Broadcasting Notice of Public Hearing CRTC 2008-13

Ottawa, 17 October 2008

Notice of consultation and hearing

8 December 2008 Gatineau, Quebec

Deadline for submission of interventions/comments: 13 November 2008

The Commission will hold a public hearing on **8 December 2008 at 9:30 a.m., at the Commission Headquaters, 1 Promenade du Portage, Gatineau, Quebec.** The Commission intends to consider the following applications, subject to interventions, without the appearance of the parties:

[Broadcasting intervention/comments form]

Item Applicant and Locality

1. Sex-shop Television Inc.

Across Canada

Application No. 2008-0892-5

2. Glassbox Television Inc.

Across Canada

Application No. 2008-1055-8

3. Glassbox Television Inc.

Across Canada

Application No. 2008-1056-6

4. Allarco Entertainment Inc.

Across Canada

Application Nos. 2008-1320-6, 2008-1322-1 and 2008-1323-9

5. Maritime Broadcasting System Limited

Amherst, Nova Scotia

Application No. 2008-0816-5

6. Gérald Dominique, on behalf of a corporation to be incorporated

Province of Quebec

Application No. 2008-1024-3

7. Télévision Régionale de Laval inc.

Laval, Sainte-Thérèse, Oka, Deux-Montagnes, Boisbriand, Saint-Eustache, Blainville, Rosemère, Lorraine, Bois-des-Fillions, Quebec

Application No. 2008-0844-6

8. Diffusion communautaire des Îles inc.

Îles-de-la-Madeleine, Quebec

Application No. 2008-0941-0



9. Drayton Valley Word of Life Center Church and Ministries

Drayton Valley, Alberta Application No. 2008-0690-4

10. Canwest Media Inc.

Calgary, Alberta Application No. 2008-1047-5

11. Canwest Media Inc.

Edmonton, Alberta Application No. 2008-1048-3

12. Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.

Revelstoke, British Columbia Application No. 2008-0946-0

13. Northwestel Cable Inc.

Whitehorse, Yukon; Yellowknife, Northwest Territories; Norman Wells, Northwest Territories; High Level, Alberta and Fort Nelson, British Columbia Application No. 2008-0947-8

14. Four Senses Entertainment Inc.

Whistler, British Columbia Application No. 2008-0997-3

15. Shaw Communications Inc. on behalf of Shaw Cablesystems Limited

Campbell River, British Columbia Application No. 2008-1187-9

1. Across Canada

Application No. 2008-0892-5

Application by **Sex-shop Television Inc.** for a licence to operate a national English-language Category 2 pay television programming undertaking to be known as Vanessa.

The applicant states that its adult pay television programming will be dedicated to the themes of charm, sensuality, eroticism and sexuality. They also state that their programming may also include documentaries, news coverage and magazine shows focusing on the industries associated with these themes and the personalities revolving around these industries. The applicant proposes to offer programming from the following categories: 2(a), 2(b), 3, 7(a),

The applicant proposes to offer programming from the following categories: 2(a), 2(b), 3, 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13 and 15, as set out in Schedule I of the *Pay Television Regulations*, 1990.

The applicant confirms that no more than 10% of its broadcast week will be devoted to category 7(d) programming (theatrical feature films aired on television).

The applicant agrees to devote 20% of the broadcast day and of the evening broadcast period to Canadian programming until the end of the licence term.

The applicant further states that \$150,000 in expenditures will be incurred to acquire Canadian programming in the first year. Starting in the second year of the licence term and in every subsequent year of the licence term, a minimum of 22% of gross revenue will be dedicated to the acquisition of Canadian programming.

Applicant's address:

445 Viger Street West, Suite 1108 Montréal, Quebec H2Z 2B8 Fax: 514-285-1931

E-Mail: marc.trudeau@idi2.tv

Examination of application:

At the applicant's address

2. Across Canada Application No. 2008-1055-8

Application by **Glassbox Television Inc.** for a licence to operate a national English-language Category 2 specialty television programming undertaking to be known as AUX TV.

