FM radio in Canada in the past ten years, See Martin Mehr, "More Listeners Make the Switch to FM," The Financial Post, 7 November 1981, p. S-4, Barbara Byers, "FM is Alive and Growing," Broadcaster, (July 1977) p. 16, Sandra Radick, "Five Year Forecast Predicts Prosperity: More Listeners will Tune Into FM Band," Marketing, 23 February 1981, p. 17, Sheri Craig, "Radio is Changing," Marketing, 16 February 1976, p. 27.
159. Ibid., p. 11.
160. Ibid., p. 11.
161. Op. Cit., Enchin, p. B9.
162. Roy Hennessy of CKXL/CHFM Calgary (formerly of 92 CITI/KY 58 Winnipeg) attributes the limited penetration of FM in Winnipeg to foreground regulations. He asks; why is there only 30 per cent of penetration of FM in Winnipeg? He goes on to answer his own question; Because you can't give Winnipeggers what they want on FM - That's got to be the reason." Op. Cit., Roy Hennessy interview. In the Winnipeg market, AM stations like CJOB, CKRC and KY-58 are still dominating the Winnipeg radio market, but FM stations like Q-94, 92 CITI FM and 97 KISS FM are all attracting respectable audiences. In the Winnipeg market, there is a healthy balance between AM & FM stations. For more information on the Winnipeg radio market See, Garry Moir, "Winnipeg's Unique FM Market," Broadcaster, (February 1983) pp. 28, 29 and "An Economic and Audience Profile of the Market for Radio in Winnipeg," a study prepared for Rawlco Communications by Communications Management Inc., December 1986, Keven Prokosh, "CKY Upsets CJOB as Favorite on Dial," Winnipeg Free Press, 12 March 1987, p. 43, Mitch Potter "CKY Still High in Ratings," Winnipeg Sun, 12 March 1987 p. 19, "1290 Fox Takes off with Golden Oldies," Winnipeg Free Press, 27 August 1987, p. 44.

163. Op. Cit. Task Force on Broadcasting - 1986, p. 390.
164. Canada "Proceedings and Evidence of the Standing Committee on Communications and Culture, "Issue No. 16, 28 May 1985, p. 10.
165. Op. Cit. Toronto Public Hearings - June 1985, Vol. 1, p. 29.
166. Ibid., p. 29.
167. Bureau of Broadcast Measurement, "Radio, A Canada/U.S. Perspective," Toronto: Bureau of Broadcast Measurement, (March 1984), p. 62.
168. Ibid., p. 62.
169. For more information and debate about the FCC's Deregulation Policy See R.G. Wiley and R.M. Neustadt "U.S. Communications Policy on the New Decade," Journal of Communications 32 (Spring 1982) pp. 22-32, R.D. Leduc, "Deregulation and the Dream of Diversity," Journal of Communications, 32 (Fall 1982) pp. 164-178, Mark S. Fowler and David C. Brenner "A Marketplace Approach to Broadcast Regulation," Texas Law Review 60 (1982) pp. 207-252, Campbell, S.J., "The FCC's Proposal to Deregulate Radio; is it Permissible Under The Communications Act of 1934?" Federal Communications Law Review Journal 32(2) (Spring 1980) pp. 233-268.
170. Mark S. Fowler and David C. Brenner, "A Marketplace Approach to Broadcast Regulation," Texas Law Review, 60 (1982) pp. 207 and 208.
171. John Parikhal, "FM and the CRTC Must Communicate," Broadcaster, (July 1980) p. 24.
172. Op. Cit., Enchin, p. B9.
173. From correspondence with Edythe Wise, Chief of Complaints and Investigations Division, Enforcement Division, Mass Media Bureau, Federal Communications Commission, 30 October 1985.
174. FCC, "The FCC and Broadcasting," (Washington Federal Communications Commission, April, 1985) p. 5.
175. Patrick Goldstein, "Rock Radio Stretches Bad Taste," Winnipeg Free Press, 25 April 1987, p. 21.
176. Ibid., p. 21.
For more information on this issue see Tom Shales, "Dirty

- Words Ruling Blow to Ex-FCC Boss," Winnipeg Free Press. 26 April 1987, p. 13.
177. CRTC, Hull Public Hearings, Vol. 1, 21 May 1986, p. 102.
178. CRTC, Hull Public Hearings, Vol. 2, 21 May 1986, p. 541.
179. Ibid., p. 685.
180. Eric Zorn, "Radio Lives," Esquire, (March 1986) p. 46.
181. Op. Cit., Hull Public Hearings - May 1986, Vol. 2, p. 685.
182. Ibid., p. 685.
183. Ibid., p. 685.
184. Ibid., p. 685.
185. Ibid., p. 685.
186. Ibid., p. 686.
187. Ibid., p. 686.
188. Ibid., p. 608.
189. Op. Cit., Zorn, p. 46.
190. Op. Cit. Hull Public Hearings - May 1986, Vol. 2, p. 608.
191. Ibid., p. 684.
192. Op. Cit., Roy Hennessy interview.
193. Op. Cit., Hull Public Hearings - May 1986, Vol. 2, p. 687.
194. Op. Cit., Enchin, p. B9.
195. Ibid., p. B9.
196. Task Force on Broadcasting - 1986, p. 404.
197. Op. Cit., Enchin, p. B9.
198. Edward Greenspan, "Role of CRTC Thought Important to CHUM's Direction in the Future," Toronto Globe & Mail, 10 December 1986, p. B6.
199. Op. Cit., Task Force on Broadcasting - 1986, p. 403.
200. Op. Cit., Hull Public Hearings - May 1986, Vol. 2, p. 537.

201. Op. Cit., Robert Laine interview.
202. Op. Cit., Hull Public Hearings - May 1986, Vol. 1, p. 40.
203. Op. Cit., Hudson Janisch interview.
204. Op. Cit., Harvey Glatt interview.
205. Op. Cit. Hull Public Hearings - May 1986, Vol. 2, p. 541.
206. CRTC, Toronto Public Hearings, Vol. 4, 20 June 1985, p. 1032.
207. Op. Cit., Real Therrien interview.
208. CRTC, Hull Public Hearings, Vol. 3, 2 May 1985, p. 886.
209. CRTC, Calgary Public Hearings, Vol. 2, 29 May 1985, p. 479.
210. CRTC, Halifax Public Hearings, Vol. 3, 30 May 1985, p. 791.
211. CRTC, Winnipeg Public Hearings, 29 April 1987, (from notes taken at hearings).
212. CRTC, Toronto Public Hearings, Vol. 4, 20 June 1985, p. 875.
213. CRTC, Calgary Public Hearings, Vol. 5, 28 May 1985, p. 168.
214. Calgary Public Hearings - May 1985, Vol. 2 p. 397.
215. Ibid., p. 478.
216. Op. Cit., Peter Flemming interview.
217. Op. Cit., Toronto Public Hearings - June 1985, Vol. 4, p. 397.
218. Op. Cit., Calgary Public Hearings - May 1985, Vol. 2, p. 397.
219. Ibid., p. 397.
220. Ibid., p. 342.
221. Op. Cit., Prentice, p. 37.
222. Peter Flemming interview.
223. Op. Cit., Calgary Public Hearings - May 1985, Vol. 2, p. 478.

224. Angus Reid & Associates "The Market for a Contemporary FM Radio Station," A study prepared for Rawlco Communications, Winnipeg, Manitoba, November 1986, p.7.
225. Ibid., p. 14.
226. Ibid., pp. 7 & 8.
227. Angus Reid, CRTC Public Hearings - Winnipeg, 28 April 1987 (From comments made by Angus Reid at this hearing).
228. From correspondence with CKIK FM Calgary, 15 March 1986.
229. Op. Cit., Peter Flemming interview.
230. Op. Cit., Harvey Glatt interview.
231. Danny Kingsbury, Program Director, 92 CITI-FM Winnipeg, interview by author, tape recording, 10 January 1986, Winnipeg, Manitoba.
232. Op. Cit., OMTC Survey, p. 73.
233. Ibid., p. 93. Sally Merchant of the CRTC responds to such a contention thusly: ... You (the OMTC) talked about doing a survey in St. Catherines and the public there was very fond of their news and public affairs, but they regarded the talk - you used the word "idle talk" and said that this was idle talk in an effort to meet their requirements for foreground. Do you think that the incentive we have proposed to improve the quality of foreground will do for those listeners in St. Catherines what we hope it will do? They appreciate the good foreground and the news and public affairs, all of those things. It will turn the idle talk into good talk that the listener will enjoy. The whole purpose of the incentives is to make the idle talk less idle." Op. Cit., Hull Public Hearings, May 1986, Vol. 2, p. 56.
234. Op. Cit., Robert Laine interview.
235. Op. Cit., Hull Public Hearings - May 1986, Vol. 2, p. 676.
236. Op. Cit., Pierre Nadeau interview.
237. Ibid.
238. Op. Cit., Peter Flemming interview.
239. Op. Cit., Pierre Nadeau interview.
240. The CRTC has a regulation which in effect limits the amount of stations permitted in each market.

241. FM stations are not allowed to devote more than 50 per cent of their musical programming to songs that are hits (a musical selection that has reached any of the top 40 positions in a major, national or international trade magazine) and FM stations are only permitted a maximum repeat factor of up to 18. This in effect means that they are only allowed to repeat a musical selection a maximum of 18 times a week. Canadian selections which have not attained hit status are not considered in calculating the maximum repeat factor. CRTC, FM Glossary of Terms, pp. 23 & 24.
242. Unlike AM stations which have no advertising limits FM stations are restricted to 150 minutes of commercial advertising per day.
243. For FM radio, the CRTC stipulates that stations must classify themselves in one of four popular music formats defined by the CRTC and the CRTC requires that 70 per cent of a station's popular music programming be devoted to one of the following formats;
- Group I - softer music, ranging from instrumental to middle of the road and soft rock, includes easy listening, also known as beautiful music.
- Group II - Rock, hard rock and harder popular music.
- Group III - country music.
- Group IV - other kinds of popular music, such as folk-oriented and jazz-oriented. Op. Cit., Task Force on Broadcasting - 1986, p. 124.
244. Op. Cit., Toronto Public Hearings - June 1985, Vol. 1, p. 13.
245. Op. Cit., OMTC survey, p. 86.
246. Op. Cit., FM Policy Review: Synopsis of the Present Policy 1978, p. 12.
247. Op. Cit., Toronto Public Hearings - June 1985, Vol. 1, p. 20.
248. Ibid., p. 20.
249. Op. Cit., OMTC survey, p. 98.
250. Op. Cit., Pierre Nadeau interview.
251. Ibid.

252. Ibid.
253. Andrew McIntosh, "Radio Gains Clearing Away Recession Static," Toronto Globe & Mail, 21 August 1985, p. B13.
254. Op. Cit., Harvey Glatt interview.
255. Op. Cit., Hudson Janisch interview.
256. Op. Cit., Task Force on Broadcasting - 1986, p. 401.
257. Ibid., p. 404.
258. See H.C. Jassem and R. J. Desmond, "Pluralistic Programming and Radio Diversity: A Review and Proposal," Policy Sciences, 14 (4) (August 1982) pp. 347-364.
259. Theodore J. Glasser, "Competition and Diversity among Radio Formats: Legal and Structural Issues," Journal of Broadcasting 28:12 (Spring 1984) pp. 130, 131.
260. Ibid., p. 130.
261. In fact Roy Hennessey admits that this is precisely why the station that he was formally general manager of, 92 CITI-FM changed its format, in order to attract more young urban professionals which in turn would attract more advertising revenue. Op. Cit., Roy Hennessey interview.
262. Op. Cit., Duff Roman interview.
263. Op. Cit., Hudson Janisch interview.
264. Ibid.
265. Colleagues like Jim Sward, President of Rogers Broadcasting who notes that; " .. we serve our public better than private radio anywhere else in the world." Op. Cit., Hull Public Hearings - May 1986, Vol. 2, p. 662. And Gord Rawlinson, President of Rawlco Communications, another major radio broadcasting organization in Canada (it operates six radio stations in Western Canada) agrees with Sward that Canada enjoys one of the best radio broadcasting systems in the world; "I feel firmly that the decisions made by the CRTC have resulted in Canadians enjoying the finest radio service of any country in the world today." Ibid., p. 662.
266. Ibid., p. 537.
267. Op. Cit., Enchin, p. B9.

