Steele
COMMUNICATIONS
A DIVISION OF NEWCAP BROADCASTING

Newfoundland & Labrador

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February 2, 2005

Diane Rheaume, Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario K1A 0N2

Via email: REPLIES @CRTC.GC.CA

Re: Complaint from Jeff Rose-Martland – Case ID 223345

Dear Mme. Rheaume,

NewCap Radio is in receipt of the above noted complaint. We have reviewed the complaint thoroughly and are pleased to respond to the concerns expressed. It should be noted that NewCap Radio has had a previous employee-employer relationship with Mr. Rose Martland. The complainant is presently pursuing an action against NewCap Radio with the Federal Labour Board. That notwithstanding, we take all complaints about our service to the community very seriously.

1. COMPLAINT ALLEGING PROGRAMMING DEFICIENCIES

The focus of Mr. Rose-Martland's complaint seems to be that CJYQ doesn't supply programming to other NewCap AM stations; we don't interview enough artists and, we don't play a sufficiently wide variety of comedy albums.

From the outset, CJYQ-930-AM converted its Format to a 24-hour-a-day reflection of our unique Newfoundland and Labrador Culture, a culture about which our people are so very passionate.

We have exceeded our Canadian content promise of 50% with our music approaching 90% Canadian with the vast majority of it local Newfoundland cultural roots material. This has opened up opportunities of exposure to many local performers who would otherwise have no outlet for their creations.

We are proud that this contribution to the music of the region has made Radio Newfoundland one of only four Atlantic Canada Radio stations nominated for the 2005 ECMA Radio Station Of The Year Award.

Among the very first programs created for Radio Newfoundland was "Live At O'Reilly's" which was aired on Radio Newfoundland and edited for play on NewCap's other AM stations in Newfoundland and Labrador. (...produce and distribute 8 hours of Newfoundland-based programming on each of the ...acquired from Radio VOCM.).

Having experience with this program for almost one year, we found there were other ways to deliver the programming that had much greater merit in the local community. Locally produced programs in the same genre provided far better opportunities of exposure for the local performer and the ensuing programming information exchanges created Province-wide opportunity. We concluded it would be better to air many shows of great variety in prime times right across Newfoundland and Labrador.

The following review of some of our programs demonstrates how we have not only met but exceeded expectations.

650 CKGA –Gander
CKGA broadcasts a local live Newfoundland music show that airs each weekday from 11:30 a.m. to 1:00 p.m. It's a request-based show which features well known NL artists with a special interest in lesser known regional musicians. Regular interviews with musicians and Music Industry representatives are a staple of the format. A weekend version also airs on Saturdays from 9:00 a.m. to 1:00 p.m.

620 CKCM Grand Falls-Windsor
Like the show in the Gander market, CKCM airs a local NL music show weekdays from 11:30 a.m. to1:00 p.m. Again, regional styles of local performers provide great variety. CKCM also airs a weekend version Saturdays from 9:00 a.m. to1:00 p.m.

560 CHVO Carbonear
CHVO airs a four-hour NL Music show called Potluck every Sunday morning from 9:00 a.m. to1:00 p.m. Included in this four-hour show is a half-hour interview called Music in The Bay. It features artists with new product, festival organizers, and interviews with others who have relevance to the music industry in the Trinity Bay-Conception Bay area. CHVO also airs at least one musical selection by a NL artist every hour during the broadcast week.

CHCM-Marystown
A major centre for diverse roots of Newfoundland Culture. CHCM airs a local music show each Saturday from 9:00 a.m. to Noon. Content includes local and regional music. Interviews with artists, musicians, and Music Industry representatives are a regular part of the show's content.

CHCM also airs a local Gospel show each Sunday 10:30 a.m. to Noon. This show features local gospel artists and groups, as well as other artists with gospel recordings. Artists include Frank Brinston, McDermott Memorial United Church Men's Choir, St. James Choral Group, Fortune United Church Men's Choir, and Rev. Roy Martin. More well-known and established artists such as Carlton Showband, Kevin Collins, and Wince and Ellis Coles are also featured.

In summary, the local music selections played on these AM stations, during these specialty shows, would be similar to the daily playlist at Radio Newfoundland. However, we believe that live, local shows better serve the community in the areas where the radio stations are located. It provides the artist with easier access to the airwaves, and the radio station with more frequent access to the local artists.

