
CANADIAN BROADCAST STANDARDS COUNCIL

PRAIRIE REGIONAL PANEL

CJDJ-FM re the song “Load Me Up” by Matthew Good Band

(CBSC Decision 06/07-1118)

Decided May 12, 2008

K. Johnston (Acting Chair), J. Fong, O. Mowat (*ad hoc*), R. Pagtakhan, G. Spenrath

THE FACTS

CJDJ-FM (Rock 102, Saskatoon) broadcast the song “Load Me Up” by the Canadian rock musical group Matthew Good Band on April 28, 2007 at approximately 5:15 pm. The lyrics of the version of the song that played on that date were as follows:

Picture yourself sleeping on a plane

There's something ticking in the overhead

And inside your brains

There's bodies in the water

And bodies in the basement

If heaven's for clean people

It's vacant

And hey are you, are you, are you, are you, you know?

And hey are you, are you, are you being careful?

And hey are you, are you, are you, are you lukewarm?

Hey ya you are

I'm frantic

So load me up

Whatever puts me all the way out

Whatever puts me all the way out

Picture yourself swimming in an ocean

A million miles from nowhere and the nearest phone

There's bodies in the water

Floating all around you

And all of them are talking

And they're comedians

And hey are you, are you, are you, are you, you know?

And hey are you, are you, are you, are you special?

And hey are you, are you, are you, are you deformed?

Hey ya you are

I'm frantic

So load me up

This seems so practised

Me fucking this up

Whatever puts me all the way out

Whatever puts me all the way out

Picture yourself at the MGM Grand

Murphy's fighting Hokem

You're in the stands and

There's somebody in the water

In the middle of the ocean

A million miles from nowhere

And they're alone

I'm there alone

So, so deformed

So, so deformed

So, so deformed

I'm frantic

So load me up

This seems so practised

So take me and take me and take me all the way out

Whatever puts me all the way out

Whatever puts me all the way out

Whatever puts me all the way out

On May 21, the CBSC received a complaint about the broadcast. The listener was concerned about the broadcast of the f-word. He expressed his complaint in the following terms (the full text of all correspondence can be found in the Appendix):

I am writing to alert you that CJDJ-FM Saskatoon, commonly called Rock 102, has twice breached the Codes regarding profane language. On April 20, 2007, at approximately 18:15, then again on April 28, 2007, at approximately 17:15, Rock 102 played the unedited album version of the song "Load Me Up" by the Matthew Good Band. About 2 minutes in, the song includes the line "me fucking this up." I have heard the song many times before, and every time the song was edited.

(The CBSC was only able to review the broadcast of April 28 since, by the time it received the complaint on May 21, the 28-day tape retention period had already elapsed for the April 20 broadcast.)

The complainant also included copies of correspondence he had already exchanged with the station, including the following e-mail he had sent on May 10:

I am writing to express my concern over the broadcast standards of Rock 102. It is my opinion that your station has contravened the codes of the Canadian Association of Broadcasters. Furthermore, I have found that certain CAB codes have been, and are being, applied inconsistently by your station. I am seeking an explanation for how and why an unedited version of a song containing profane lyrics was broadcast, as well as why some songs containing profanity are broadcast edited, while others are broadcast unedited.

On April 20, 2007, at approximately 6:15 pm, Rock 102 played the song "Load Me Up" by the Matthew Good Band. About 2 minutes into the song, I was surprised to hear the single utterance in the song of the word "fucking" was not edited out. Over the past eight years or so since the song has been released, I have heard it many times, most often on Rock 102. Each one of these times before April 20, the vocal track had been edited to eliminate the offensive word. I found it anomalous that your station would miss an obvious and audible occurrence of the f-word, given that I had not heard such an utterance since the station signed on.

Imagine my astonishment when, on April 28, 2007, at approximately 5:15 pm, your station had once again played the unedited version of "Load Me Up." One occurrence is an excusable oversight, but twice is a problem. While I am personally not offended by the f-word, I believe that there is no place for that word on the radio during the day. In multiple decisions, the Canadian Broadcast Standards Council agrees with my opinion. See CBSC decisions 00/01-0670, 00/01-0832, 01/02-0456, and 04/05-0324, which are all on point.