268. Op. Cit., Proposed Regulations Respecting AM & FM - 1986, p. 19.
269. Ibid., p. 20.
270. CRTC, "Policy Statement on the Review of Radio," 3 March 1983, pp. 1-3.
271. Ibid., p. 3.
272. Ibid., p. 14.
273. Op. Cit., Peter Flemming interview.
274. Op. Cit., Policy Statement on the Review of Radio - 1983, p. 14.
275. Op. Cit., Duff Roman interview.
276. Ibid.
277. CRTC, Hull Public Hearings, Vol. 4, 3 May 1985, p. 1172.
278. CRTC, Calgary Public Hearings, Vol. 3, 30 May 1985, p. 634.
279. Op. Cit., Robert Laine interview.
280. Op. Cit., Pierre Nadeau correspondence.
281. Sandy Davis, Program Director, KY-58 Winnipeg, interview by author, tape recording, 10 January 1986, Winnipeg, Manitoba.
282. Op. Cit., Policy Statement on the Review of Radio - 1983, p. 3.
283. Op. Cit., Proposed Regulations Respecting Radio (AM) and Radio (FM) Broadcasting - 1986, p. 3.
284. Op. Cit., Toronto Public Hearings - June 1985, Vol. I, pp. 3-5.
285. Op. Cit., Real Therrien interview.
286. Op. Cit., Task Force on Broadcasting - 1986, p. 177.
287. Ibid., p. 277.
288. Liss Jeffrey, "Fine Tuning the CRTC," Canadian Business (July 1984) p. 78.
289. Ibid., p. 78.

290. Op. Cit., Pierre Nadeau interview.
291. Mike Burnside, Chief Programming Director, Prairie Region, Canadian Radio-television and Telecommunications Commission, interview by author, telephone interview, 1 April 1987, and 18 November 1987.
292. Ibid.
293. Op. Cit., Hudson Janisch interview.
294. Brian Johnson, "Radios New Freedom," Maclean's, 31 March 1986, p. 56.
295. Op. Cit., Peter Flemming interview.
296. Op. Cit., Regulations Respecting Radio Broadcasting - 1986, p. 16.
297. Ibid., p. 25.
298. Op. Cit., Pierre Nadeau interview.
299. Op. Cit., Regulations Respecting Radio Broadcasting - 1986, p. 27.
300. CRTC, Halifax Public Hearings, Vol. 2, 27 March 1985, p. 355.
301. Op. Cit., Pierre Nadeau interview.
302. For more information on the development of AM stereo See Colin Wright, "Broadcasters Probe Sweet Sound of Stereo: Will it be a Radio Revolution?" Marketing, 15 August 1983, p. 1, Norah McClintock, "AM Stereo Survey," Broadcaster, (October 1984) pp. 30-32, Cheryl Fogel, "Stations Take Up AM Stereo Challenge," Winnipeg Free Press, 6 November 1986, p. 33.
303. Maria Cioni, "Sounding Out the Future," Broadcaster, (June 1985) p. 22.
304. Ibid., p. 22.
305. Peter Goddard, "We've Heard the Future and Its Stereo-TV," Toronto Star, 9 January 1986, p. 11.
306. Ibid., p. 11.
307. Ibid., p. 11.
308. For more information on Stereo-TV See Doreen Martens,

- "Stereo TV in Offing for Canada," Winnipeg Free Press, 27 December 1985, p. 33, David G. Norman, "Stereo Television Likely to Become Standard Format," Winnipeg Free Press, 6 November 1986, p. 39, Daphne Lavers, "CHCH-TV Goes Stereo," Broadcaster, (February 1987) pp. 22 & 23.
309. "New Manager in The Cable Hot Seat," Powell River B.C. News, 30 October 1985, p. 14.
310. Norah McClintlock, "AM Stereo Survey," Broadcaster, (October 1984) p. 30.
311. Op. Cit., "New Manager," p. 14.
312. Op. Cit., Toronto Public Hearings - June 1985, Vol. , p. 26.
313. "Videon Connects Viewers to Radio," Winnipeg Free Press, 8 January 1982, p. 33.
314. The exact question posed to broadcasters was the following; Does more competition for Canadian FM stations (Via stereo-TV or the introduction of distant U.S. FM signals on the Canadian FM band) necessitate that Canadian FM stations reduce their foreground programming levels (as witnessed in Windsor). A majority of broadcasters or nine in total, felt that this is indeed the case, while only two broadcasters felt otherwise.
315. The exact question posed to broadcasters was the following; Do you believe that further technological advances (like the introduction of AM stereo) will make foreground regulations obsolete? A majority of broadcasters or nine in total replied that further technological advances will render foreground programming regulations obsolete while only two broadcasters felt that foreground regulations would not become obsolete due to further technological advances.

Chapter Five

Conclusion

In conclusion, this study has demonstrated that AM Canadian content regulations and FM foreground requirements have been relatively successful policies; 30 per cent of the music being played on most Canadian AM stations is Canadian while FM radio provides a distinctive alternative to AM listening and this is due in part to the foreground regulations adopted by the CRTC. While the two sets of regulatory policies have achieved many of their objectives, a closer examination reveals that the AM rules have had a greater positive impact than the foreground regulations. In fact the comparison presented in this study revealed that there is more tangible evidence of the success of AM Canadian content rules, than there are positive signs of the success of foreground requirements.

The growth and development of the Canadian music industry since the implementation of AM Canadian content regulations, including increased royalty payments to Canadian artists, the higher profile of Canadian musicians at home and abroad, and the creation of a domestic market for Canadian recordings and artists can all be in large part attributed to the Canadian content rules for AM radio.

On the other hand, there is less evidence available to indisputably prove either the success or failure of foreground. Clearly, foreground has posed greater problems for the CRTC than AM Canadian content regulations. For example, the Commission has experienced difficulties enforcing foreground (particularly in Windsor and Quebec) due to the inflexibility, complexity and expense of the regulations. The CRTC has also had trouble convincing broadcasters to produce high quality foreground on a consistent basis, foreground which meets both the "spirit and the letter of the law" (which is also another problem related to the costly nature of foreground). These difficulties have forced the CRTC to make several changes to foreground.

Despite these problems, foreground regulations have facilitated some positive developments. The continued viability of both the AM and the FM bands in Canada (especially when compared with American radio) the increase in the number of quality programs found on the FM band, and the growth of the Canadian syndication industry (however minimal) since the implementation of foreground: all can be explained in part by the presence of foreground regulations.

Having said this, it is difficult to say whether foreground regulations are popular with the constituency they are supposed to serve, i.e., the Canadian public. There have been no definitive audience surveys measuring Canadian attitudes towards

foreground regulations and FM programming surveys cited in this study do not provide conclusive evidence of the acceptance or rejection of the rules by Canadian audiences¹. Some of the individual BBM (Bureau of Broadcast Measurement) figures cited by Program Directors and Station Managers in the course of the preceding chapter suggests that high quality foreground programs like high quality Canadian television programs, are capable of attracting substantial audiences. In addition, a recent poll of 1,033 Canadian radio listeners revealed that 88 per cent of those surveyed were satisfied with radio programming in Canada,² one assumes that programming includes foreground however, this was a poll about programming in a broad sense and not specifically about foreground. In reality, it would be difficult to conduct a survey specifically about foreground because most listeners are not even aware of the existence of the regulations. They may, however, recognize the characteristics of foreground programs even if they are unable to identify them as such. This is best illustrated by some of the comments of Winnipeg radio listeners cited in the Angus Reid survey, "The Market for a Contemporary Country FM Radio Station in Winnipeg.." Among other things, some Winnipeg radio listeners noted that "FM features more information about the artists they're playing." FM does indeed feature more information about the artists they're playing. In fact, this is a major distinguishing characteristic of many foreground programs and therefore there appears to be some evidence

available to suggest that even though FM radio listeners may not be able to identify foreground as such (or by name) they may be able to recognize some of the characteristics of foreground programs and they may also be conversant with foreground as individual programs (like the Rock Journal, Off the Record, Discomentary etc.) without actually realizing that they're foreground programs. So then, any survey conducted about foreground would have to take these factors into account. But, up to this point in time, no such study or survey has been undertaken. Despite a lack of evidence in this area there is still enough evidence in other areas to convincingly argue that foreground regulations have been successful.

In evaluating the success or failure of foreground in relation to Canadian content it must also be remembered that foreground regulations because of their intangible nature, cannot be judged in the same manner and with the same standards as AM Canadian content. One of the stated aims of the foreground policy was to create "programming with a sense of form and purpose" in order to "diversify" Canadian radio. But, "diversity" is a subjective notion involving what many would see to be personal value judgements and interpretations. The CRTC has interpreted foreground according to its perception of "diversity" and "high quality," a perception which is not necessarily shared by others (like the Canadian Association of Broadcasters or the Ontario Ministry of Transportation and

Communications for example). Therefore, because of the inherently subjective nature of foreground quality, it is difficult to provide as objective an assessment as the AM rules where measurable content (30 per cent) is involved and where the effects of the regulations are more readily visible. Foreground regulations on the other hand (with the possible exception of the Canadian syndication industry) were not meant to have overtly visible effects. While AM Canadian content regulations were a relatively "clumsy legislative device" and a "blunt instrument," "a monkey wrench thrown into the smooth workings of Canadian radio," foreground regulations represented a more subtle approach to broadcast regulation and thus their impact has been less easily detected.

A related comparison between the AM and the FM policies reveals that the CRTC has experienced much less difficulty enforcing the AM rules for a variety of reasons.

First of all, AM Canadian content regulations are relatively straightforward and clearly defined compared to the FM requirements. There is little confusion as to what constitutes a Canadian recording whereas there still tends to be considerable confusion over the definition of foreground. Secondly, AM Canadian content regulations are inherently more flexible than foreground.

In order for a song to qualify as Canadian content, it need only fulfill two of four criteria - it need not fulfill all four criteria. In addition, it doesn't matter which two criteria are met, as long as the song fulfills two of the four conditions set out by the CRTC. So, a live recording of a Canadian group performing in Canada can qualify as Canadian content, while at the same time, a song whose lyrics and music were written and composed by a Canadian but which was performed and recorded by a foreign artist can also qualify as Canadian content. Therefore, AM Canadian content regulations are relatively flexible.

On the other hand, in order for a program to qualify as foreground, it must be 15 minutes in duration, it must contain material from content categories three or four, it must be thematically linked (with the exception of public affairs programs that are sufficiently enriched) it must not contain surveillance material (once again, with the exception of certain public affairs programs) and it must not be scheduled between the hours of 12 midnight and 6 a.m.³ (a stipulation which also applies to the AM content rules). Therefore, foreground regulations are in essence more rigid and more complex than AM Canadian content regulations which makes it more difficult for the CRTC to enforce them. The Commission's recent relaxation of its foreground policy has made the regulations more flexible and responsive but foreground is still inherently more rigid and complex than AM Canadian content.

Another reason the CRTC has encountered less difficulty enforcing AM Canadian content is that unlike foreground requirements, the AM rules do not cost broadcasters anything. As has been shown, it costs FM broadcasters thousands of dollars to procure and produce foreground (especially high quality foreground) which therefore sometimes results in the production of foreground programming which meets the "spirit" but not the "letter" of the law or which simply results in the failure of FM stations to fulfill their foreground programming commitments. So therefore, because of these reasons (and the aforementioned reasons) the CRTC has experienced much more difficulty enforcing foreground than AM Canadian content.

Another difference between AM Canadian content and foreground is that foreground regulations have been unable to spur the development of a viable Canadian syndication industry. There has been an increase in the amount of syndicated programs being produced as a result of the foreground rules. This parallels the impact of the AM rules in stimulating the development of a viable Canadian music industry. However, the overwhelming presence of American syndication companies has effectively limited the growth and development of the Canadian syndication industry. Another factor which has limited the growth of the Canadian syndication industry is the tendency of many FM broadcasters to produce their own in-house foreground programming, in their own production facilities.

In fact, many FM broadcasters are able to meet their foreground programming needs on their own, without syndicated programming (although independent French-language radio stations in Quebec have experienced particular difficulties in producing their own foreground programming). On the other hand, the production of the majority of Canadian content recordings in this country is by multinationals (most of whom are American). This presents a problem for Canadian AM broadcasters who often times complain that the record companies simply aren't producing 30 per cent Canadian content. So while FM broadcasters have the option of producing their own foreground programming, AM broadcasters must rely for the most part on multinationals for their supply of Canadian content recordings.

Another major difference between AM Canadian content and foreground is that future developments are more likely to affect foreground regulations than AM Canadian content regulations. The Canadian Charter of Rights and Freedoms, the revision of the Copyright Act and the free-trade agreement between Canada and the United States (depending on the nature of the eventual outcome of such an agreement)⁴ are all developments which could theoretically affect AM Canadian content. But, recent and future developments (like the introduction of AM stereo and stereo-tv) are potentially greater threats to foreground, than any of the aforementioned developments are to AM Canadian content partially because AM Canadian content

regulations are more firmly entrenched and established than foreground regulations are.

In fact, the CRTC has stated that it considers AM Canadian content as a vital component of the Canadian broadcasting system and that it is committed to the maintenance and continuation of the policy in the future. The Commission is not as emphatic about the future of foreground. It has stated that it considers AM Canadian content a more important priority than foreground and therefore it is not as committed to the future maintenance and continuation of foreground as it is to AM Canadian content and this is reflected in the CRTC's frequent revisions of foreground - foreground is simply not as finite as AM Canadian content.