CJYQ – 930-AM RADIO NEWFOUNDLAND SPECIALTY FEATURES

Meanwhile, on CJYQ-930-AM, Radio Newfoundland continues providing outstanding programming that is a 24-hour-a-day reflection of the cultural roots of the people who make up the mosaic of our Province. Here is an overview of just some of Radio Newfoundland's culture-rich programming.

Live at O'Reilly's
This show was part of the CJYQ Radio Newfoundland programming from October 2000 to May 2001. Local musicians were recorded "live" at O'Reilly's Irish Pub in St. John's and their performances were produced into a one-hour special that aired each week on Radio Newfoundland and all other NewCap AM stations across the island.

Arts Newfoundland and Labrador
Sundays 1:00 p.m. to 1:30 p.m., Host Linda Swain interviews artists, authors, musicians; highlights new books, music, stage plays, festivals, workshops, etc. in an in-depth Q & A format. This Radio Newfoundland feature program brings an important contribution to the Arts and Letters segment of our culture, as well as the Traditional Music component.

Fresh Focus
An often neglected opportunity to reach out in a meaningful way on the concerns of the youth of our Province, this two-hour show hosted by youth hosts- Josh Jamieson and Katie Norman fill the bill on CJYQ Radio Newfoundland.

Their discussions are generally on issues facing the young people of NL, with special guests, youth music and content. Their interviews with local musicians are generally from a different genre from the rest of the week, based on the focus of the show. Many of these Newfoundland performers have very few other opportunities to discuss their craft.

Josh and Katie began hosting the show while in High School and are now well into their degree programs at Memorial University. Josh is the third generation of his family to host a radio show on the 930 AM frequency in St. John's. The show is heard prime time Saturdays from 2:00 p.m. to 4:00 p.m.

Newfound Underground
A one-of-a-kind, one hour weekly show profiling the "alternative" music scene in Newfoundland with music by local bands in this genre, plus interviews, and promotion of where to see these bands. The show airs Thursdays from 8:00 p.m. to9:00 p.m.

Spinnin' Yarns
This is a one-hour weekly show, essentially spoken words, profiling the art of "Newfoundland Storytelling". These comedic recordings include Ted Russell, Buddy Wasisname, Pam Morgan, Baxter Wareham, Ellis Coles. Spinnin' Yarns is heard Mondays 8:00 p.m. to 9:00 p.m.

Gospel Hour
Another "specialty show" this one-hour weekly show on Wednesday morning profiles Newfoundland groups and artists who have recorded Gospel music. Artists include Holy Heart of Mary Chamber Choir, Newfoundland Symphony Youth Orchestra, Charlie Rogers, Wayne Morgan, Madeline Thompson. This show airs from 10:00 a.m. to 11:00 a.m. Wednesdays.

East Coast Blues and Jazz
Airing one hour every week, music from NL and East Coast Blues and Jazz artists. NL artists include Denis Parker, Scott Goudie, Mary Barry, Darrell Cooper, Duane Andrews. East Coast artists like Dutch Mason (NS) and Charlie A'Court (NB). This show runs on prime time Friday afternoons 4:00 p.m. to 5:00 p.m.

2004 RadiofreECMA Broadcast
This was a major effort where Newcap Radio Engineers and Programmers established remote studios at the site of the East Coast Music Awards, hosted by the City of St. John's in 2004.

Radio Newfoundland provided the vehicle for the RadiofreECMA component of ECMA 2004 in St. John's. Our 50,000 watt transmitter broadcast live for 96 consecutive hours over four days bringing interviews with artists and live performances by over 60 East Coast Musicians from all genres of music to listeners all over Eastern Newfoundland. A special treat was our broadcast of the Sunday Morning Classical Performance of ECMA. This was a juried component of ECMA.

Through CJYQ Radio Newfoundland we also broadcast all these activities on www.radionewfoundland.net

Christmas Special
Newfoundland's rich story-telling tradition was wonderfully presented last Christmas with stories of the season read by prominent Newfoundlanders, including musicians. Stories read by Newfoundland musicians including Jackie Sullivan (Pop), Terry Penney (Country), Chris Andrews (Trad), Ray Lake (folk), and Kevin Collins (Trad/Country), to name a few.

Religious Programming
The Local Salvation Army Service –Sundays 9:30 a.m. to 10:00 a.m. - is a hearty outpouring of Gospel Music delivered by the talented musicians of the Salvation Army Band, their well trained songsters and a generous portion of congregational singing!

