



Canadian Association of Broadcasters
Association canadienne des radiodiffuseurs

May 26, 2008

Via Epass

Mr. Robert A. Morin
Secretary General, Corporate and Operations
CRTC
Ottawa, Ontario
K1A 0N2

Dear Mr. Morin:

Re: Broadcasting Public Notice 2008-16, Call for comments on the definition of emerging Canadian artists on commercial radio

1. The Canadian Association of Broadcasters (CAB) is the national voice of Canada's private broadcasters, representing the vast majority of Canadian programming services, including private radio and television stations, networks, specialty, pay and pay-per-view services. The goal of the CAB is to represent and advance the interests of Canada's private broadcasters in the social, cultural and economic fabric of the country. The CAB is pleased to submit these comments in response to the above-noted Public Notice ("the Notice").
2. In the Notice, the Commission indicated that, in order to assess the contribution of commercial radio stations to the exposure of the work of emerging Canadian artists, it considers that a common definition(s) of emerging Canadian artists is now required. The Commission has therefore initiated a process to adopt definitions of emerging artists appropriate for French- and English-language talent. The Commission also stressed that in developing a definition or definitions of emerging Canadian artists, it considers that the following objectives are fundamental:
 - The definition or definitions should be based, to the extent possible, on a combination of the most relevant measures of popularity, such as airplay and/or sales, etc.;
 - The definition or definitions should be based on information easily accessible to all in order to allow broadcasters of all sizes and the Commission to monitor the level of musical selections by emerging artists on station playlists; and

- The definition or definitions should strike a balance between the achievement of meaningful name recognition of artists by radio listeners and consumers of recorded music and ensuring a constantly fresh roster of emerging artists.

3. Finally, the Commission indicated that:

“pending further suggestions to be received in the ensuing process, the Commission is of the preliminary view that the “Top 40, under one year” definition of an emerging artist proposed by the Canadian Association of Broadcasters during the 2006 review of the Commercial Radio Policy strikes the best balance between ensuring name recognition on the part of radio listeners and music consumers and the exposure of an ever-renewing roster of emerging talent. Under this definition, an artist would be considered emerging up until 12 months after the date his or her first selection reaches one of the Top 40 positions on the industry charts traditionally used by the Commission to determine hits.”

4. It is against this backdrop that the CAB wishes to provide its comments and recommendations on the best approach to adopt a definition of what constitutes an emerging Canadian artist.

Definition of Emerging Canadian Artist

5. Before proposing the CAB definition, the CAB wishes to point out that at the time of the 2006 commercial radio review, the CAB submitted two separate definitions of emerging Canadian artist for the Commission’s consideration: one designed to reflect the specificity and the needs of the French market, the other to address the circumstances of the English-market.
6. The CAB proposed definition for the French market as stated in paragraph 533 of its submission filed on March 15th, 2006 was:

Un interprète sera considéré comme un « nouvel artiste » pendant une période de quatre ans (48 mois) suivant la date d’inscription de sa première pièce musicale dans « Le Palmarès »

Aux fins de cette définition la notion d’artiste inclut les duos, trios ou groupes d’artistes opérant sous une identité définie. Si un artiste membre d’un duo, trio ou groupe ayant une identité définie démarre une carrière solo ou crée avec d’autres partenaires un nouveau duo, trio ou groupe ayant une nouvelle identité définie, cet artiste solo ou ce nouveau duo, trio ou groupe sera considéré comme un « nouvel artiste » pendant une période de quatre ans (48 mois) suivant la date d’inscription de la première pièce musicale produite sous sa nouvelle identité dans « le Palmarès ».¹

¹ TRANSLATION : a singer will be considered an emerging artist during the first four years (48 months) following listing of his or her first single release on “Le Palmarès”.

For the purposes of this definition, the notion of artist includes duos, trios and groups operating under an established identity. If an artist who is a member of a duo, trio, or group with an established identity launches a solo career or creates, in company with others, a new duo, trio, or group with a new identity, this solo artist or new duo, trio, or group

7. The CAB proposed definition for the English-market as stated at paragraph 360 of its submission filed on March 15th, 2006 was:

A Canadian artist would be considered an Emerging Canadian Artist up to 12 months from the date he/she reaches the Top 40 in spins on BDS or Mediabase all format charts or become gold certified for the first time.