So, there are in effect, many differences between AM Canadian content and foreground. But, despite these many differences, there are some similarities between the effects and implementation of both policies.

For example, easy listening stations encounter difficulties fulfilling both AM Canadian content requirements and foreground programming requirements. They complain that there is not enough Canadian easy listening music available (or being produced) to fulfill the 30 per cent requirement and they also complain that foreground programming requirements are

particularly difficult for them to fulfill because the easy listening format is not one which lends itself to "talk oriented" programming like foreground. They feel that foreground programming affects the mood of the format. The CRTC has relaxed its definition of Canadian content to make it easier for easy listening stations to fulfill their Canadian content requirements but have not similarly eased up on foreground requirements for easy listening stations (although the Commission did recently relax its foreground requirements for all FM stations).

Some Canadian AM country broadcasters, like their easy listening counterparts, complain that there aren't enough quality Canadian country recordings being produced which in turn makes it difficult for them to fulfill their Canadian content requirements. Meanwhile, the CRTC complains that FM broadcasters are not producing enough high quality foreground programming.

Another similarity between foreground and AM Canadian content is that the CRTC has experienced problems ensuring that AM Canadian content and foreground is "reasonably distributed" throughout the day and the week. In the case of AM Canadian content, some broadcasters (particularly in Toronto) have tried to "bury" it in non-peak listening hours (late at night for example). The CRTC has experienced similar problems with

foreground in that some FM broadcasters will try to "bury" their foreground programs in the early mornings (from 7:00 - 9:00 a.m.) or late at night (from 10:30 - 12:00 midnight).

One last similarity between foreground and AM Canadian content is that broadcasters do not seem to like either regulation very much (or regulation in general for that matter) although in the context of this study, there does seem to be a greater dislike of Canadian content regulations than of foreground. This perhaps can be explained by the fact that in the early stages of Canadian content, the regulations proved to be a great irritant for AM broadcasters who had to repeat artists like Anne Murray and Gordon Lightfoot ad nauseum and therefore, residual feelings of irritation may still remain. In addition, it must be remembered that AM Canadian content regulations were imposed on an AM band that was already well-established, while in contrast foreground regulations were imposed on an FM band that was in the early stages of its development. Some FM broadcasters appear to be grateful to the Commission for helping to create an FM band that is truly unique and distinctive, especially when compared with U.S. FM radio. Overall, however, AM and FM broadcasters alike do not appreciate being told what to program or what to play on their radio stations although as the study commissioned by the Ontario Ministry of Transportation and Communication reveals, many broadcasters are schizophrenic regarding regulation. They

support regulating the amount of stations in a particular or given market but do not support regulations like AM Canadian content and foreground. Off the record though, many broadcasters are willing to admit that AM Canadian content regulations and foreground programming requirements are part of the price they have to pay for operating in a protected market. And interestingly enough, many Canadian broadcasters believe that the Canadian radio broadcasting system is one of the greatest in the world and certainly superior to the American radio broadcasting system.

In the final analysis then, taken together, AM Canadian content and foreground regulations do serve a valuable and useful purpose. AM Canadian content regulations at the very least, ensure that there is a strong Canadian presence on the airwaves in Canada and foreground regulations ensure that the FM band is not used merely as a "juke box" (as is the case in the United States) or as a mere adjunct to AM. Foreground regulations help to provide Canadian radio listeners with diversity and a quality alternative to AM.

So, both the CRTC's AM Canadian content regulations and its foreground programming requirements are worthwhile and thoughtful policies (which are not without their faults) that uphold the principles of the Broadcasting Act and are important components of a radio broadcasting system that is perhaps one of the finest in the world.

NOTES FOR CHAPTER FIVE

1. The survey conducted for the Ontario Ministry of Transportation and Communications did not specifically ask listeners about foreground. It simply classified foreground, mosaic and enrichment as "talk." This is misleading because many foreground programs are musically oriented and some foreground programs feature live music as their primary element (local live broadcasts for example, qualify as foreground).

Foreground can be music or talk oriented - it does not necessarily consist solely of verbal or spoken word content. It is therefore inaccurate to classify foreground simply as "talk." For more information about foreground as it pertains to the OMTC study See "FM Radio Listener and Broadcaster Attitudes," (Toronto: Communications Research Center) pp. 8, 10, 47, 50, 55 & 72-75.

2. Kirk Lapointe, "People happy with what they hear, radio poll shows," Winnipeg Free Press, 12 December 1985, p. 64.
3. Stations are not prohibited from scheduling foreground programming between the hours of 12 midnight and 6 a.m. - they just won't receive any credit for such programming.
4. In fact, while Ottawa maintains that under the recently negotiated free-trade deal with the United States that Canada "retains the right to support its cultural industries," the American interpretation of the free trade deal claims that they have won the right to "redress the adverse effects of any future cultural measures enacted by Canada." And just because cultural industries have escaped unscathed from the trade deal does not necessarily mean that they will continue to be excluded in the future. For more information on this issue See Stephen Phelps, "A threat to culture," Winnipeg Free Press, 29 October, 1987, p. 7.

And while it is true that Canadian cultural industries are exempt from the trade deal, the section of the agreement which pertains to cultural industries also includes the following unsettling clause; "Notwithstanding any other provision of the agreement, a party may take measures of equivalent effect in response to actions that would have been inconsistent with the agreement but for paragraph one." This clause has been widely interpreted to mean that if Canada takes action to support Canadian culture in any way deemed harmful to American interests, then the United States may respond with a retaliatory measure of equal significance. Donald Campbell, "Arts crowd feels chill," Winnipeg Free Press, 19 December, 1987, p. 44.

B I B L I O G R A P H Y

BOOKS

1. Allard, T.J., The Rise of Private Broadcasting in Canada, 1918-1958. Ottawa: Canadian Communications Foundation, 1959.
2. Audley, Paul. Canada's Cultural Industries. Toronto: James Lorimer and Company, 1983.
3. Brayer, Stephen. Administrative Law and Regulation Policy. Boston: Little, Brown and Company, 1979.
4. Burley, Ted (Editor), Music Directory Canada 1986. Toronto: CM Books, 1986.
5. Cooke, Goodwin (Editor). Cultures in Collision. New York: Praeger Publishers, 1984.
6. Doern, Bruce (Editor). The Regulatory Process in Canada. Toronto: MacMillan of Canada, 1979.
7. Foster, Frank. Broadcasting Policy Development. Ottawa: Franforst Communications, 1982.
8. Hardin, Herschel. Closed Circuits: The Sellout of Canadian Television. Toronto: MacMillan of Canada, 1985.
9. Head, Sydney. World Broadcasting Systems: A Comparative Analysis. Belmont, California 1985.
10. Hindley, Patricia M. et al. The Tangled Net. Vancouver: J.J. Douglas and Company, 1977.
11. Jamieson, Don. The Troubled Air. Fredericton: Brunswick Press, 1960.
12. Krasnow, Erwin G. and Longley, Lawrence D. The Politics of Broadcast Regulation. New York: St. Martins Press, 1973.
13. Labonski, Richard. The First Amendment Under Siege. Westport, Connecticut: Greenwood Press, 1981.
14. McNeill, Bill and Wolfe, Morris. The Birth of Radio in Canada: Signing On. Toronto: Doubleday Canada, 1983.
15. Melhuish, Martin. Heart of Gold. Toronto: CBC Enterprises, 1983.

16. Ostry, Bernard. The Cultural Connection. Toronto: Maclelland and Stewart, 1972.
17. Peers, Frank W. The Politics of Canadian Broadcasting, 1920-1951. Toronto: University of Toronto Press, 1969.
18. Peers, Frank W. The Public Eye: The Politics of Canadian Broadcasting, 1952-1968. Toronto: University of Toronto Press, 1969.
19. Shea, Albert. Broadcasting the Canadian Way. Montreal: Harvest House, 1963.
20. Solomon, Bruce and Ulsan, Micheal. Dick Clark's First 25 Years of Rock N' Roll. New York: Dell Publishing, 1982.
21. Troyer, Warren. The Sound and the Fury. Toronto: John Wiley and Sons, 1980.
22. Weir, Austin. The Struggle for National Broadcasting in Canada. Toronto: Maclelland and Stewart, 1965.
23. Williams, Frederick. The Communications Revolution. Beverly Hills, California: Sage Publications, 1982.

GOVERNMENT DOCUMENTSSTUDIES AND SPECIAL REPORTS

1. Babe, Robert. "Canadian Television Broadcasting Structure, Performance and Regulation." A study prepared for the Economic Council of Canada. Ottawa: Minister of Supply and Services, 1979.
2. Babe, Robert and Slayton, Phillip. "Procedures for Broadcasting Renewal and Transfers." A study prepared for the Department of Communications. Ottawa, 1980.
3. Balcon, D. "The Spoken Word on Radio: Where its Been and Where its Going." A report prepared for the Canadian Radio-television Commission. Ottawa: Minister of Supply and Services, January 1974.
4. Bureau of Broadcast Measurement. Radio: A Canada/U.S. Perspective. Toronto: Bureau of broadcast Measurement, 1984.
5. _____. Winnipeg Radio Ratings. Toronto: Bureau of Broadcast Measurement, March 1984.
6. Canada. Board of Broadcast Governors. Annual Reports 1959-1968. Ottawa: Board of Broadcast Governors, 1959-1968.
7. _____. Board of Broadcast Governors. FM Broadcasting Circular No. 46. Ottawa: Board of Broadcast Governors, 10 November 1961.
8. _____. Board of Broadcast Governors. BBG Public Hearings 1961-1963. Ottawa: Board of Broadcast Governors, 1961-1963.
9. _____. Board of Broadcast Governors. "Radio Broadcasting Station Regulations," BBG Public Announcements. Ottawa: Board of Broadcast Governors, 16 November 1960.
10. _____. Board of Broadcast Governors. "Statement on Amendments to the Radio (AM) Broadcasting Regulations." BBG Public Announcements. Ottawa: Board of Broadcast Governors, 9 November 1961.
11. _____. Canadian Broadcasting Corporation. Annual Reports 1937 - 1960. Ottawa: Canadian Broadcasting Commission, 1937 - 1960.
12. _____. Canadian Broadcasting Corporation. The CBC, a Brief History and Background. Ottawa: CBC, 1960.

13. _____. Canadian Radio Broadcasting Commission. Annual Reports 1934 - 1936. Ottawa: Canadian Radio Broadcasting Commission, 1934 - 1936.
14. _____. Canadian Radio-television Commission. A Proposal for an FM Radio Policy in the Private Sector. Ottawa: Minister of Supply and Services, 19 April 1973.
15. _____. Canadian Radio-television Commission. Annual Reports 1972 - 1975. Ottawa: Minister of Supply and Services.
16. _____. Canadian Radio-television and Telecommunications Commission. Annual Reports 1980 - 1987. Ottawa: Minister of Supply and Services.
17. _____. Canadian Radio-television and Telecommunications Commission. CRTC Facts Digest. Ottawa: Minister of Supply and Services, January 1984.
18. _____. Canadian Radio-television and Telecommunications Commission. FM Policy Review: Synopsis of the Present FM Policy. Ottawa: Minister of Supply and Services, April 1978.
19. _____. Canadian Radio-television and Telecommunications Commission. FM Policy: Additional Flexibility in the Scheduling of Mosaic Programming. Ottawa: CRTC, 26 November 1984.
20. _____. Canadian Radio-television and Telecommunications Commission. FM Radio in Canada: A Policy to Ensure a Varied and Comprehensive Radio Service. Ottawa: CRTC, 20 January 1975.
21. _____. Canadian Radio-television and Telecommunications Commission. Glossary of FM Terms. Ottawa: CRTC.
22. _____. Canadian Radio-television and Telecommunications Commission. Policy Statement on the Review of Radio. Ottawa: CRTC, 3 March 1983.
23. _____. Canadian Radio-television and Telecommunications Commission. Proposed Amendments to the Radio FM and AM Regulations. Ottawa: CRTC, 18 June 1984.
24. _____. Canadian Radio-television and Telecommunications Commission. Proposed Regulations Respecting Radio (AM) and Radio (FM). Ottawa: CRTC, 19 March 1986.

25. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Calgary, Alberta. 28 - 30 May 1985, Vols. 1-3.
26. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Halifax, Nova Scotia, 28 - 30 May 1985, Vols. 1-3.
27. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Hull, Quebec, 30 April to 3 May, 1985. Vols 1-4.
28. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Hull, Quebec, 13 -15 May 1985, Vols. 1-3.
29. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Hull, Quebec, 21 -23 May 1986, Vols. 1-3.
30. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - St. John's, Newfoundland, 26 -27 March 1985, Vols. 1-2.
31. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Toronto, Ontario, 26 -29 March 1985, Vols. 1-4.
32. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Toronto, Ontario, 17 -20 June 1985, Vols. 1-4.
33. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Toronto, Ontario, 10 December 1985, Vol. 6.
34. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Toronto, Ontario, 20 December 1985, Vol. 5.
35. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Vancouver, B.C., 1 - 3 April 1985, Vols. 1-3.
36. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Vancouver, B.C., 18 - 20 June 1985, Vols. 1-3.
37. _____ . Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Vancouver, B.C., 2 -4 December 1985, Vols. 1-3.