I would like to know how an unedited version of a song containing profane lyrics could even end up on the computer that stores music for broadcast, let alone actually make it to air. Are the songs in your music library not tagged as potentially containing profanity? Are songs not previewed before they are added to your music library?

The station's General Manager replied to that letter on May 11 with the following explanation:

Thank you for taking the time to share your concerns. Since receiving your email I have listened to the version of "Load Me Up" by the Matthew Good Band that aired on Rock 102. I would like to apologize for offending you. This version of the song does contain profane language and should never have been played on the radio. It has since been pulled from rotation and edited with a "clean" version.

It is our policy to not air profane language on Rock 102. The version of "Load Me Up" you heard was mistakenly dubbed into our system without being properly previewed. It was recorded but not listened to as we had previously played the song when it was first released; our Music Director (in error) made the assumption he was loading in the edited version.

I have spoken to our music and programming staff and we are instituting new systems so that mistakes of this nature will not be repeated. In effect, any song being added to our playlist must be closely previewed for lyrical content, no matter if it is a new song or older song.

Our policy on whether to edit or not edit lyrical content from music is based on two factors:

One: If the language in the song is more based on "slang" (versus "profanity"), we will likely let the original version play, as long as it is not overly noticeable. [...]

Two: If the song contains profanity (Eg: The "F" word), it is our policy to always edit the profane terminology from the song.

Thanks again for taking the time to share your concerns. I would be happy to speak with you in person or on the phone to discuss further and hear any other suggestions you may have.

The complainant added that the station's response "leaves no doubt that the incident took place as I have outlined. The fact is that an audible f-word went out over the air, and that is a violation. The bell cannot be un-rung. I ask that you please look into the matter."

After the complainant filed his official complaint with the CBSC, the broadcaster responded to him a second time on June 18:

As discussed in our meeting of last week, I am proposing to air an apology on Rock 102 for airing the un-edited version of Matthew Good's "Load Me Up."

We acknowledge that this version of the song aired at least twice, on Friday, April 20th and Saturday, April 28th. This version contained profane language and should have never aired on the station.

As per our previous conversation, I have taken steps to ensure that songs containing profane language do not air on our stations.

I am proposing to air the apology on a total of six occasions between June 27th and June 30th on Rock 102 between 5:00 pm and 10:00 pm. The wording of the apology is as follows:

I'm Jamie Wall, General Manager of Rock 102 in Saskatoon. On April 20th and April 28th, a version of the song "Load Me Up" by Matthew Good containing profane language aired on this radio station. I would like to offer my unconditional apology for these incidents. It is against our policy to air songs with profane language. This song has since been edited for airplay and steps have been taken to ensure this incident will not be repeated.

I hope you will find this apology satisfactory. As discussed in our last meeting, I am proposing to air this on the understanding that your complaint to the CBSC will be withdrawn in advance of airing the apology. I would happy to discuss this further at your convenience. Thanks again for bringing this matter to our attention.

The complainant replied to that e-mail on June 24:

I have carefully read and considered the content in the attached document. In place of specific dates, I would propose that "a number of times in April," or something along that line, be included. I would also propose the addition of a sentence at the end of the paragraph as follows:

"Rawlco Radio [or Rock 102] takes the responsibility of adhering to the Canadian Association of Broadcasters' Codes very seriously."

I find the broadcast schedule to be insufficient. In our meeting on June 11, I had mentioned that I would like the acknowledgment to be aired in all dayparts, except overnight. As such, I propose the following schedule:

between 07:00 and 08:30,

between 11:30 and 13:30, and

between 17:00 and 18:00 on five consecutive days, including a Saturday, at varying times within each window, for a total of 15 airings. It is my desire that the acknowledgment be heard by radio listeners, and I know that listenership steadily declines after 5pm. I will withdraw the complaint once I have verified that the acknowledgment has aired according to these terms.