Local Sports
Radio Newfoundland Broadcasts play-by-play at least 80 St. John's Maple Leafs home and away games; plus playoffs.

In addition to Professional Hockey, CJYQ Radio Newfoundland, every year since 2000 has followed Newfoundland's Championship Soccer teams all over Canada in competition for the Men's Challenge Cup and Women's Jubilee Shield. The whole game is broadcast, play-by-play and some days both a men's and ladies' game would be broadcast. Games were aired live from British Columbia, Quebec, and PEI, among others. We also aired all the games, play-by-play on our station CHCM in Marystown, a particularly strong soccer area.

2. COMPLAINT ALLEGING VIOLATION OF CTD CONTRIBUTIONS.

The allegations made by Mr. Rose-Martland regarding Newcap Radio's contributions to Canadian Talent Development, and the personal commentary on Mr. John Steele are totally false.

NewCap Inc. is in total compliance with the terms of the Canadian Talent Development Fund. All Canadian Talent Development funds are distributed to independent third parties in genres as diverse as rock, country, gospel, and folk.

Some songs have been licensed from the artists for inclusion on the Homebrew compilations produced by Big Pig Productions. One hundred percent of all publishing, performing, mechanical royalties and rights are retained by the artists.

Mr. Rose-Martland alleges that Mr. Steele is heavily connected to Avondale Music. Mr. Steele does not and has not ever been a shareholder in Avondale Music. There is no connection to Avondale Music that is any different than numerous businesses that Mr. Steele interacts with in this province as part of his position at NewCap Radio.

The purpose of the Canadian Talent Development Fund is to record music of a quality that can be played on the radio. Fortunately, NewCap's Canadian Talent Development Fund has produced quality music that can be played on the airwaves.

With regard to Mr. Rose-Marland's comments that certain artists appear "connected" to Mr. Steele, in particular Mr. Steele's Brother-in-law, Kenny Butler. Mr. Butler has been a full-time professional musician for almost twelve years and has recorded only two songs under the Canadian Talent Development Fund.

Artwork for any album provided by NewCap's graphic department has been free of charge and NewCap has not received any compensation for performing this service. This has been a goodwill gesture provided by the company. To assert otherwise is incorrect.

No money from NewCap's Canadian Talent Development Fund nor company funds were used to finance the recording of Shannyganock's "Scallywags" album, as Mr. Rose-Martland alleges.

There is no "blacklist" of artists at our stations, nor has there been any legal dispute between Eddie Coffey and John Steele, or any company owned by John Steele. The song "Grey Foggy Day" was removed from the play lists at the request of Eddie Coffey due to his dispute over royalties with other parties independent of NewCap or Mr. Steele.

To assert that Ray Lake's music is played less due to dealings with a competitor is not accurate. If NewCap were not to play artists who have associations with other broadcasters in this province, we wouldn't have local artists to play since all broadcasters in the province are extremely supportive of local talent.

NewCap Broadcasting has won numerous awards and citations for our commitment to local artists and will continue to play a positive role in bringing Newfoundland & Labrador's culture to not only the province, but the world.

CONCLUSION

Newcap Inc., which operates Newcap Radio in Newfoundland and Labrador, takes very seriously our obligations in operating all of our radio stations especially CJYQ-930-AM, "Radio Newfoundland". We have worked, and continue to work, at creating a Radio Station so unique that it is the mirror of our special culture that all of our people can reflect upon.

It has taken imagination, creativity, hard work, and commitment, including commitment of significant finances, to operate Radio Newfoundland to this point in time and into the future. No where in this country is there another station quite like Radio Newfoundland. Since we first made our promise to the CRTC we have expanded and fostered growth in Radio Newfoundland in the spirit of our vision, as well as the spirit of what we believe was the commission's intent in providing the conditions of licence.

With CRTC Decision 2000-141 and 2000-399 NewCap committed to contribute $1,166,500 to the development of Canadian Talent over a 7 year period distributed as $166,643 per year. As the Commission is aware through our Annual Returns, NewCap is ahead of schedule with those commitments.

We trust this information satisfies questions arising from Mr. Rose- Martland's complaint, however, if you have questions we are prepared to provide prompt answers.

Sincerely,

John Murphy
General Manager
Steele Communications

CC: Mark Maheu
John Steele