38. _____. Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Windsor, Ontario, 12 - 14 February 1985, Vols. 1-3.
39. _____. Canadian Radio-television and Telecommunications Commission. CRTC Public Hearings - Winnipeg, Manitoba, 20 April 1987.
40. _____. Canadian Radio-television and Telecommunications Commission. Regulations Respecting Radio-Broadcasting. Ottawa: CRTC, 19 September 1986.
41. _____. Canadian Radio-television and Telecommunications Commission. Special Report on Broadcasting 1968 - 1978. Ottawa: Minister of Supply and Services, 1979.
42. _____. Department of Communications. Task Force on Broadcasting - 1986. Ottawa: Department of Communications, 1986.
43. _____. Parliament of Canada. "A Charter of Rights for Creators," A Report on the Sub-Committee on Communications and Culture. Ottawa: Minister of Supply and Services, 1986.
44. _____. Parliament of Canada. Minutes of the Proceedings and Evidence of the Standing Committee on Communications and Culture. Issue No. 16, 28 May 1985.
45. _____. Parliament of Canada. The Broadcasting Act RSO-1968. Ottawa: Queen's Printer, 1970.
46. _____. Report of the Royal Committee on Broadcasting 1965. Ottawa: Queen's Printer, 1965.
47. _____. Royal Commission on Broadcasting 1957. Ottawa: Queen's Printer, 1957.
48. _____. Royal Commission on National Development in the Arts, Letters and Sciences 1949-1951. Ottawa: King's Printer, 1951.
49. _____. Secretary of State, White Paper on Broadcasting 1966. Ottawa: Queen's Printer, 1966.
50. _____. Statistics Canada. "The Recording Industry, 1979 - 1981." Culture Statistics, Ottawa: Statistics Canada, 1983.
51. _____. Statistics Canada. "Sound Recording

- Preliminary Statistics," Culture Statistics. Ottawa: Statistics Canada, February 1986.
52. _____. Statistics Canada. "The Recording Industry - 1983," Culture Communique Services Bulletin, Vol. 8, No. 6. Ottawa: Statistics Canada, September 1985.
 53. _____. Statistics Canada. "The Recording Industry - 1984." Culture Communique, Vol. 9, No. 4. Ottawa: Statistics Canada, July 1986.
 54. Canadian Association of Broadcasters. A New Approach for Canada's AM and FM Broadcasters. Ottawa: Canadian Association of Broadcasters, November 1985.
 55. "Canadian Broadcasting and Telecommunications: Past Experience Future Options," A Report Prepared for the Canadian Radio-television and Telecommunications Commission. Ottawa: Minister of Supply and Services, 1980/
 56. Communications Management Inc. "An Economic and Audience Profile of the Market for Radio in Winnipeg," A Study prepared for Rawlco Communications Management, Inc. December 1986.
 57. Communications Research Center. "FM Radio Listener and Broadcaster Attitudes," A Study prepared for the Ontario Ministry of Transportation and Communications. Toronto, May 1985.
 58. Dawson, Donald "The Canadian Radio-television and Telecommunications Commission and the Consumer Interest." A Report prepared for the Consumer's Association of Canada. Ottawa 1979.
 59. Ellis, David. "Evolution of the Canadian Broadcasting System," A Study prepared for the Department of Communications. Ottawa: Minister of Supply and Services, 1979.
 60. Globerman, Steven. "Cultural Regulation in Canada." A Study prepared for the Institute for Research on Public Policy, Montreal 1982.
 61. Grant, Peter Stewart. Broadcasting and Cable Television Regulatory Handbook. 2 volumes. Toronto: Law Society of Upper Canada, 1973.
 62. Harris, Steven. Stimulation - a Review of the Mechanics of

the Music Recording Industry in Canada. Ottawa: Canadian Radio-television and Telecommunications Commission, Programmes Branch, September 1975.

63. Johnson, Christopher C. "The Canadian Radio-television and Telecommunications Commission." A Study prepared for the Law Reform Commission of Canada. Ottawa: Minister of Supply and Services, 1980.
64. Lyttle, Brendan. "A Chartology of Canadian Popular Music, January 1965 to December 1976," A Report prepared for the Canadian Radio-television and Telecommunications Commission. Ottawa, 1977.
65. McFayden, Stuart, Hoskins, Colin and Gillen, David. "Canadian Broadcasting: Market Structure and Economic Performance." A Study prepared for the Institute of Research on Public Policy. Montreal, 1980.
66. Reid, Angus and Associates. "The Market for a Contemporary Country FM radio Station in Winnipeg," A Study prepared for Rawlco Communications, November 1986.
67. Rickwood, Roger. "Canadian Broadcasting Policy and the Private Broadcasters 1938 - 68." Ph.D. diss., University of Toronto, 1976.
68. Romanow, Ivan Walter. "The Canadian Content Regulations in Canadian Broadcasting: An Historical and Critical Study." Ph.D. diss., Wayne State University, Detroit, Michigan, 14 October 1974.
69. United States. Federal Communications Commission. The FCC and Broadcasting. Washington: Federal Communications Commission, 1985.
70. Woodrow, Brian R. and Woodside, Kenneth. "The Introduction of Pay-TV in Canada." A study prepared for the Institute of Research on Public Policy, Montreal 1982.

JOURNALS, MAGAZINES AND PERIODICALS

1. "A Charter of Rights for Creators," Cinema Canada (January 1986) pp. 22, 23.
2. "A Short History of Network Radio," Broadcaster (October 1969) pp. 16-20.
3. "Ashley, Linda. "The Rambo of AM Rock," Broadcaster (June 1985) pp. 14-16.
4. Aynsley, Julian. "Canada Makes a Pitch for Music Video," Broadcaster (January 1984) pp. 6-8.
5. _____. "Muchmusic at last," Broadcaster (December 1984) p. 30.
6. Babe, Robert. "Regulation of Private Television Broadcasting by the Canadian Radio-television Commission: A Critique of Ends and Means," Canadian Public Administration, 19 (Winter 1976): 553-584.
7. Bateman, Jeff. "Much Music: A Progress Report," The Music Scene, (March/April 1985) p. 9.
8. Beke, John A. "Government Regulation of Broadcasting in Canada," Canadian Communications Law Review 2 (December 1970): 105-144.
9. Bergman, Michael. "The Impact of Free-Trade on Canadian Cultural Industries," Cinema Canada (November 1985) pp. 8 - 9.
10. "Black Cancon Artists Struggling," RPM, 8 March 1986, p. 5.
11. "BMIC's President Discusses Copyright with U.S. Experts," The Music Scene, (May/June, 1977) p. 12.
12. Bobrovitz, Gary. "Calgary Radio Wars Return," Broadcaster (June 1985) pp. 14-16.
13. "Bucking for Stardom in Country's Corral," Maclean's, 7 April 1986, p. 52.
14. Byers, Barbara. "FM is Alive and Growing," Broadcaster (July 1977) pp. 16, 17.
15. _____. "Too Much Talk and Too Little Time," Broadcaster (July 1978) pp. 6, 7, 24.

16. Campbell, A.J. "The FCC's Proposal to Deregulate Radio: Is it Permissible Under the Communications Act of 1934?" Federal Communications Law Review Journal 32 (Spring 1980): 233-268.
17. "Capac's View on Copyright Revision," The Canadian Composer (September 1985) pp. 18-20.
18. "Catching up with the Times," The Music Scene (November/December 1985) p. 19.
19. Chiasson, Gail. "AM Stereo: Will it be a Radio Revolution?" Marketing, 15 August 1983, p. 1.
20. Cioni, Maria. "Sounding Out the Future," Broadcaster (June 1985) pp. 22-24.
21. "Country on Upward Swing, Despite Station Decline," RPM, 31 May 1986, p. 13.
22. Craig, Sherry. "CRTC Rules on FM: It Must not become Jukebox Radio," Broadcaster, 27 January 1975, p. 3.
23. _____. "FM Radio's New Sound," Financial Post, 19 November 1977, p. 14.
24. _____. "Radio is Changing," Marketing, 21 February 1976, p. 27.
25. _____. "Radio is Happening," Marketing, 16 February 1977, p. 17.
26. _____. "Special Report on Radio," Marketing, 23 February 1981, p. 15.
27. "CRTC Hands Down New Rules for FM Radio." Marketing, 14 July 1975, p. 2.
28. Doole, Kerry. "The Beaver They Couldn't Kill," Rock Express (June/July 1987) pp. C3 - C6.
29. _____. "Videofact," Music Express (September 1985) p. 35.
30. Edwards, Alyn. "Discumentary: Music Foreground From CFMI," Broadcaster (July 1978) p. 22.
31. Fjellgard, Gary. "The Pros and Cons of Cancon," The Music Scene (March/April 1986) special supplement p. 6.
32. "FM Policy: Nobody's Broke Because of It," Marketing, 20 February 1978, p. 16.

33. "FM 74: A Special Report," Broadcaster, (February 1974) pp. 17-33.
34. "FM to the Foreground," Broadcaster, (February 1975) pp. 10-28.
35. Fowler, Mark S. and Brenner, David L. "A Marketplace Approach to Broadcast Regulation," Texas Law Review, 60 (Spring 1982): 207-252.
36. Fulford, Robert. "Blaming the Yanks," Saturday Night (March 1986) pp. 7-9.
37. Geltner, Gail. "Cancon Conundrum," This Magazine, (December 1985) pp. 18 and 19.
38. Glasser, Theodore J. "Competition and Diversity Among Radio Formats: Legal And Structural Issues," Journal of Broadcasting, 28 (Spring 1984); 127-145.
39. Globerman, Steven, Vining, Aidan. "Canadian Culture under Free Trade," Canadian Business Review, (Summer 1986) pp. 18-22.
40. Goddfrey, Larry. "Canadian Bands Now Supported at Home as Never Before," The Music Scene, (March/April, 1986) p. 4, 17, 18.
41. Hayes, David. "A Lucrative Maverick on the Airwaves." Maclean's, 19 September 1985, p. 56.
42. Hopkins, Thomas. "Canadian Rock Rolls South," Maclean's 14 June 1982, pp. 44-48.
43. "Home Grown So What?" Alberta Report, 23 December 1985, p. 31.
44. Hull, W.N. "Captive or Victim: The Board of Broadcast Governors and Bernstein's Law, 1958-1968." Canadian Public Administration 26 (Winter, 1983): 543-560.
45. "In Windroit, Its CKCW not WCW, Aftra not Actra." Broadcaster, (June 1981) pp. 27, 28.
46. "Is Black Music Important in Canada," RPM, 8 March 1986, p. 9.
47. Jassem, H.C. and Desmond, R.J. "Pluralistic Programming and Radio Diversity: A Review and Proposal." Policy Sciences, 14 (August 1982): 347-364.

48. Jeffrey, Liss. "Fine Tuning the CRTC," Canadian Business (July 1984) pp. 78-84.
49. Johansen, Peter. "The CRTC and Canadian Content," Journal of Broadcasting, 17 (Fall 1973): 465-472.
50. Johnson, Brian. "Radio's New Freedom," Maclean's, 31 March 1986, p. 56.
51. Kelly, Mike. "CJMF Rocks the CRTC's Boat," Broadcaster, (September 1984) pp. 32-34.
52. _____. "Windsor Radio Challenges FM Regs." Broadcaster. (February 1985) pp. 11, 12.
53. Krewen, Nick. "Much Music's First Anniversary," Music Express (September 1985) p. 3.
54. Kubas, Leonard. "Radio Report: Marketing is Key to Success in '83," Marketing, 14 February 1983, p. 8.
55. Lavers, Daphne. "CHCK-TV Goes Stereo." Broadcaster, (February 1987) pp. 22, 23.
56. Leathering, Doug. "What is the Sound of a Maple Leaf Flapping?" Maclean's (February 1967) p. 3.
57. Leblanc, Larry. "AOR has a Future on FM." Broadcaster (July 1980) pp. 8-12.
58. _____. "Programmers Find Record Companies Beginning to Produce Hit Material," The Music Scene (July/August 1984) p. 8.
59. Leduc, D.R. "Deregulation and the Dream of Diversity," Journal of Communications, 32 (Fall 1982): 164-178.
60. Lees, Gene. "What is Canadian Music." Maclean's (August 1972) p. 7.
61. Macdonald, Dick. "Frank Mill's Music Picked up By Broadcasters," The Music Scene (January/February 1974) p. 7.
62. Mackay, Gillan. "Panoramic Screen Changes," Maclean's 24 September 1984, pp. 48-51.
63. Matejcek, Jan. "Sounding the Alarm for Canadian Content." The Music Scene (September/October 1985) p. 2.