Please let me know whether you find these terms acceptable.

The Vice-President and General Manager responded on July 9:

In your email from June 24th, you proposed airings an apology a total of 15 occasions, covering all major timeslots. I have researched decisions on the CBSC website, and I am convinced what I originally proposed is likely in excess of what the CBSC would require. However, your concern was and is valid, and I will be airing the following apology a total of six occasions between July 23rd and 28th, between 5:00 pm and 10:00 pm:

The complainant responded again with a short note on July 19:

I require that the acknowledgment be aired during daytime dayparts; it's the price for there not being a decision on the record at the CBSC. The number of airings, which daytime dayparts in which the acknowledgment airs, and the number of days are all negotiable. I look forward to hearing from you in this matter.

The station representative responded a final time on July 20, reiterating that, "As outlined in my July 9th correspondence, the apology will be airing on Rock 102 starting on July 23, as per the schedule I submitted." In the end, the apology was aired once each day from July 23 to July 28, at various times between 6:16 pm and 9:22 pm, twice each in the 6:00-7:00, 8:00-9:00, and 9:00-10:00 pm time slots.

The complainant filed a Ruling Request with the CBSC, insisting that the broadcaster's actions were insufficient:

I believe that the negotiations to resolve this situation without a CBSC decision were undertaken in bad faith by [the Vice-President and General Manager]. [The Vice-President and General Manager] has admitted to the facts outlined in the complaint. However, beyond his original unsatisfactory acknowledgment broadcast schedule offer, there has been no attempt on his part to resolve the situation. Instead, [the Vice-President and General Manager]'s response was to unilaterally impose his original offer. I informed him twice that the offer was unsatisfactory and proposed my own schedule in an effort to negotiate a settlement. Unfortunately, [the Vice-President and General Manager] was unwilling to budge from his original offer. I am disappointed that [the Vice-

President and General Manager] was not interested in negotiating an equitable resolution, making this ruling request moot.

The complainant sent a final note directly to the station on July 25, stating that “I would like to make clear that this course of action has been undertaken unilaterally on your part, and it is done without my agreement.”

The station provided the CBSC with a recording of the announcement it voluntarily made in response to this complaint. The wording of the announcement was as follows:

I'm Jamie Wall, General Manager of Rock 102 in Saskatoon. On April 20th and April 28th, a version of the song “Load Me Up” by Matthew Good containing profane language aired on this radio station. I would like to offer my unconditional apology for these incidents. It is against our policy to air songs with profane language. This song has since been edited for airplay and steps have been taken to ensure this incident will not be repeated.

THE DECISION

The Prairie Regional Panel examined the complaint under Clause 9(c) of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*:

Recognizing that radio is a local medium and, consequently, reflective of local community standards, programming broadcast on a local radio station shall take into consideration the generally recognized access to programming content available in the market, the demographic composition of the station's audience, and the station's format. Within this context, particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain:

[...]

(c) Unduly coarse and offensive language

The Panel Adjudicators read all of the correspondence and listened to a recording of the April 28 broadcast. The Panel concludes that the station violated Clause 9(c) of the *CAB Code of Ethics*.

Coarse Language

The CBSC has been called on to deal with the broadcast of the f-word and its variations on radio, whether in a spoken or musical context, on numerous occasions over the years. The various CBSC Panels have consistently ruled that the use of the f-word on radio during daytime and early evening hours, that is to say, at times of the day when children could reasonably be expected to be listening, constitutes a breach of the *CAB Code of Ethics*. A sampling of the jurisprudential background for that principle can be