8. The latter definition was meant to apply to the English market only, and not serve as an industry-wide English AND French market definition of what constitutes an emerging Canadian artist.
9. The CAB strongly believes that, for reasons that will be developed further below, it is not only appropriate, but required, that the Commission adopt a separate and unique definition of emerging Canadian artist for the French-speaking market, as well as a single definition of emerging Canadian artist that is specific to the reality of the English-speaking market.
10. The CAB notes that this view has been shared in recent proceeding by other stakeholders, notably by l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo (l'ADISQ) in the context of Astral's licence renewal of 11 of its French-language radio stations. The CAB further notes that in their 2007 report on the regulatory framework for broadcasting services, Laurence Dunbar and Christian Leblanc also shared the CAB's view on the need to adopt different definitions for emerging Canadian artists to address the specific needs of the French- and English-speaking markets by stating that:

"The best way to establish such a definition, we believe, is to have representatives of the Canadian radio broadcasting industry and the Canadian music industry mutually agree on those definitions. We also believe that both English-speaking and French-speaking markets may each require separate definitions that reflect the distinctive realities in the field."

11. With this in mind, the CAB has worked with its Music Issues Committee to revise and update the definitions it developed in the context of the 2006 commercial radio review with a view to creating a consensus among the radio and the music industries in both the French-speaking and the English-speaking markets. The CAB undertook discussions separately with ADISQ and with the Canadian Independent Record Production Association (CIRPA).
12. The following sections outline the proposed revised definitions for each of the French-speaking and the English-speaking markets developed in consultation and collaboration with ADISQ for the definition that would apply in the French-speaking market and with CIRPA as it relates to the definition that would apply in the English-speaking market. These proposed definitions are different from one another because they reflect the specificity and the different needs of each of the French and the English market.

Nouvelle proposition de définition d'artiste canadien émergent - marché francophone:

13. L'ACR a suivi de près l'évolution des discussions qui ont conduit dans un premier temps l'un de ses membres Astral Media Radio Inc. (Astral) et l'ADISQ à proposer conjointement une définition de l'expression « artistes émergents canadiens de langue française » qui fut soumis à l'attention du Conseil dans le cadre du processus de renouvellement des licences de onze stations de radio appartenant à Astral. L'ACR note que la définition proposée conjointement par Astral et l'ADISQ s'inspire largement de la définition d'artiste émergent proposée par l'ACR dans le cadre de la révision de la politique sur la radio commerciale en 2006. Elle note de plus que cette définition, tout comme celle d'ailleurs qu'elle avait elle-même proposée en 2006, reflètent à la fois le contexte particulier de l'industrie de la radio privée francophone et la structure industrielle de l'enregistrement sonore de langue française. L'entente intervenue entre Astral et l'ADISQ ne fait que confirmer la conviction que partage l'ACR quant à la nécessité d'adopter une définition d'artiste émergent canadien qui soit propre aux caractéristiques du marché francophone canadien.
14. C'est pourquoi, après consultation auprès de l'ensemble de ses membres radio qui exploitent des stations musicales de langue française, l'ACR a adopté sans réserve la définition « d'artistes émergents canadiens de langue française » proposée dans le cadre du renouvellement des licences des stations de radio francophones d'Astral. L'ACR a par la suite tenue des discussions avec l'ADISQ afin de confirmer les paramètres de cette définition. L'ACR est, par conséquent, heureuse de confirmer au Conseil qu'elle propose, de concert avec l'ADISQ la définition suivante d'artiste émergent canadien de langue française :

Un artiste canadien de langue française sera considéré comme un artiste émergent jusqu'à ce que l'un ou l'autre des seuils suivants ait été atteint:

- *Une période de six (6) mois s'est écoulée depuis que les ventes de l'un de ses albums ont atteint le statut de disque d'or selon SoundScan;*
- *Une période de 48 mois s'est écoulée depuis la parution de son premier album mis en marché commercialement.*

Aux fins de cette définition la notion d'artiste inclut les duos, trios ou groupes d'artistes opérant sous une identité définie. Si un artiste membre d'un duo, trio ou groupe ayant une identité définie démarre une carrière solo ou crée avec d'autres partenaires un nouveau duo, trio ou groupe ayant une nouvelle identité définie, cet artiste solo ou ce nouveau duo, trio ou groupe sera considéré comme un « artiste émergent » pendant une période de quatre ans (48 mois) suivant la date de parution de son premier album mis en marché commercialement.