64. McGrath, Paul. "Makers of the Illustrated Hit Parade," Maclean's 24 September 1984, p. 54.
65. McLintlock, Norah. "AM Stereo Survey," Broadcaster (October 1984) pp. 30-32.
66. _____. "Montreal's CHOM Plays the Way we Were," Broadcaster, (February 1985) pp. 6-8.
67. Mcphail, Brenda, M. "Canadian Content Regulations and The Canadian Charter of Rights and Freedoms." Canadian Journal of Communications, 12 (Winter, 1986): 41-53.
68. McQueen, Rod. "Rock N' Roll Inc.," Canadian Business pp. 31-34, 122-130.
69. Mehr, Martin. "Canadian Content Still a Struggle," The Financial Post, 17 April 1982.
70. _____. "More Listeners Make the Switch to FM," The Financial Post, 7 November 1981, p. 54.
71. _____. "Radio Stations May Get More Commercial Time," Marketing, 31 March 1986, p. 4.
72. Melhuish, Martin. "The 30% Solution, Still Music to a Lot of Ears." Maclean's, 23 February 1976, p. 53.
73. Mephram, Douglas. "CRTC Rules Giving FM Stations Bad Vibes," The Financial Post, 16 October 1976, p. 13.
74. Messer, Tom. "Feds Promise Change in Copyright Laws," Marketing, 18 November 1985, p. 18.
75. Miller, Jack. "A Renewal of Radio," Broadcaster, (May 1973) pp. 15, 16.
76. _____. "CRTC Review of Radio," Broadcaster (May 1982) pp. 6-10.
77. Moes, Barbara A. "AM Regs: From the CAB With Candor," Broadcaster (September 1980) pp. 6-8.
78. _____. "B.C. Syndicators do the Hustle," Broadcaster, (February 1984) pp. 24-28.
79. Moir, Garry. "Winnipeg's Unique FM Market," Broadcaster, (February 1983) pp. 28, 29.
80. Montagnes, James. "Yes Virginia, There Still is Canadian Music," Canadian Broadcaster (April 1969) pp. 12-14.

81. "More Exposure Given to Cancon Country Releases," RPM, 12 April 1986, P. 18.
82. Morgan, Kit. "A Collection of Thoughts on the 30% Music Question," Canadian Broadcaster (April 1970) pp. 99, 100, 115.
83. _____. "The Canadian Talent Thing." Canadian Broadcaster (April 1969) pp. 10, 11.
84. _____. "There's Still Hope for the Canadian Sound," Canadian Broadcaster (November 1969) pp. 92-94.
85. Nelson, Joyce. "Cancon Conundrum," This Magazine, (December 1985.)
86. Nolan, Michael. "Canadian Broadcasting History: A time for Revision," Broadcaster, (January 1984) pp. 32, 39, 50.
87. Parikhal, John. "FM and The CRTC Must Communicate," Broadcaster (July 1980) pp. 22-24.
88. Pearson, Ian. "The Music Men," Canadian Business, (April 1985) pp. 72-75, 119.
89. Pennybacker, John H. "Comparative Renewal Hearings: Another Dialogue Between the Commission and the Court," Journal of Broadcasting 24 (Fall 1982): 185-189.
90. Potter, Mitch. "Orphan Running," Music Express (September 1985), p. 36.
91. Prentice, Bill. "Growth in FM and Changing Listening Habits May be Reason for Boom in Syndication," Broadcaster (July 1978) pp. 37, 38.
92. Radick, Sandra. "Five Year Forecast Predicts Prosperity: More Listeners Will Tune in to FM band." Marketing 23 February 1981, p. 17.
93. "Radio and TV Business has Never Looked any Better," Marketing, 13 January 1986.
94. "Radio to Get Another Review by CRTC," Broadcaster, (February 1981) pp. 35, 36.
95. "Reactions to the CRTC Proposals," Broadcaster, (March 1970) pp. 38, 39.
96. "Revenge of the Killer Indies." Rock Express (December/January 1987) pp. C17 - C20.

97. Roman, Andrew, J. "Cabinet Directives to Regulatory Agencies: A Bold Leap Backward," The Canadian Regulatory Reporter, 3 March 1981, pp. S137 - S152.
98. Scotland, Randy. "New Wave in Music Marketing," Marketing, 15 August 1983, p. 9.
99. Sharp, Keith. "We're a Canadian Band," Rock Express (December/January 1987) pp. C1 - C9.
100. Sonin, Ray. "Develop Don't Dictate," Canadian Broadcaster (April 1970) pp. 100 - 105.
101. Stacey, Wayne. "Politicians: The New Broadcasting Policy Czars," Broadcaster (March 1985) pp. 75, 76.
102. Stone, Mad. "Radio Airplay," Canadian Musician (July/August, 1980) pp. 40, 55.
103. Strouts, Hazel. "CAB to File AM Recommendations," Broadcaster (February 1986) pp. 14 - 16.
104. "The Cancon Music Industry is Healthy," RPM, 17 August 1985 p. 2.
105. "The FM Station That Has Montreal Rocking," Marketing 14 February 1983, p. 22.
106. "The View From a Comfortable Pew," Marketing, 14 February 1983, p. 28.
107. Tousheck, Gary. "Russian Roulette or Radio Programming in Canada," Broadcaster (April 1984) pp. 40 - 46.
108. "Upbeat Sounds for Francophone Blues," Maclean's, 15 September 1986, p. 16.
109. Waxman, Ken. "Joe Brown Guides Family to Top of Canadian Country," The Music Scene, (March/April 1977), p. 10.
110. Wellwood, Ric. "Towards the New FM Regulations," Broadcaster (July 1979) pp. 13, 14.
111. Wiley, C.R, and Neustadt, M.R. "U.S. Communications Policy in the New Decade," Journal of Communications 32 (Spring 1982) pp. 22 - 32.
112. Wisheart, David. "West-Coast Radio is Marching to the Beat of a Different Drummer", Marketing, 6 February 1984, p. 13.

113. Woods, Chris. "Life in the Honky-Tonks," Maclean's, 7 April 1986, p. 56.
114. Wright, Colin. "Broadcasters Probe Sweet Sound of AM Stereo," Marketing, 28 June 1985, p. 15.
115. _____. "CAB Pitch! Loosen Up on Radio," Marketing, 28 September 1981, p. 3.
116. _____. "CAB Warns the CRTC That Radio is in Trouble," Marketing, 22 March 1982, p. 8.
117. _____. "The Fine Tuning of Radio," Marketing, 8 February 1984, p. 9.
118. _____. "Waiting for the Word on FM," Marketing, 6 February 1984, p. 2.
119. Zimbel, Matt. "Black Holes, Lemmings and Grumpy Radio," The Music Scene, (January 1986) pp. 8, 9.
120. Zorn, Eric. "Radio Lives," Esquire, (March 1986) pp. 45 - 54.

NEWSPAPER ARTICLES

Calgary Herald: 1985

Ottawa Citizen: 1986

Powell River B.C. News: 1985

Toronto Globe and Mail: 1981, 1985 - 1987

Toronto Star: 1985

Winnipeg Free Press: 1982, 1984 - 1987

Winnipeg Tribune: 1970, 1974

Winnipeg Sun: 1986, 1987

INTERVIEWS

This author would like to gratefully acknowledge the kind assistance of the following people.

1. Babe, Robert, Professor of Communications, University of Ottawa.
Interview by author, 22 April 1986, Ottawa. Tape recording, University of Ottawa.
2. Burnside, Mike, Chief of Programming, Director of Radio Policy, Prairie region, Canadian Radio-television and Telecommunications Commission. Telephone interview, 1 April 1987 and 17 November 1987.
3. Caporal, Mark, Writer/Publisher, Division, Performing Rights Organization of Canada. Interview by author, 10 April 1986, Toronto. Tape recording, Performing Rights Organization of Canada.
4. Cochrane, John, General Manager, CJOB Winnipeg. Telephone interview, 3 January 1986.
5. Davis, Sandy, Program Director, KY-58. Interview by author, 10 January 1986, Winnipeg. Tape recording, Moffat Communications, Winnipeg.
6. Flemming, Peter, Director, Radio Policy, Planning and Analysis, Canadian Radio-television and Telecommunications Commission. Interview by author, 21 April 1986, Ottawa. Tape recording, CRTC Government Offices, Ottawa.
7. Forten, Craig, Performing Rights Organization of Canada. Telephone interview, 14 September 1986.
8. Frenken, Sjiem, Broadcast Programs Analysis Division, Canadian Radio-television and Telecommunications Commission. Interview by author, 21 April 1986, Ottawa. Tape recording, CRTC Government Offices, Ottawa.
9. Glatt, Harvey, General Manager, CHEZ-FM. Interview by author, 17 April 1986, Ottawa. Tape recording, CHEZ-FM, Ottawa.
10. Grainger, Barry, Programming Manager, Canadian Radio-television and Telecommunications Commission. Interview by author, 14 April 1986, Ottawa. Tape recording, CRTC Government Offices, Ottawa.
11. Grant, Peter, Station Manager, CKIS-FM. Interview by author, 23 December 1985, Winnipeg. Tape recording, CJOB-CKIS-FM, Winnipeg.

12. Hennessy, Roy, General Manager, CKXL-CHFN. Interview by author, 10 January 1986, Winnipeg. Tape recording, Moffat Communications, Winnipeg.
13. James, Ralph, Hungry Eye Agency. Interview by author, 11 September 1986, Winnipeg. Westin Hotel, Winnipeg.
14. Janisch, Hudson, Professor of Law, University of Toronto. Interview by author, 9 April 1986, Toronto. Tape Recording, University of Toronto, Toronto.
15. Kingsbury, Danny, Program Director, 92 CITI FM. Interview by author, 10 January 1986, Winnipeg. Tape recording, Moffat Communications, Winnipeg.
16. Laine, Robert, General Manager, 1290 FOX/CHIQ FM. Interview by author, 9 January 1986, Winnipeg. Tape recording, 1290 FOX/CHIQ FM, Winnipeg.
17. Menard, Denis, Director General, Radio Policy Division, Maritime Region, Canadian Radio-television and Telecommunications Commission. Interview by author, 21 April 1986, Ottawa. Tape recording, CRTC Government Offices, Ottawa
18. Nadeau, Pierre, Executive Vice President, Radio Division, Canadian Association of Broadcasters. Interview by author, 18 April 1986, Ottawa. Tape recording, CAB Executive Offices, Ottawa.
19. Peers, Frank, Professor of Political Science, University of Toronto. Interview by author, 9 April 1986, Toronto. Tape recording, Toronto.
20. Rosen, Earl, President Marquis records. Interview by author, 8 April 1986, Toronto. Tape recording, Toronto.
21. Roman, Duff, Operations Manager, CHUM Ltd. and General Manager, CHUM-FM. Interview by author, 10 April 1986, Toronto. Tape recording, CHUM Ltd., Toronto.
22. Therrien, Real, Vice-Chairman, Canadian Radio-television and Telecommunications Commission. Interview by author, 21 April 1986, Ottawa. Tape recording, CRTC Government Offices, Ottawa.

CORRESPONDENCE

1. Charland, Jay, Program Director, CHQT-AM, Edmonton.
12 February 1986.
2. CKIK, Calgary. 15 March 1986.
3. Cooper, Mel, President and General Manager, C-FAX
Victoria. 13 January 1986.
4. Hutton, W.N., General Manager, CFNY-FM Toronto.
14 March 1986.
5. Hull, W.N., Department of Politics, Brock University.
2 April 1986.
6. Meisel, John, Department of Political Science, University
of Toronto. 4 February 1986.
7. Nadeau, Pierre, Senior Vice-President (Radio), Canadian
Association of Broadcasters, 21 November 1985.
8. Peers, Frank, Department of Political Science, University
of Toronto, 4 February, 1986.
9. Salter, Liora, Department of Communications, Simon Fraser
University, 25 March 1986.
10. Wise, Edythe, Chief Complaints and Investigations Branch,
Enforcement Division, Mass Media Bureau, Federal
Communications Commission, 30 October 1985.

APPENDICES

APPENDIX I - Arts, Letters and Science Programs

APPENDIX II - Results of AM and FM Survey
Questionnaire

APPENDIX III - Enrichment and Spoken Word Actuality
Categories

Appendix I

Arts, Letters and Science Programs

Source: Peter Grant
Broadcasting and Cable Television
Regulatory Handbook, Vol. 1
Toronto: Law Society of
Upper Canada, 1973

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APPENDIX I

Arts, Letters and Science Programs

SOURCE: Peter Grant, Broadcasting and Cable Television
Regulatory Handbook, Vol. 1 (Toronto: Law
Society of Upper Canada) 1973

interrupt and ask him or her to call back after 10:30 p.m.