found in *CIOX-FM re the songs “Livin’ It Up” by Limp Bizkit and “Outside” by Aaron Lewis and Fred Durst* (CBSC Decision 00/01-0670, June 28, 2001), *CJKR-FM re the song “Highway Girl (Live)” by the Tragically Hip* (CBSC Decision 00/01-0832, January 14, 2002), *CFNY-FM re the song “Cubically Contained” by the Headstones* (CBSC Decision 01/02-0456, June 7, 2002), *CFGQ-FM (CKIK-FM) re a live Tragically Hip concert and interview* (CBSC Decision 03/04-1850, November 1, 2004), and *CHOM-FM re the song “Locked in the Trunk of a Car” by the Tragically Hip* (CBSC Decision 04/05-0324, April 4, 2005). In the latter decision, the Quebec Regional Panel noted that it was

aware of the fact that language usage is constantly in a state of evolution, both on the French and English sides of Canada’s heritage. Formerly unacceptable language gradually but invariably insinuates itself into more common usage and a review of the old and new practice is merited from time to time. That is likely the case with respect to the f-word and its derivatives, which, after all, appear in noun, verb, adjective, adverb and interjection forms in English. Some of those forms are more aggressive and some are more benign but all are undoubtedly extremely offensive to certain sectors of Canadian society.

It almost goes without saying that the apparent increased on-air usage of the various forms of the f-word reflects a more frequent use of the term in everyday parlance. In the view of the Panel, this does not elevate the broadcast of the term at hours of the day when children could be listening to a level of acceptability, since the CBSC still finds that there is a meaningful segment of society that is troubled, if not offended, by the *broadcast* of such language.

In the matter at hand, the Prairie Regional Panel finds that the broadcast of the phrase “fucking me up” in the song “Load Me Up” during a weekday afternoon violates Clause 9(c) of the *CAB Code of Ethics*.

Broadcaster Responsiveness

The broadcaster responded swiftly to the complainant. Its General Manager acknowledged: “This version of the song does contain profane language and should never have been played on the radio. It has since been pulled from rotation and edited with a ‘clean’ version.” He admitted the station’s error, explained the reason for the occurrence, advised that the station had instituted new procedures to avoid such occurrences in future, and specifically explained that “any song being added to our playlist [in future] must be closely previewed for lyrical content, no matter if it is a new song or older song.” He added that he planned to make *six* apologetic statements on air between June 27 and 30 between the hours of 5:00 pm and 10:00 pm and he provided the proposed text to the complainant.

The General Manager’s proposal was insufficient for the complainant, who asserted, “The fact is that an audible f-word went out over the air, and that is a violation. The bell

cannot be un-rung.” He wished, first, to have the proposed statement reworded to admit that the offending language had been aired "a number of times in April"; second, that a sentence be added at the end of the announcement indicating that the broadcaster takes its responsibilities to respect the codified standards “very seriously”; third, that the apology “be aired in all dayparts, except overnight”; and that this happen on *fifteen* occasions. Furthermore, he accused the broadcaster’s “negotiations to resolve this situation without a CBSC decision [as having been] undertaken in bad faith.”

The Panel considers that the broadcaster proposed extraordinary measures in order to acknowledge its error and to put the matter right. It exceeded by a considerable measure the customary CBSC membership responsibility of any broadcaster to be *responsive* to a complainant. It appears to the Panel that the complainant did not perhaps appreciate the extent of the steps that the broadcaster had proposed. In accordance with its current requirements for members, the CBSC would not, for example, have required the broadcaster to make an announcement of the CBSC decision more than *twice* and, at that, the CBSC-dictated announcements are statements of its findings and not worded as apologies. In other words, the broadcaster’s preparedness to make an apologetic admission is itself something more than what the CBSC orders. That the broadcaster was prepared to do this six times was, in the view of the Panel, significant. The foregoing being said, it is difficult for the Panel to understand what the complainant could possibly have understood as being negotiations in “bad faith”. He may have thought that *he* was in a position to dictate both the wording and the frequency of the announcement but that was neither realistic nor reasonable.

In conclusion, while the Panel regrets the sentiment of disappointment felt by the complainant, it can affirm the station’s *good* faith in going the extra mile to acknowledge its error and its intention to put matters right for both the present and the future. It applauds those steps and considers that CJDJ-FM’s obligation of responsiveness was met and surpassed on this occasion.