15. L'ACR et l'ADISQ partage le point de vue qu'il faut du temps pour développer de façon cohérente et efficace la carrière d'un artiste de la relève. Dans la vaste majorité des cas il faut compter au moins sur la publication de deux albums consécutifs par un artiste ou un groupe avant d'établir une identification claire et un lien fort entre l'artiste ou groupe et les amateurs de musique.

16. Bien des facteurs entrent en ligne de compte dans l'établissement de ce lien particulier entre le public et l'artiste-interprète qui feront, dans certains cas d'elle ou de lui une vedette de la chanson. Et chaque maillon de la chaîne joue un rôle important dans l'établissement de ce lien privilégié. Notamment, il faut que l'artiste soit bien encadré; il faut établir un positionnement clair de l'artiste auprès du public – développer sa marque – par une campagne de mise en marché pertinente et soutenue; établir une présence forte par le spectacle qui favorise le développement d'une base solide de fans. Et il ne fait aucun doute que la promotion des artistes de la relève ou artistes émergents à la radio constitue un élément important qui contribue au renouvellement du star system de la chanson francophone au Québec. Pour y arriver, il faut surtout du temps.
17. C'est pourquoi, l'ACR et l'ADISQ conviennent que les artistes émergents canadiens de langue française devraient pouvoir conserver le statut d'artiste émergent pour une période raisonnable de 48 mois à partir de la publication de leur premier album mis en marché commercialement.
18. Dans le cadre des discussions qui ont conduit dans un premier temps Astral et l'ADISQ à s'entendre sur un projet de définition d'artiste émergent canadien de langue française, l'ADISQ a souhaité que la définition prévoit l'établissement d'une période de référence plus courte dans le cas où un artiste aurait atteint un seuil de ventes significatif. L'ADISQ a en ce sens proposé que l'atteinte d'une certification de disque d'or constituerait un seuil de vente raisonnable aux fins de l'établissement de la définition d'artiste émergent canadien dans le contexte du marché francophone.
19. L'ACR partage l'opinion de l'ADISQ à l'effet que le critère des ventes d'albums en magasin constitue encore une bonne mesure permettant d'évaluer le succès d'un artiste dans le marché francophone. C'est pourquoi, dans le cas d'un artiste qui aura atteint une certification de disque d'or, l'ACR et l'ADISQ conviennent que cet artiste devrait continuer de bénéficier du statut d'artiste émergent pour une période de six (6) mois après l'atteinte du statut de disque d'or selon Soundscan. Nous croyons qu'il s'agit là d'une période de temps raisonnable susceptible de favoriser le développement de carrière des artistes de la relève francophone canadienne.
20. Par ailleurs, compte tenue de l'étroitesse du marché francophone et du nombre limité de formats radiophoniques musicaux de langue française, il n'y a, à toute fin pratique, qu'un seul palmarès auquel l'industrie du disque et de la radio se réfère. De ce fait, un grand nombre de nouveaux albums francophones québécois se retrouvent peu de temps après leur parution sur le palmarès de référence au Québec.
21. Dans ce contexte, il n'est donc pas pertinent d'utiliser l'inscription de la première chanson d'un artiste émergent canadien de langue française au palmarès – ou à une position précise de ce palmarès – comme point de référence pour établir la période de temps à laquelle un ou artiste sera considéré(e) comme artiste émergent.
22. Par contre, il est facile d'établir, par le biais de la publication du Palmarès la date de publication de la première œuvre d'un artiste émergent canadien de langue française. La définition que nous proposons conjointement avec l'ADISQ s'inscrit donc dans la logique souhaitée par le Conseil que « la définition soit fondée sur des renseignements facilement accessibles à tous ».