[Ed. note: Although the Commission has never issued any further direct statements on this question, the social acceptance of sexual topics has changed so markedly since 1964 that this policy is now considered a dead letter.]

BBG Circular 110

September 25, 1964

Logging of Arts, Letters and Science Programs

The program categories described in Schedule "A" [see above, at p.71] have proved generally acceptable, and few stations have encountered difficulty with them. Some stations have, however, requested a clearer indication of the nature of the programs to be coded in the categories from 10 to 13 under the major heading "Arts, Letters and Sciences". The need for clarification has also been emphasized by the FM regulations, which require among other things that FM stations broadcasting separately on the FM frequency must present a minimum of 20% of their program schedule under the "Arts, Letters and Sciences" heading.

This circular is designed to offer help to licensees in recording these programs on their logs, and to suggest examples of programs considered appropriate to the categories from 10 to 13.

The essential principle to be applied in judging the appropriateness of programs in categories 10 to 13 is one of excellence in "conception or performance"; or to use the description given in the revised Schedule A, these categories are to be used to describe "programs of recognized classics of earlier generations and contemporary achievements exceptionally distinguished in conception or performance."

Many television and radio stations, and particularly FM stations now broadcasting separately, broadcast musical programs and dramatic presentations or readings drawn from among the "recognized classics of earlier generations" and from many cultures. These have offered little or no difficulty to those responsible for recording them in the logs. Somewhat greater difficulty is encountered in judging "contemporary achievements exceptionally distinguished in conception or performance" in music or story telling, in criticism, or in the interpretation of scientific enquiry and discovery.

THE FOLLOWING RECENTLY BROADCAST PROGRAMS ARE OFFERED AS SUGGESTIVE EXAMPLES OF WHAT THE COMMISSION CONSIDERS APPROPRIATE

TO THE CATEGORIES FROM 10 TO 13; THE LIST IS INTENDED AS A HELPFUL GUIDE AND NOT AS A LIMITING DIRECTIVE.

10. Music and dance: - The works of recognized master composers of past and present in any of the traditional or newer musical forms, and such programs as Cantate de Noel, l'Age d'Or du Chant Choral, L'Heure du Concert, Concerti for 4 Wednesdays, Musical Forms (Temianka), Form in Music (Helmet Blume), Short Sweet Summer (Susskind and the National Youth Orchestra), Show from Two Cities (Deux Villes se rencontrent), Music for Young People, Glenn Gould Plays Beethoven, Jeunesses Musicales, and programs selected from national and international festivals and from motion picture programs.

Among the composers whose works have been included in the programs of privately owned Canadian stations in recent months, and which appear to be appropriate to category 10, are the following:

Adam	Elgar	Marchand	Rossler-
Albinoni	Enesco	Mascagni	Rosetti
Bach	de Falla	Massenet	Saint-Saens
Bartok	Faure	Mendelssohn	Satie
Beethoven	Franck	Meyerbeer	Scarlatti
Bellini	Frescobaldi	Mihaly	Schoenberg
Benjamin	Gabrielli	Milhaud	Schubert
Berlioz	Gershwin	Moussorgsky	Schumann
Bernstein	Gilbert and	Mozart	Segovia
Bizet	Sullivan	Offenbach	Shostakovich
Boccherini	Glazounov	Paganini	Sibelius
Borodin	Glinka	Palestrina	Smetana
Brahms	Gluck	Pergolesi	Stamitz
Britten	Gounod	Ponce	Strauss
Bruckner	Grieg	Poulenc	Stravinsky
Chabrier	Handel	Prokofiev	Suppe
Chopin	Haydn	Puccini	Susato
Chausson	Khatchaturian	Purcell	Tschaikovsky
Coates	Kodaly	Rachmaninoff	Turina
Cherubini	Lalo	Ravel	Verdi
Copland	Lehar	Respighi	Vivaldi
Couperin	Leoncavallo	Rimsky-	Wagner
Debussy	Liszt	Korsakoff	Walton
Donizetti	Locatelli	Rodrigo	Weber
Dukas	MacDowell	Rossini	Vaughan
Dvorak	Mahler		Williams

The works of the above composers represent a wide range of musical forms and moods. Recent developments in other forms of musical expression are not included among them, particularly in music hall and jazz. The latter has been represented on Canadian stations by recordings of many remarkable contributions to Jazz festivals, and by the works of performers like Louis Armstrong, Duke Ellington, Dave Brubeck, Jonah Jones, Count Basie, John Coltrane, Al Hirt, Henry Mancini, Oscar Peterson, and the Jacques Loussier Trio. Musical comedy has been represented

especially by Rodgers and Hammerstein, Lerner and Loewe and Cole Porter.

While Canadians have hitherto contributed modestly to musical composition in any of its forms, there are many distinguished Canadian performers in most musical fields. Their work requires and deserves recognition by Canadian broadcasters. The Canadian Talent Library and the exchange programs of The Canadian Association of Broadcasters as well as the wide ranging programs of the Canadian Broadcasting Corporation, offer admirable opportunities for recognizing and developing Canadian talents. Insofar as the application of Schedule A is concerned, the same principles will govern as in respect of works by other composers or performers.

11. Drama, Poem and Story: - A wide range of masterpieces, whether comedies or tragedies or romances, or tales of adventure and exploration, from many cultures -- from the Song of Solomon to Homer and Plato and Aristophanes, the Medieval story cycles and mystery plays, the Thousand and One Nights and Omar Khayyam, Shakespeare and Moliere and Dante, Tolstoy and Gorki and Chekhov, Claudel and Guitry and Cocteau, Herman Melville, Mark Twain and O'Neill.

Selected contemporary productions from among those presented in such series as Festival, Theatre du Dimanche, Teletheatre, Sur Toutes les Scenes du Monde, Playdate, Sunday Night.

"Siobhan McKenna reading Irish Poetry", Stephen Spender and Dylan Thomas and Robert Frost reading their own works, readings from Charles Dickens and Tennyson, and Shakespeare's Sonnets, Charles Laughton reading from sacred texts and masterworks and a constantly growing list of recordings in English and French by distinguished authors and performers.

Selected motion pictures of recognized distinction from many countries, including for example many produced or directed by Chaplin, Griffith, Von Stroheim, Rene Clair, Renoir, Clouzot, Delannoy, Fellini, de Sica, Rossellini, Zanuck, Goldwyn, David Selznick, Walt Disney, Huston, Capra, Kazan, Kramer, Olivier, Balcon, David Lean, to name only a few of the more distinguished among feature film makers.

12. Critical evaluation in Arts, Literature and Public Affairs: - Architects of Modern Thought, Project 61 -- The God that Failed, Sagesse de l'Orient, Eastern Wisdom and Modern Life, Architecture (Explorations), The City in History (Lewis Mumford), The Things We See (Jarvis), L'Art et les Hommes (Jean-Marie Drot).

Selected programs from among talks or documentaries presented in such series as La Revue des Arts et Lettres, The Lively Arts, Conferences, Inquiry, and annual conferences of the Canadian Institute of Public Affairs, L'Institut Canadien des Affaires Publiques and the Learned Societies.

13. Science: - Exploring the Universe (NET), Einstein (Bronowski and Sinclair), Speed (Lister Sinclair in Horizon), The Nature of Things (Hume and Ivey), Naissance de Telstar, and selected programs from such series as Web of Life, Science Review, Le Roman de la Science, Aux Frontières de la Science, and from among presentations made to national and international science congresses.

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THE ABOVE LIST OFFERS EXAMPLES OF PROGRAMS APPROPRIATE TO CATEGORIES 10 TO 13; ANOTHER EQUALLY VALID LIST COULD BE OFFERED FROM AMONG PROGRAMS BROADCAST IN RECENT SEASONS BY CANADIAN STATIONS. IT IS EXPECTED THAT LICENSEES AND PROGRAM DIRECTORS WILL USE THEIR OWN IMAGINATION AND JUDGMENT IN APPLYING SCHEDULE A.

Some difficulty may be encountered in describing in the log, programs which contain elements from one or more of the 14 categories used in Schedule A. In general, programs should be described by the number appropriate to the principal theme or purpose of the broadcast, or to the selections which occupy the major part of the program time. For example, when the selections chosen for musical programs are equally representative of categories (6) and (10), the log should record the programs as 6/10. But if not more than one-third of the total time of the program is devoted to selections appropriate to (10), and the remainder devoted to selections of popular music appropriately described by (6), the number 6 should be used.

Program directors who would like to provide more information may wish to record in their logs the category number considered appropriate to each individual selection broadcast. This might prove burdensome if attempted regularly, but when done occasionally could provide a useful basis for reviewing the application of the category schedule, and presenting periodically up-to-date examples for guidance. The definitive judgment insofar as interpretation of the schedule is concerned must rest with the Commission, but the Commission will welcome comments and suggestions which will help to improve its application.

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BBG Circular 124

December 8, 1965

Release of Tapes to Public

The Commission has been receiving requests for the release of tapes of AM broadcasting stations by members of the public who are of the opinion that there may be some grounds for legal action. The Commission is aware of the difficulties to stations which might arise from indiscriminate enquiries. However, the Commission has come to the conclusion that there

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APPENDIX II

Results of AM and FM Survey Questionnaire

AM QUESTIONNAIRE

(Check either yes or no in the space provided unless otherwise indicated)

	<u>PERCENTAGE</u>		<u>DON'T KNOW</u>
	<u>YES</u>	<u>NO</u>	
1. Should 30 per cent Canadian content requirements be continued?	18	82	-
2. Should Canadian content levels for AM radio be reduced?	82	18	-
3. If any content regulations should be reduced, to what level should they be reduced to? (CIRCLE ONE)			
a) 0-5% [0%]			
b) 5-10% [9%]			
c) 10-20% [55%]			
d) 20-30% [0%]			
e) No opinion [36%]			
4. Should Canadian content be measured on a weekly basis?	55	45	-
5. Should 5 per cent of the current 30 per cent Canadian content quota be devoted to the playing of new Canadian artists	27	73	-
6. Should a record that fulfills all of the AM Canadian content requirements (performer, lyrics, instruments performed by Canadians and performance recorded in Canada) count as two plays instead of one?	82	18	-
7. Is there a sufficient quantity of Canadian material available to warrant 30 per cent Canadian content regulations?	27	73	-
8. Is there a lack of sufficient material in some areas of music? (like easy listening and country music)	82	18	-
9. Should the CRTC be more flexible in its regulation of country and easy listening stations?	55	36	9

AM QUESTIONNAIRE contd..

	<u>PERCENTAGE</u>		
	<u>YES</u>	<u>NO</u>	<u>DON'T KNOW</u>
10. If there were no Canadian content regulations in place how much Canadian content do you think your station would voluntarily program? (CIRCLE ONE) a) 10% or less [18%] b) 10-20% [55%] c) 15-25% [9%] d) 20-30% [18%]			
11. Do you think the Canadian music industry would have progressed as far as it has if Canadian content regulations had not been in place?	45.5	45.5	9
12. Have the CRTC's Canadian content regulations been primarily responsible for the creation of a viable Canadian music industry?	36	64	-
13. Do you think that Canadian content regulations have created an environment which has enabled Much Music to succeed to the extent that it has?	9	73	18
14. Could Much Music have been a success had Canadian content regulations not been in place?	64	9	27
15. Does successful Canadian music continue to suffer the stigma in the U.S. of being only "regulated hits"?	45	27.5	27.5
16. Has your station suffered financially because of Canadian content regulations?	18	82	-
17. Would your audiences prefer less Canadian content?	55	0	45
18. Does your station receive complaints about the amount of Canadian content aired on your station?	45	55	-
19. Are technological advances blurring the distinction between AM and FM radio?	55	45	-

AM QUESTIONNAIRE contd..

	<u>PERCENTAGE</u>		
	<u>YES</u>	<u>NO</u>	<u>DON'T KNOW</u>
20. Should AM and FM radio be different from each other?	36.5	36.5	27
21. Should Canadian radio be deregulated like U.S. radio?	73	27	-

If you have any other opinions or comments that you would like to add about AM Canadian content regulations, please do so on the following blank page provided.