Announcement of the Decision

It is customary, in circumstances in which the CBSC concludes that there has been a code breach, for the broadcaster to announce the decision once during peak listening hours within three days following the release of the decision and once more within seven days following the release of the decision during the time period in which the challenged programming was broadcast. Where the broadcaster has, however, taken steps that the Panel views as equivalent to such an announcement, it does not require the CBSC-mandated announcement to be made. This is a recognition, on the one

hand, that the broadcaster has taken the initiative and, on the other, that it has done so rapidly, at a time which is necessarily far closer to the time when the problematic programming was aired. In the present case, the apology was aired on six separate occasions, once each day from July 23 to July 28, at various times between 6:16 pm and 9:22 pm, as detailed above. This Panel considers the language of the Ontario Regional Panel in *OMNI.1 re an episode of the Jimmy Swaggart Telecast* (CBSC Decision 04/05-0097, April 19, 2005) to be apt:

[The Ontario Panel] recognizes the exemplary, timely and sincere step the station has taken to announce to its audience its regret for the broadcast of the Swaggart comments. It does not consider that anything more is required of OMNI.1 with respect to the resolution of this file.

The Prairie Panel is equally satisfied with the broadcaster's public statements on this occasion.

This decision is a public document upon its release by the Canadian Broadcast Standards Council.

APPENDIX

CBSC Decision 06/07-1118 CJDJ-FM re the song "Load Me Up" by Matthew Good Band

The Complaint

The CBSC received the following complaint via e-mail on May 21, 2007:

Hello,

I am writing to alert you that CJDJ-FM Saskatoon, commonly called Rock 102, has twice breached the Codes regarding profane language. On April 20, 2007, at approximately 18:15, then again on April 28, 2007, at approximately 17:15, Rock 102 played the unedited album version of the song "Load Me Up" by the Matthew Good Band. About 2 minutes in, the song includes the line "me fucking this up." I have heard the song many times before, and every time the song was edited. I contacted Mr. [J. W.], General Manager -- Rawlco Radio Saskatoon, regarding this issue. My correspondence is as follows:

I am writing to express my concern over the broadcast standards of Rock 102. It is my opinion that your station has contravened the codes of the Canadian Association of Broadcasters. Furthermore, I have found that certain CAB codes have been, and are being, applied inconsistently by your station. I am seeking an explanation for how and why an unedited version of a song containing profane lyrics was broadcast, as well as why some songs containing profanity are broadcast edited, while others are broadcast unedited.

On April 20, 2007, at approximately 6:15 pm, Rock 102 played the song "Load Me Up" by the Matthew Good Band. About 2 minutes into the song, I was surprised to hear the single utterance in the song of the word "fucking" was not edited out. Over the past eight years or so since the song has been released, I have heard it many times, most often on Rock 102. Each one of these times before April 20, the vocal track had been edited to eliminate the offensive word. I found it anomalous that your station would miss an obvious and audible occurrence of the f-word, given that I had not heard such an utterance since the station signed on.

Imagine my astonishment when, on April 28, 2007, at approximately 5:15 pm, your station had once again played the unedited version of "Load Me Up." One occurrence is an excusable oversight, but twice is a problem. While I am personally not offended by the f-word, I believe that there is no place for that word on the radio during the day. In multiple decisions, the Canadian Broadcast Standards Council agrees with my opinion. See CBSC decisions 00/01-0670, 00/01-0832, 01/02-0456, and 04/05-0324, which are all on point.

I would like to know how an unedited version of a song containing profane lyrics could even end up on the computer that stores music for broadcast, let alone actually make it to air. Are the songs in your music library not tagged as potentially containing profanity? Are songs not previewed before they are added to your music library?