23. Enfin, l'ACR souhaite répondre au point de vue émis par le Conseil à l'effet qu'il « *considère a priori que la définition des « Top 40, moins un an » ...permet d'atteindre le meilleurs équilibre possible entre l'assurance d'une identification juste de l'artiste par les auditeurs de la radio et les consommateurs de musique et le temps d'antenne accordé aux artistes inscrits sur la liste toujours renouvelée des nouveaux talents* ».
24. Pour qu'il n'y ait aucune ambiguïté, l'ACR tient à préciser que la définition auquel le Conseil fait ici référence n'avait été proposée en 2006 que pour les besoins du marché de langue anglaise. En effet, l'ACR avait proposé, à l'époque, cette définition pour établir les balises d'un système de bonification à la diffusion de musique par des artistes émergents canadiens de langue anglaise pour les fins exclusive du marché anglophone canadien. L'ACR n'a jamais envisagé, ni souhaité d'ailleurs que cette définition soit étendue aux besoins du marché de langue française. Bien au contraire, l'ACR soumet que l'adoption d'une telle définition dans le marché francophone serait contraire aux intérêts des artistes émergents canadiens de langue française, à l'industrie québécoise de l'enregistrement sonore et de la radio privée commerciale de langue française.
25. Pour toutes ces raisons, l'ACR soumet de concert avec l'ADISQ que la définition que nous proposons conjointement aujourd'hui est la plus appropriée pour favoriser le développement de la carrière des artistes émergents canadiens de langue française, tout en respectant les besoins de l'industrie du disque au Québec et les conditions propres à l'exploitation des stations musicales commerciales de langue française. Il s'agit là d'un consensus industriel important qui doit être respecté par le Conseil dans l'intérêt de la composante francophone du système canadien de radiodiffusion. L'ACR et l'ADISQ déposeront au cours des prochains jours copie de l'entente formelle qu'ils ont convenue à l'égard de la définition d'artiste émergent canadien de langue française pour qu'elle soit versée au dossier public de cette instance.

Revised Definition of Emerging Canadian Artist - English-Speaking Market:

26. With respect to the approach that best serves the need of emerging Canadian artists in the English market, the CAB undertook to revise and update the definition it had developed in the context of the commercial radio review. Indeed, as the Commission is well aware the definition that the CAB submitted in 2006 was designed as part of a proposal to introduce a Canadian music bonus credit for the airplay of music by emerging Canadian artists. In its Commercial Radio Policy of 2006 (BPN 2006-158) the Commission decided not to adopt the CAB's proposal with respect to a bonus system on airplay for emerging Canadian artist.
27. In light of the Commission's decision as reflected in BPN 2006-158, and in preparation for the current policy proceeding, the CAB developed a revised definition of emerging Canadian artist that would apply in the English market. For the same reasons exposed at paragraph 15 noted above, the CAB believes that it takes time to develop the career of emerging artists in English Canada as well as in French Canada. Therefore, the CAB developed a definition of emerging artist using metrics more suited to the need of radio broadcasters and the music industry in English Canada yet achieving the same result of providing enough time to allow new artists to get known and recognized by radio listeners. The revised definition reads as follows:

An artist would be considered an "Emerging Canadian Artist", if he/she/they are Canadian; that is, they meet the "A" criterion of the MAPL system; and up until 36 months from the date they reach the Top 40 in spins on BDS or Mediabase all-format charts. If an artist who is a member of a duo, trio, or group with

an established identity launches a solo career or creates, in company with others, a new duo, trio, or group with a new identity, this solo artist or new duo, trio, or group will be considered a new artist for the first three years (36 months) following the date its selection under the new identity is listed on the Top 40 all format chart.