FM QUESTIONNAIRE

(Check either yes or no in the space provided unless otherwise indicated)

	<u>PERCENTAGE</u>		
	<u>YES</u>	<u>NO</u>	<u>DON'T KNOW</u>
1. Should foreground programming requirements be (CIRCLE ONE)			
a) Eliminated altogether [18%]			
b) Reduced [46%] c) Revised [27%]			
d) Increased [0%]			
e) Left as they are [0%]			
f) Don't know [9%]			
2. Have foreground programming regulations hurt your station financially?	27	55	18
3. Do listeners tune in to your station <u>SPECIFICALLY</u> for its foreground programming?	18	82	-
4. Has foreground programming on your station generated a positive or negative response from your listening audience (CIRCLE ONE) Base of 14 due to multiple responses			
a) Positive [42%] b) Negative [28%]			
c) Indifferent [15%]			
d) Don't know [15%]			
5. Do you believe that foreground programming requirements have achieved the objectives that the CRTC has set out for them? (of helping to create radio that is varied and comprehensive)	45	55	-
6. Do foreground programming regulations help distinguish FM radio from AM?	45	55	-
7. Do you believe that FM <u>SHOULD</u> sound different from AM?	55	36	9
8. Should Canadian radio be deregulated like U.S. radio?	45	55	-
9. Isn't the production of quality foreground programming (like Discomentary, The Rock Journal, etc.) evidence of the success of foreground programming regulations?	27	18	55

FM QUESTIONNAIRE contd..

	<u>PERCENTAGE</u>		
	<u>YES</u>	<u>NO</u>	<u>DON'T KNOW</u>
10. Could your station fulfill its foreground programming requirements without the use of syndicated programming?	82	18	-
11. Do you believe that further technological advances (like the introduction of AM stereo) will make foreground programming regulations obsolete?	82	18	-
12. Does more competition for Canadian FM stations (via stereo-tv or the introduction of distant U.S. FM signals on the Canadian FM band) necessitate that Canadian FM stations reduce their foreground programming levels? (As witnessed in Windsor)	82	18	-
13. Does the Detroit/Windsor area serve to illustrate the failure of foreground programming regulations?	82	18	-
14. Did the CRTC relax its foreground programming regulations in 1983 as compensation to FM stations for allowing AM stereo?	0	36	64
15. Do you see the two policies (introduction of AM stereo and the relaxation of foreground programming regulations in 1983) as being complimentary?	0	36	64
16. Were you satisfied with the CRTC's 1983 decision to relax its foreground programming regulations?	36	55	9
17. Was the relaxing of foreground programming requirements in 1983 only a cosmetic or superficial change?	73	9	18
18. Do you feel that compliance with foreground regulations takes up too much of your station's time and resources?	82	18	-

FM QUESTIONNAIRE contd..

	<u>PERCENTAGE</u>		
	<u>YES</u>	<u>NO</u>	<u>DON'T KNOW</u>
19. Do you feel that compliance with foreground programming regulations burdens your station with unnecessary paper work?	73	27	-
20. Are foreground regulations confusing?	73	27	-
21. Is one of the problems of complying with foreground programming regulations based on the fact that the CRTC has not made it <u>EXPLICITLY</u> clear what qualifies as foreground programming and what does not?	73	27	-
22. Are foreground programming regulations necessary for FM radio?	18	82	-

If you have any other opinions or comments that you would like to add about FM foreground programming regulations, then please do so in the space provided below.

Appendix III

Enrichment and Spoken Word
Actuality Categories

Source: CRTC, Policy Statement on
the Review of Radio
Ottawa: CRTC, 3 March 1983

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APPENDIX III

Enrichment and Spoken Word
Actuality Categories

SOURCE: CRTC, Policy Statement on the Review of Radio
(Ottawa: CRTC) 3 March 1983

marketplace, such as comparisons of price or quality among various brands of products, and market reports relating to various sectors of the economy.

Subcategory 26:

Classified Advertising. Buy, sell or trade, and lost-and-found advertisements on behalf of individuals not normally advertising in the course of their business activities.

Subcategory 27:

Sports News, Results, Conditions.

This subcategory includes information on sports events with highlights, results of games and team standings as well as environmental conditions with respect to sporting events and activities such as sailing, skiing, hunting, fishing and gliding.

Subcategory 28:

Anecdotal News and Information. This subcategory includes news and information of interest primarily because of its entertainment or amusement value, or which relate to unusual, curious or amusing events, or to people who are famous for being famous, quotations from almanacs or anniversary calendars, such as "On this day in the year...", and reports of the results of quizzes and contests initiated by the station.

CATEGORY 3

Enrichment. This category includes research and documentation of current and past events, including sports, instruction and information concerning leisure interests, human interest information and creative uses of language and includes the following subcategories:

évaluation des produits et des services disponibles sur le marché comme les comparaisons de prix ou de qualité entre diverses marques de produits et les études de marchés dans les différents secteurs de l'économie.

Sous-catégorie 26:

Annonces classées. Marchés aux puces et messages sur les objets perdus et trouvés pour le compte d'individus qui n'ont pas l'habitude de faire de la publicité dans le cours normal de leurs affaires.

Sous-catégorie 27:

Nouvelles du sport, résultats et conditions. Cette sous-catégorie comprend les informations sur des événements sportifs, y compris les faits saillants, les résultats des matchs et le classement des équipes, ainsi que les rapports sur les conditions météorologiques relatives aux activités sportives comme la voile, le ski, la chasse, la pêche ou le vol à voile.

Sous-catégorie 28

Anecdotes et informations. Cette sous-catégorie comprend des nouvelles et informations intéressantes en raison surtout de leur caractère amusant et divertissant, ou qui ont trait à des événements bizarres, insolites, amusants ou concernant des personnes connues parce qu'elles sont célèbres et des citations d'almanachs ou de calendriers d'anniversaires du type "Ce jour, en ..." et des comptes rendus des résultats des jeux-questionnaires et concours lancés par la station.

CATÉGORIE 3

Enrichissement. Cette catégorie comprend la recherche et la préparation de documents portant sur des événements actuels et du passé, y compris les sports, instructions et renseignements sur les loisirs, informations d'intérêt général, utilisation créatrice du langage, et comprend les sous-catégories suivantes:

SUBCATEGORY 3A:

Backgrounding. Interpretation of information in which explanation, extrapolation, opinion or commentary is the primary element, including the in-depth treatment of matters of public interest and concern, commentaries interpreting the news of the day, expressions of opinion on political, socio-political or economic affairs, and explanations or interpretations of the cultural and scientific issues of human society in the past, present and future. For greater particularity this subcategory contains 10 further subcategories:

Subcategory 3A1:

Socio-Political Issues and Concerns.

This subcategory includes in-depth treatments of controversial topics, such as drugs or abortion.

Subcategory 3A2:

Public Administration. This subcategory includes in-depth examinations of the processes of government and their effects upon the citizen, interviews with public officials, and detailed accounts of the outcome of elections.

Subcategory 3A3:

Economics. This subcategory includes in-depth studies, analyses or interpretations of the functionings of the economy, including discussions relating to such matters as the gross national product, balance of payments, tariff agreements, unemployment, the cost of living, stock market movements, investment opportunities, labour disputes, and developments within the labour movement.

SOUS-CATÉGORIE 3A:

Documentation. Interprétation des informations où l'explication, l'extrapolation, l'opinion et le commentaire jouent un rôle primordial et comprend des précisions étoffées sur des questions qui préoccupent ou intéressent le public, des commentaires sur les nouvelles du jour et des opinions sur des sujets politiques, sociaux ou économiques et des explications ou interprétations des questions culturelles et scientifiques de la société d'hier, d'aujourd'hui et de demain. Pour plus de précision, cette sous-catégorie comprend 10 autres sous-catégories:

Sous-catégorie 3A1:

Préoccupations politico-sociales et problèmes. Cette sous-catégorie comprend le traitement approfondi d'un sujet controversé comme, par exemple, les narcotiques ou l'avortement.

Sous-catégorie 3A2:

Administration publique. Cette sous-catégorie comprend l'examen approfondi des mécanismes du gouvernement et leurs effets sur les citoyens, des interviews avec des fonctionnaires publics et des comptes rendus détaillés des résultats d'élections.

Sous-catégorie 3A3:

Economique. Cette sous-catégorie comprend des études, analyses ou interprétations détaillées du fonctionnement de l'économie, y compris des discussions relatives à des matières comme le produit national brut, la balance des paiements, les accords tarifaires, le chômage, le coût de la vie, les fluctuations de la bourse, les occasions d'investissements, les conflits de travail et l'évolution du mouvement ouvrier.

Subcategory 3A4:

Pure and Applied Sciences; Nature and Natural History. Explanation of scientific developments and implications of scientific discoveries for industry, the economy, and the individual.

Subcategory 3A5:

Arts and Literature. Discussions and analyses of the Arts and Literature, other than Music, including reviews and critiques, interviews with persons involved in the creation or presentation of artistic or literary works including film, television and radio productions, where the stress is on the artistic contribution, and discussions which are an adjunct to the presentation of plays, poetry and short stories.

Subcategory 3A6:

Music. Discussions and analyses of music as an art form, including the relationship between various musical genres and the influences contributing to the development of musical styles, and including biographical material on composers and performers, but not including matter falling under subcategory 76 (Identification of Music).

Subcategory 3A7:

Religion, Philosophy, Social and Other Sciences. Examination of the human condition through the thoughts and writings of theologians, philosophers and social scientists, both ancient and modern.

Subcategory 3A8:

Lands, Cultures and Heritage. Descriptive talks or discussions designed to improve the audience's awareness and understanding of the customs, manners, peoples, and cultural or geographical environments of their own and other lands.

Sous-catégorie 3A4:

Sciences pures et sciences appliquées; sciences et histoire naturelles. Explications des progrès scientifiques et des implications des découvertes scientifiques sur l'industrie, l'économie et l'individu.

Sous-catégorie 3A5:

Les arts et la littérature. Discussions et analyses de la littérature et des arts (la musique exceptée), y compris des comptes rendus et critiques, des interviews avec des personnes engagées dans la création ou la présentation d'oeuvres artistiques ou littéraires (y compris dans la production de films, d'émissions de télévision et de radio lorsque l'accent est mis sur la créativité) et les échanges de vue qui accompagnent la présentation de pièces, d'oeuvres poétiques et de nouvelles.

Sous-catégorie 3A6:

Musique. Discussions et analyses de la musique comme forme d'art, y compris les relations entre les divers genres musicaux, les facteurs contribuant à la naissance des divers styles de musique et les biographies de musiciens et interprètes mais ne comprend pas la matière couverte par la sous-catégorie 76 (Identification de l'oeuvre musicale).

Sous-catégorie 3A7:

Religion, philosophie, sciences sociales et autres sciences. Etude de la condition humaine par l'étude de la pensée et des écrits des théologiens, philosophes et sociologues tant anciens que modernes.

Sous-catégorie 3A8

Pays, cultures et patrimoines. Entretiens ou discussions destinés à amener l'auditoire à prendre conscience et mieux comprendre les moeurs et coutumes, les peuples et les milieux culturels ou géographiques à la fois de leur pays et d'ailleurs.

Subcategory 3A9:

History and Biography. Treatments of persons and events in local, regional, national or international history, including rebroadcasts of historic events.

Subcategory 3A10:

Sports Backgrounding. Behind-the-scenes information on the world of professional or semi-professional sports, including career statistics, training methods, psychological and medical factors, and the rules of the game, and including interpretive interviews with sport figures, round-table or hot-seat discussions, and editorial comments.

SUBCATEGORY 3B

Hobbies, Games, Crafts, Skills. Instruction and information concerning leisure interests, other than professional or semi-professional sports, and formal or academic instruction, including instructional or "how-to" material dealing with hobbies, crafts and skills, and non-promotional games where luck or chance are not the main factors; for greater particularity, this subcategory includes the following four subcategories:

Subcategory 3B1:

Hobbies, Crafts and Skills. Explanations of tools, techniques and resource materials of special appeal to those with a basic knowledge of, or interest in, a leisure time activity. Includes how-to information or advice and suggestions on improving one's skill at a hobby such as sewing, gardening, woodworking, bridge, chess, sailing, tennis and golf.

Sous-catégorie 3A9:

Histoire et biographies. Analyse des personnes et des événements de l'histoire locale, régionale, nationale ou internationale, y compris la retransmission d'événements historiques.

Sous-catégorie 3A10:

Documentation sportive. Renseignements documentaires dans le domaine du sport professionnel ou semi-professionnel, y compris les statistiques, les méthodes d'entraînement, les facteurs psychologiques ou médicaux, les règles du jeu, des interviews avec des sportifs, des tables rondes ou entrevues sur la sellette et des éditoriaux.

SOUS-CATÉGORIE 3B

Passe-temps, jeux, artisanat et techniques. Instructions et renseignements sur les loisirs sauf les sports professionnels ou semi-professionnels et les matières scolaires ou académiques et comprend le matériel fournissant des indications sur la manière de pratiquer certains passe-temps, certaines formes d'artisanat et d'arts appliqués et des jeux où le hasard ne représente pas le facteur essentiel. Pour plus de précision, cette sous-catégorie comprend les quatre sous-catégories suivantes:

Sous-catégorie 3B1

Passe-temps, artisanat et techniques. Les explications sur les outils, les moyens disponibles ou les techniques s'adressant particulièrement à ceux qui ont des connaissances de base ou un intérêt particulier dans une forme de loisir, et comprend la méthode à suivre, des conseils ou des suggestions sur la façon de se perfectionner dans un passe-temps comme la couture, le jardinage, la menuiserie, le bridge, les échecs, la voile, le tennis ou le golf.