I also recall numerous other incidents over the past many years where songs containing profanity were broadcast unedited. Other times, songs containing profanity were broadcast with the profanity edited out. It does not appear that you play edited songs during the day and unedited songs at night, as I have heard songs from both groups played at any time of the day. It does appear that, where

both edited and unedited versions of a song do (or should) exist, your station does not play edited and unedited versions interchangeably. For example, I have only heard edited versions of "Hand in My Pocket" by Alanis Morissette, "Never Again" by Nickelback, and "It's Been Awhile" by Staind. However, songs like "No Regrets" by Tom Cochrane, "Hello Time Bomb" by the Matthew Good Band, and "Money" by Pink Floyd are aired unedited. Each song in both lists contains either the word "shit" or a derivative. What makes it necessary for the songs in the first list to have the s-word edited out? Why is it not necessary to edit the songs in the second list, despite the audibility of the profanity?

I would like very much to hear your thoughts on both of my queries. If there is something that I do not understand correctly, please enlighten me. Should I not receive a satisfactory and timely response, I will seek remedy through the CBSC and CRTC. I look forward to hearing from you in this regard.

There are 2 parts to my e-mail to [the General Manager]. The first 4 paragraphs deal with the source of my complaint today, while the 5th paragraph is a separate inquiry altogether, which was resolved to my satisfaction by [the General Manager]. I include the entire text of the e-mail for completeness. [The General Manager] responded to my inquiry the next day. His reply is as follows:

Thank you for taking the time to share your concerns. Since receiving your email I have listened to the version of "Load Me Up" by the Matthew Good Band that aired on Rock 102. I would like to apologize for offending you. This version of the song does contain profane language and should never have been played on the radio. It has since been pulled from rotation and edited with a "clean" version.

It is our policy to not air profane language on Rock 102. The version of "Load Me Up" you heard was mistakenly dubbed into our system without being properly previewed. It was recorded but not listened to as we had previously played the song when it was first released; our Music Director (in error) made the assumption he was loading in the edited version.

I have spoken to our music and programming staff and we are instituting new systems so that mistakes of this nature will not be repeated. In effect, any song being added to our playlist must be closely previewed for lyrical content, no matter if it is a new song or older song.

Our policy on whether to edit or not edit lyrical content from music is based on two factors:

One: If the language in the song is more based on "slang" (versus "profanity"), we will likely let the original version play, as long as it is not overly noticeable. You mentioned Pink Floyd's "Money" and Tom Cochrane's "No Regrets." Both these songs are aired un-edited by radio stations across Canada.

Two: If the song contains profanity (eg: The "F" word), it is our policy to always edit the profane terminology from the song.

Thanks again for taking the time to share your concerns. I would be happy to speak with you in person or on the phone to discuss further and hear any other suggestions you may have.

In his response, [the General Manager] leaves no doubt that the incident took place as I have outlined. The fact is that an audible f-word went out over the air, and that is a violation. The bell cannot be un-rung. I ask that you please look into the matter. If you have any questions, please feel free to contact me. Thank you for your time.

Broadcaster's Response

Following the filing of the official complaint with the CBSC, the broadcaster responded to the complainant again on June 18, 2007:

As discussed in our meeting of last week, I am proposing to air an apology on Rock 102 for airing the un-edited version of Matthew Good's "Load Me Up."

We acknowledge that this version of the song aired at least twice, on Friday, April 20th and Saturday, April 28th. This version contained profane language and should have never aired on the station.

As per our previous conversation, I have taken steps to ensure that songs containing profane language do not air on our stations.

I am proposing to air the apology on a total of six occasions between June 27th and June 30th on Rock 102 between 5:00 pm and 10:00 pm. The wording of the apology is as follows:

I'm Jamie Wall, General Manager of Rock 102 in Saskatoon. On April 20th and April 28th, a version of the song "Load Me Up" by Matthew Good containing profane language aired on this radio station. I would like to offer my unconditional apology for these incidents. It is against our policy to air songs with profane language. This song has since been edited for airplay and steps have been taken to ensure this incident will not be repeated.

I hope you will find this apology satisfactory. As discussed in our last meeting, I am proposing to air this on the understanding that your complaint to the CBSC will be withdrawn in advance of airing the apology. I would happy to discuss this further at your convenience. Thanks again for bringing this matter to our attention.