28. The CAB believes that in the English market, it is useful for all stakeholders to use the attainment of a specific watershed position on a recognized industry chart – in this case the Top 40 all format chart – to establish the timeline under which a Canadian artist would remain considered an emerging artist. As pointed out by the Commission in its Notice, for English-language artists the use of a chart position attained by artists “appears to be the most practical because current and historical chart information is relatively easy for the music and broadcast industries and the Commission to obtain.”
29. As for the 36 months period allocated from the date an artist reach the Top 40 all format charts, the CAB submits that it will provide a reasonable timeline to allow an artist to release at least two CDs, which we believe is required as a minimum to establish the notoriety of an artist and assist in developing a sizable fan base for the artist(s). The CAB further notes, that given the time normally needed for an emerging artist to reach the Top 40 all formats chart, the 36 month threshold would be a similar time frame from the date of the first CD release threshold proposed by both the CAB and ADISQ for defining an emerging Canadian French-language artist that would apply in the francophone market.
30. The CAB held discussions with representatives of CIRPA on its proposed revised definition for emerging Canadian artist. While the music industry in Quebec felt it was needed to include sales of sound recordings as one of the criteria in the definition of emerging artist in the French market, CIRPA did not request that music sales be used for the definition of emerging artist in the English market. In fact, CIRPA did not request any change to the proposed definition submitted by the CAB. Therefore, the CAB is pleased to indicate to the Commission that based on these discussions both parties have come to an agreement on the issue of the definition of emerging Canadian artist that would apply in the English market.
31. Finally, in response to the question raised by the Commission about the need to establish a separate definition or to apply an industry-wide definition differently in the case of country music stations, the CAB submits that adopting one industry-wide definition of emerging Canadian artist that would be applied in the English market would be easier to manage for both the radio industry, the music industry and the Commission. Therefore, while the CAB acknowledges that the dynamics of country music charts differ from those of the all-format chart, it believes the differences are not sufficiently distinctive to warrant the adoption of a different definition of emerging Canadian artist for country music stations.
32. For the reasons outlined above, the CAB submits that its proposed definition of emerging Canadian artist for the English market strikes the best balance between ensuring name recognition of emerging artists by radio listeners and music consumers, while providing the flexibility required for both the radio industry and the music industry in fostering the career of the musical stars of tomorrow.

The Issue of Requiring Commitment to the Airplay of Emerging Artist

33. At the same time it released its Notice, the Commission also made public a report detailing the airplay of music by emerging artists according to nine possible definitions of the term. Based on the findings of that report the Commission asked the following question:

In light of the research published today by the Commission, are commitments by French-language stations to the airplay of emerging artists required?

34. In response, the CAB respectfully submits that neither French-language stations nor English-language stations should be required to make commitments to the airplay of emerging artists.
35. The CAB strongly believes that the purpose of establishing an industry-wide definition for each of the French and English radio markets is to ensure fairness, predictability and consistency when assessing the level of airplay of music by emerging artists on commercial radio. It should not in any way shape or form be viewed or used as a way to impose additional regulations on the private commercial radio sector. A new level of quota or condition of licence based on commitments made by applicants either through the renewal of their licence, through a competitive licensing process for attributing new radio licences or transfer of ownership of existing radio stations is unnecessary and unworkable in an era in which regulated commercial radio is competing with other, less-regulated or unregulated music delivery platforms.
36. The CAB further notes that the private radio sector does not control the supply of domestic music content, let alone the supply of music from emerging artists, nor does it have any influence over the timing of when music from emerging artists will be released. This power lies solely in the hands of the music industry. Given that there is no historical data available to determine the supply of music content from emerging Canadian artists in various music genres, the CAB can only assume that the level of supply of music content from emerging Canadian artist could vary widely from year to year, and from one music genre to another. This makes it extremely difficult for radio broadcasters to project the supply level of music from emerging artists that fit their formats for the purposes of making commitments to airplay, and makes any kind of quota on music by emerging Canadian artists practically unworkable.
37. Furthermore, the CAB notes that requiring stations to make commitments to airplay of music by emerging Canadian artists would in effect reintroduce regulation of radio music formats, which the Commission eliminated in 1995.
38. As it is stated itself in the Commercial Radio Policy 2006:

“The Commission also remains of the view that, as stated in the 1998 Commercial Radio Policy, it would be difficult to apply either an incentive or a quota system fairly to stations operating in different formats because the playing of music by emerging Canadian artists is not appropriate for all formats. To mitigate this effect, and possibly that the variety of formats might be reduced due to additional requirements, exemptions for “oldies” stations would be necessary, and perhaps for other types of stations as well. The Commission is further concerned about the potential effects of imposing additional regulations related to the airplay of music by emerging Canadian artists at a time when the number and attractiveness of alternatives to commercial radio for the delivery of music to consumers is increasing.” (Emphasis added)

39. It is important to recognize that stations will have varying degrees of risk tolerance in playing new artists depending on their music format. Some stations with a Modern Rock or Rhythmic CHR music format will make a point of playing new artists while otherwise engaging in other activities such as sponsorship of CD releases to promote the music and support their development.
40. In this context, the CAB respectfully submits that for the Commission to require predominantly library music format stations, such as Oldies, Classic Rock or even Adult Contemporary stations to make specific commitments to the airplay of music by emerging Canadian artists is inconsistent with the licensing format and expectations of listeners.
41. The CAB recognizes there is merit in the report released by the Commission detailing the actual airplay of music by emerging Canadian artists. However, the CAB is of the view that in order to get a fair assessment of the contribution private radio adds to the broadcasting of music by emerging artists in the English market, it is essential to focus the analysis on radio music formats that are suited for airplay of new music.
42. Accordingly, the CAB commissioned a study by BDS to measure the level of airplay^[1] of music by emerging Canadian artists, based on the CAB proposed definition for the English market, on 48 Canadian English-language radio stations, which operate in six different music formats. These formats are well suited to provide exposure to music by emerging artists. The radio music formats identified for the BDS survey were Hot AC, Country, CHR Mainstream, CHR Rhythmic, Album Oriented Rock, and Modern Rock.
43. The survey was conducted over a period of seven days so to include a mix of weekly and weekend airplay. Furthermore, in order to provide a perspective on the performance of the Canadian English-language stations, the CAB also asked BDS to measure the level of airplay of emerging artists in the United-States, using the same metrics applied in the Canadian definition, the same period of seven days measurement, the same number of stations operating in the same music format. The CAB will provide a full copy of the report in its June 13th filing.
44. The report shows that on average 44 % of all the Canadian artists spins are devoted to Canadian emerging artists, whereas U.S. stations operating in the same formats devote on average 30 % of their American spins to music by American emerging artists as illustrated in the two table below:

^[1]This and subsequent references to “level of airplay” in this submission refer to number of spins, not airtime.

Canadian Emerging Artist Analysis

7 Days (April 6 - 12, 2008) 6am - midnight

FORMAT SUMMARY

| FORMAT | Total Spins | Canadian Artist Spins | Emerging Canadian Artist Spins | Canadian Emerging Artist | |
|----------------|-------------|-----------------------|--------------------------------|--------------------------|------------------------|
| | | | | As % of Total Spins | As % of Canadian Spins |
| Hot AC | 11977 | 4411 | 1648 | 13.76% | 37.36% |
| Country | 12051 | 4469 | 2012 | 16.70% | 45.02% |
| CHR Mainstream | 12088 | 4421 | 2053 | 16.98% | 46.44% |
| CHR Rhythmic | 11880 | 4624 | 2819 | 23.73% | 60.96% |
| AOR | 10804 | 3983 | 875 | 8.10% | 21.97% |
| Modern Rock | 11489 | 3890 | 1873 | 16.30% | 48.15% |
| All Format | 70289 | 25798 | 11280 | 16.05% | 43.72% |

American Emerging Artist Analysis

7 Days (April 6 - 12, 2008) 6am - midnight

FORMAT SUMMARY

| FORMAT | Total Spins | American Artist Spins | Emerging American Artist Spins | American Emerging Artist | |
|----------------|-------------|-----------------------|--------------------------------|--------------------------|------------------------|
| | | | | As % of Total Spins | As % of American Spins |
| Hot AC | 10798 | 8535 | 1692 | 15.67% | 19.82% |
| Country | 11924 | 11721 | 2707 | 22.70% | 23.10% |
| CHR Mainstream | 11186 | 9878 | 3236 | 28.93% | 32.76% |
| CHR Rhythmic | 10826 | 10320 | 4022 | 37.15% | 38.97% |
| AOR | 8283 | 6669 | 1795 | 21.67% | 26.92% |
| Modern Rock | 10081 | 8765 | 3087 | 30.62% | 35.22% |
| All Format | 63098 | 55888 | 16539 | 26.21% | 29.59% |