Subcategory 3B2:

Academic Instruction. Formal instruction relating to academic skills, including the acquisition of a language.

Subcategory 3B3:

Games. Quizzes or competitions the object of which is to test specific acquired knowledge such as historical or scientific facts and word derivations, but not including matter falling under subcategory 3C6 (quizzes and contests) or subcategory 82 (promotional contest).

Subcategory 3B4:

Physical Instruction. Advice on how to keep fit through exercise programs, such as yoga or isometrics, and information on diet, hygiene and care of the body.

SUBCATEGORY 3C

Human Interest. General information or opinion about situations, events or beliefs of broad general interest, advice of a general personal nature, interviews or conversations with or about celebrities in areas unrelated to their expertise, and items featuring a master of ceremonies, such as an interview, variety or game show, where the emphasis is on a personality rather than on the extended treatment of a subject; for greater particularity, this subcategory includes the following subcategories:

Subcategory 3C1:

Ombudsman and Causes. The presentation of a personality acting in the role of community problem-solver, responding to telephoned or written requests for assistance with the aim

Sous-catégorie 3B2

Cours académiques. Enseignement formel relatif aux aptitudes académiques, y compris l'apprentissage d'une langue.

Sous-catégorie 3B3:

Jeux. Jeux-questionnaires ou épreuves dont l'objet est de mettre à l'épreuve les connaissances acquises comme des faits historiques ou scientifiques et comme des mots dérivés, excepté les matières comprises sous la sous-catégorie 3C6 (Questionnaire et concours) ou la sous-catégorie 82 (Concours promotionnels).

Sous-catégorie 3B4

Conditionnement physique: Conseils sur les moyens de se tenir en forme à l'aide d'un programme d'exercices comme, par exemple, le yoga ou l'isométrie et des renseignements sur la diététique, l'hygiène et les soins personnels.

SOUS-CATÉGORIE 3C

Intérêt général. Renseignements ou commentaires d'ordre général sur des événements, des situations ou des croyances d'intérêt très général, conseils personnels, interviews ou conversations au sujet de, ou avec des célébrités sur des sujets sans rapport direct avec leur champ d'activité habituel; des émissions mettant en vedette un maître de cérémonie, comme une émission d'entrevues, de variétés ou de jeux où l'accent est mis sur la personnalité plutôt que sur l'analyse en profondeur d'une question. Pour plus de précision, cette sous-catégorie comprend les sous-catégories suivantes:

Sous-catégorie 3C1:

Ombudsman et causes. Service fourni par une personne jouant le rôle d'un ombudsman, répondant aux demandes d'aide faites par écrit ou par téléphone afin d'exposer les problèmes de

of airing community and consumer problems, or providing a listening ear for people in trouble.

Subcategory 3C2:

Informal Discourse or Conversation.

Colloquial, casual, spontaneous talk and casual repartee by or between announcers, including jokes and humorous asides, where such matter is of a duration of more than 30 seconds.

Subcategory 3C3:

Casual Opinion. Comments or opinions expressed in telephone, studio or in-the-street interviews, or by or to announcers, where none of the parties to the conversation are recognized experts dealing with subjects within their own expertise.

Subcategory 3C4:

Celebrity and Personality. Interviews or conversations with or about people in entertainment, sports or public life, in areas unrelated to their expertise, such as their personal life style or opinions.

Subcategory 3C5:

Horoscope and Occult. Information relating to the signs of the zodiac, the tendencies pertaining to these signs, their application to predict the conduct or character of individuals, and advice based upon such observations, including information on the occult generally.

Subcategory 3C6:

Quizzes and Contests. Contests where the winning contestant is determined primarily by luck or by chance rather than on the basis of any particular skill or knowledge, other than contests falling under subcategory 82 (promotional contest).

la collectivité ou de consommateurs ou afin d'offrir une oreille attentive aux personnes dans le besoin.

Sous-catégorie 3C2:

Entretien familial ou conversation.

Propos familiaux et spontanés sur des choses banales et réparties entre annonceurs, y compris blagues et plaisanteries lorsque cette matière dure plus de 30 secondes.

Sous-catégorie 3C3:

Opinions spontanées. Commentaires ou opinions exprimés en studio, au cours d'appels téléphoniques ou d'interviews sur la rue à des annonceurs ou par ceux-ci, lorsqu'aucun des participants à l'entretien n'est un expert et ne discute d'un sujet de sa compétence.

Sous-catégorie 3C4:

Célébrités et personnalités. Interviews ou entretiens avec, ou au sujet de personnalités du monde du spectacle, des sports ou des affaires publiques, sur des sujets non reliés à leur compétence, comme certains aspects de leur personnalité ou de leur mode de vie.

Sous-catégorie 3C5:

Horoscope et occultisme. Renseignements relatifs aux différents signes du zodiaque, les tendances propres à chacun de ces signes et leur application pour prédire la conduite ou le caractère d'un individu et les avis basés sur ce genre d'observations, y compris des renseignements généraux sur l'occultisme.

Sous-catégorie 3C6:

Questionnaires et concours. Les concours où le vainqueur est choisi par le hasard plutôt que jugé sur ses aptitudes ou ses connaissances excepté les concours compris dans la sous-catégorie 82 (Concours promotionnels).

Subcategory 3C7:

Dedications and Requests. Announcements acknowledging dedications to, or requests from members of the audience.

Subcategory 3C8:

Guidance. Information on problems of etiquette, homemaking, family life, frequently in response to general or specific questions, including advice concerning personal or spiritual conduct, such as short inspirational talks by clergymen, sermonettes and "thoughts-for-the-day", where these are not presented as part of a religious service or ritual.

SUBCATEGORY 3D

Spoken Word - Other. The use of language in imaginative constructions, either in spontaneous improvisation or from a prepared text, including simple, informal stories and humorous or satirical sketches; extended impersonations or improvisations, whether presented by station personnel or others; and the presentation of planned, scripted creative works of all periods, whether in original or adapted form, including all the traditional literary modes of the folk tale or narrative legend, essay, short story, poem and drama, but not including matter falling under subcategory 3C2 (Informal Discourse or Conversation) or subcategory 73 (Verbal Bridges, Quips); for greater particularity, this subcategory includes the following six subcategories:

Subcategory 3D1:

Humorous or Other Sketch. Improvised or scripted comic skit, including

Sous-catégorie 3C7:

Dédicaces et demandes. Mentions annonçant les dédicaces à des auditeurs ou répondant à des demandes de la part de ces derniers.

Sous-catégorie 3C8:

Conseils. Renseignements sur des problèmes d'étiquette, d'art ménager et de vie familiale donnés habituellement en réponse à des questions spécifiques ou de nature plus générale, y compris des conseils sur la vie personnelle ou spirituelle comme de brefs entretiens spirituels avec des membres du clergé, de courts sermons et des "pensées du jour" lorsque ces conseils ne sont pas présentés dans le cadre d'un office religieux.

SOUS-CATÉGORIE 3D

Créations orales, autres. L'utilisation du langage dans des formes fantaisistes, soit par improvisation, soit à partir d'un texte préparé, y compris de courtes histoires ordinaires, des sketches humoristiques ou satiriques, des imitations et improvisations présentés soit par le personnel de la station soit par d'autres personnes; des oeuvres écrites de toute époque sous leur forme originale ou adaptée, y compris tous les modes littéraires traditionnels comme les fables ou contes, les légendes, essais, nouvelles, poèmes et pièces de théâtre, excepté les matières couvertes par la sous-catégorie 3C2 (Entretien familial ou conversation) ou la sous-catégorie 73 (Continuités verbales et réparties); pour plus de précision, cette sous-catégorie comprend les six sous-catégories suivantes:

Sous-catégorie 3D1:

Sketches humoristiques ou autres. Satires improvisées ou préparées, y

impersonations of political or other public figures.

Subcategory 3D2:

Story. Fictional prose narrative, including readings of prose compositions in which the characters, if any, are given different voices.

Subcategory 3D3:

Traditional, Regional, Folk Tales. Familiar tales that reflect the traditional beliefs, sayings and customs of a people; stories often with legendary or mythical elements, handed down for generations and popularly believed to have an historical basis; and wholly fanciful accounts of supernatural creatures as in fairy tales.

Subcategory 3D4:

Recollections and Fictional Essay. Short prepared accounts of an episode, frequently biographical in nature, including records of a particular period of time or series of events based on the author's personal observations and knowledge, such as a recounting of cutting timber on the Ottawa, or living in the Klondike.

Subcategory 3D5:

Poetry. Readings of classic or contemporary poetic creations.

Subcategory 3D6:

Drama. Performances of classic or contemporary dramatic creations.

CATEGORY 4

Spoken Word - Actuality. Direct coverage of events whether news, sports, religious services or special events. This category contains four subcategories:

compris les imitations de personnalités politiques ou de la vie publique.

Sous-catégorie 3D2:

Récits. Récits d'imagination en prose, y compris la lecture de compositions dont les personnages, s'il y en a, sont interprétés par différentes voix.

Sous-catégorie 3D3

Contes traditionnels, folkloriques et régionaux. Contes populaires qui reflètent les croyances traditionnelles, les dires et les coutumes d'un peuple; histoires tenant de la légende ou du mythe, transmises de génération en génération et tenues, dans les croyances populaires, pour avoir des fondements historiques; et récits purement fantaisistes sur des créatures surnaturelles comme dans les contes de fées.

Sous-catégorie 3D4

Souvenirs et essais fictifs. Brefs récits d'une aventure de nature biographique, y compris les récits relatifs à une époque particulière ou à une série d'événements, basés sur le témoignage personnel de l'auteur comme, par exemple, le récit de la drave sur la rivière des Outaouais ou de la ruée vers l'or au Klondike.

Sous-catégorie 3D5

Poésie. Lecture d'oeuvres poétiques, classiques ou contemporaines.

Sous-catégorie 3D6

Théâtre. Présentation d'oeuvres dramatiques, classiques ou contemporaines.

CATÉGORIE 4

Créations orales - Actualité. Reportage en direct d'événements, qu'il s'agisse de nouvelles, sports, offices religieux ou événements spéciaux. Cette catégorie comprend quatre sous-catégories:

Subcategory 41:

News Actuality. Where by chance or by pre-arrangement, the listener hears a newsworthy event directly, or hears a live or delayed live description of such an event.

Subcategory 42:

Religious Services and Worship. The expression of religious belief through a ritual or other form of public worship including prayers, recitation of the rosary, hymns, or readings from sacred writings, and the live broadcast of religious services, including music which occurs in the course of a ritual, service or other form of public worship, but not including religious music not so presented, which falls under subcategory 66 (non-classic religious), sermonettes or related matter falling under subcategory 3C8.

Subcategory 43:

Sports Actuality. Direct coverage of sports events, including play-by-play descriptions.

Subcategory 44:

Special Events Actuality. Direct coverage of events, such as the Santa Claus parade, which are predictable as to occurrence and outcome, and for which broadcast time is reserved, other than events falling under categories 1 (news) or 2 (surveillance).

CATEGORY 5

Music-General. Live or recorded entertainment music, extending from the advent of mass-produced recordings to the latest hits as defined in charts of recognized trade publications, including popular songs and compositions which fall under the

Sous-catégorie 41:

Actualité. Lorsque, par hasard ou par arrangement préalable, l'auditeur est le témoin direct d'un événement important ou entend en direct ou en différé la description d'un tel événement.

Sous-catégorie 42:

Offices religieux et cultes. L'expression de croyances religieuses selon le rituel ou quelque autre forme de culte et comprend les prières, la récitation du chapelet, les psaumes ou la lecture d'écrits sacrés, de même que la transmission en direct d'offices religieux. Cette sous-catégorie comprend la musique entendue au cours de ces rites, offices ou autres formes de culte mais ne comprend pas la musique religieuse présentée dans un autre contexte, et couverte par la sous-catégorie 66 (Religieux non-classique), ni les courts sermons ou autres matières semblables couvertes par la sous-catégorie 3C8.

Sous-catégorie 43

Actualité sportive. Les reportages en direct des événements sportifs, y compris les descriptions de rencontres sportives.

Sous-catégorie 44

Événements spéciaux. Reportages en direct d'événements dont l'occurrence et le dénouement sont prévisibles et pour lesquels du temps d'antenne est réservé, comme par exemple le défilé du Père Noël, excepté les événements couverts par les catégories 1 (Nouvelles) ou 2 (Renseignements d'appoint).

CATÉGORIE 5

Musique générale. La musique populaire en direct ou enregistrée couvrant la période qui s'étend du début de la production massive des disques aux plus récents grands succès tels qu'inscrits aux palmarès des publications spécialisées reconnues,