Additional Correspondence

Before receiving a Ruling Request from the complainant, the CBSC was copied on e-mails between the complainant and the broadcaster, the first of which was on June 24, 2007, from the complainant addressed to the broadcaster.

I have carefully read and considered the content in the attached document. In place of specific dates, I would propose that "a number of times in April," or something along that line, be included. I would also propose the addition of a sentence at the end of the paragraph as follows:

"Rawlco Radio [or Rock 102] takes the responsibility of adhering to the Canadian Association of Broadcasters' Codes very seriously."

I find the broadcast schedule to be insufficient. In our meeting on June 11, I had mentioned that I would like the acknowledgment to be aired in all dayparts, except overnight. As such, I propose the following schedule:

between 07:00 and 08:30,
between 11:30 and 13:30, and

between 17:00 and 18:00 on five consecutive days, including a Saturday, at varying times

within each window, for a total of 15 airings. It is my desire that the acknowledgment be heard by radio listeners, and I know that listenership steadily declines after 5pm. I will withdraw the complaint once I have verified that the acknowledgment has aired according to these terms.

Please let me know whether you find these terms acceptable.

The broadcaster responded again on July 9:

Thank you for the thoughts and proposal you shared via email (June 24th).

In our previous correspondence (June 18th), I acknowledged that the un-edited version of Matthew Good's "Load Me Up" aired at least twice on Rock 102: On Friday, April 20th and Saturday, April 28th (after 5:00 pm on both occasions). I agreed that this version of the song contained profanity and should never have aired on Rock 102. I also proposed to air an on-air apology a total of six times over a one week period.

In your email from June 24th, you proposed airings an apology a total of 15 occasions, covering all major timeslots. I have researched decisions on the CBSC website, and I am convinced what I originally proposed is likely in excess of what the CBSC would require. However, your concern was and is valid, and I will be airing the following apology a total of six occasions between July 23rd and 28th, between 5:00 pm and 10:00 pm:

I'm Jamie Wall, General Manager of Rock 102 in Saskatoon. On April 20th and April 28th, a version of the song "Load Me Up" by Matthew Good containing profane language aired on this radio station. I would like to offer my unconditional apology for these incidents. It is against our policy to air songs with profane language. This song has since been edited for airplay and steps have been taken to ensure this incident will not be repeated.

Thanks again for bringing this matter to our attention.

The complainant answered back on July 19:

I apologise for not getting back to you sooner. I just got back into town today.

I require that the acknowledgment be aired during daytime dayparts; it's the price for there not being a decision on the record at the CBSC. The number of airings, which daytime dayparts in which the acknowledgment airs, and the number of days are all negotiable. I look forward to hearing from you in this matter.

The Vice President and General Manager responded on July 20:

As outlined in my July 9th correspondence, the apology will be airing on Rock 102 starting on July 23, as per the schedule I submitted.

The complainant filed his Ruling Request on July 24 with the following additional comment:

Based on recent e-mails between myself and Mr. [J. W.] (General Manager, Rawlco Radio,

Saskatoon), I believe that the negotiations to resolve this situation without a CBSC decision were undertaken in bad faith by [the General Manager]. [The General Manager] has admitted to the facts outlined in the complaint. However, beyond his original unsatisfactory acknowledgment broadcast schedule offer, there has been no attempt on his part to resolve the situation. Instead, [the General Manager]'s response was to unilaterally impose his original offer. I informed him twice that the offer was unsatisfactory and proposed my own schedule in an effort to negotiate a settlement. Unfortunately, [the General Manager] was unwilling to budge from his original offer. I am disappointed that [the General Manager] was not interested in negotiating an equitable resolution, making this ruling request moot.

Copies of all e-mail correspondence are available upon request.

On July 25, the CBSC was copied again on an email that the complainant sent to the broadcaster:

I would like to make clear that this course of action has been undertaken unilaterally on your part, and it is done without my agreement.