45. As the BDS report demonstrates, without regulation or condition of licence the level of airplay to music by emerging Canadian artists by English-language commercial radio is significantly higher in Canada than the level of support provided to American emerging artists in the U.S. even though the level of supply of new music commercially distributed emanating from the U.S. is far greater than the volume of new music by Canadian artists.
46. In light of this, and given the Commission's analysis of the level of airplay of music by emerging Canadian French-language artists in Quebec shows a high level of exposure of these artists, there are clearly no identifiable problems related to this issue that would justify a regulatory intervention on the part of the Commission. In other words, requiring commercial radio stations to make commitments to the airplay of music by emerging artist is not necessary.
47. Accordingly, the CAB believes that commitments to the airplay of music by Canadian emerging artists are not required for stations in the French or English markets. Stations that choose to provide a music format suitable for the airplay of music by Canadian emerging artists will continue to do so, because it is part of their programming strategy and business model.
48. As for stations that rely mainly on library music formats, they support emerging Canadian artists through their mandatory financial CCD contributions to FACTOR and MusicAction. The same way that Oldies stations and Classic Rock stations contribute to the creation of new Canadian music through their CCD payments to these two national funding organizations, even though this has a very limited short-term impact on their music playlists.
49. To this end, the CAB is pleased to see that both FACTOR and MusicAction have followed the recommendation made by the CAB and adapted their funding programs to provide greater financial resources to the production and marketing support of the first or second records made by emerging Canadian artists. The CAB submits that it is critically important that the Commission's determination on the definitions of emerging Canadian artists (specific for the French market and the English market) be also adopted by FACTOR and MusicAction. The CAB believes that harmonizing the regulatory definition of emerging Canadian artist and the definition used by national music funding agencies will ensure radio broadcasters' Canadian Content Development contributions support the Commission's policy goals as they relate to the exhibition of emerging Canadian artists on private radio.
50. That said, the CAB considers it important to measure the impact of the adoption of an industry-wide, but market specific, definition on the exhibition of music by emerging Canadian artists by private radio. Accordingly, the CAB is prepared to commit to file with the Commission, for public release, two reports over a five year period following the Commission's adoption of the definitions of emerging Canadian artist. These reports would measure the performance of the radio sector in terms of airplay of music by emerging Canadian artists both in the French and English-markets. The first report would be submitted after the implementation of the Emerging Artist Definition (mid 2011), and a second performance report would be filed at the end of the five year period (2014).
51. The CAB believes these reports on the level of airplay of music by emerging Canadian artists, also need to measure the level of supply of new music releases by emerging Canadian artists. As noted in paragraph 36, the private radio sector does not control the supply of domestic music content. The

CAB also does not have any influence over the timing of emerging artists' new releases. This power lies solely in the hands of the music industry.

52. Accordingly, the CAB's report on the level of airplay of music by emerging artists must also include reliable and up to date statistical information on the year-over-year level of new music sound recordings by emerging Canadian artists commercially distributed in Canada, broken-down by music genre and language of lyrics. This is required to provide a comprehensive picture of the impact of the Commission's policy approach with respect to emerging Canadian artists. This information will also allow the Commission to evaluate changes to be made, if required, at the end of a five year period following the adoption of the definition by the Commission. Without a detailed report on the level of supply of music by Canadian emerging artists, a report on private radio airplay of music by emerging Canadian artists would be not only incomplete but useless.
53. Therefore the CAB expects it will benefit from the collaboration of the music industry to provide the report on the level of the music supply from emerging Canadian artists.
54. The CAB appreciates the opportunity to provide its comments to the Commission on this matter.

Sincerely,

Original Signed by:

Pierre-Louis Smith
Vice-President, Policy & Chief Regulatory Officer

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