The applicant states that the programming will consist of programming devoted to emerging music and its creation, including programming featuring emerging music and aimed at helping emerging musicians.

The applicant proposes to offer programming from the following categories: 1, 2(a), 2(b), 3, 5(a), 5(b), 7(a), 7(c), 7(d), 7(e), 7(f), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13, and 14, as set out in Schedule I of the *Specialty Services Regulations*, 1990.

The applicant states that it would accept as a condition of licence the following program category limits: no more than 15% of the broadcast month from each of the categories: 5(a), 7(a), 7(c), 7(d), 7(e), 7(f) or 10, and no more than 35% of the broadcast month from category 8(b).

Applicant's address:

2196 Dunwin Drive Mississauga, Ontario L5L 1C7

Fax: 416-868-0673

E-Mail: gbuck@mccarthy.ca

Examination of application:

McCarthy Tétrault Suite 5300, TD Bank Tower Toronto Dominion Centre Toronto, Ontario

3. Across Canada Application No. 2008-1056-6

Application by **Glassbox Television Inc.** for a licence to operate a national English-language Category 2 specialty television programming undertaking to be known as TREK TV.

The applicant states that the programming will consist of programming in the areas of world cultures, travel, geography, exploration and anthropology, targeted at Canadians between the ages of 17 and 27.

The applicant proposes to offer programming from the following categories: 2(a), 2(b), 5(b), 7(c), 7(d), 7(e), 8(a), 8(b), 9, 11, 12, 13, and 14, as set out in Schedule I of the *Specialty Services Regulations*, 1990.

The applicant states that it would accept as a condition of licence the following program category limits: no more than 15% of the broadcast month from category 7(d), no more than 10% of the broadcast month from category 7(e), and no more than 5% of the broadcast month from category 8(b).

Applicant's address:

2196 Dunwin Drive Mississauga, Ontario L5L 1C7

Fax: 416-868-0673

E-Mail: gbuck@mccarthy.ca

Examination of application:

McCarthy Tétrault Suite 5300, TD Bank Tower Toronto Dominion Centre Toronto, Ontario

4. Across Canada

Application Nos. 2008-1320-6, 2008-1322-1 and 2008-1323-9

Applications by **Allarco Entertainment Inc.** (Allarco Inc.), to effect a multi-steps corporate reorganization involving the transfer of the assets of the national English-language pay television programming undertaking, known as Super Channel, through the transactions listed below.

Super Channel is owned by Allarco Inc., a corporation controlled by Mr. Charles R. Allard.

The steps of the reorganisation will be as follow:

- 1. A newly created limited partnership consisting of Allarco Inc., general partner as well as limited partner together with C.R.A. Investments Ltd. (CRA), carrying on business as Allarco Entertainment Limited Partnership (Allarco LP), will acquire the assets and liabilities of Super Channel;
- 2. Allarco Entertainment (2008) Inc., a newly constituted corporation, will acquire the Class B Units of Allarco Inc. in Allarco LP. As a result, Allarco Entertainment (2008) Inc. will become the general partner as well as a limited partner together with CRA in the Allarco LP;
- 3. Cathton Holdings Ltd. (Cathton), a corporation also owned and controlled by Mr. Charles R. Allard, will exercise its option to acquire CRA's Class A units in the Allarco LP. As a result, Cathton will replace CRA as one of the limited partners in Allarco LP.

The effective control of Super Channel will not be affected and will continue to be exercised by Mr. Charles R. Allard, at all times.

The applicant is also requesting new licences to be issued to the partners of the limited partnership to continue the operation of the above undertaking under the same terms and conditions as those of the current licence.

Applicant's address:

5324 Calgary Trail Suite 200 Edmonton, Alberta T6H 4J8

Fax: 780-437-7969 E-Mail: corp@allarco.ca Examination of application:

At the applicant's address

5. Amherst, Nova Scotia Application No. 2008-0816-5

Application by **Maritime Broadcasting System Limited** to convert radio station CKDH Amherst from the AM band to the FM band.

The new station would operate on frequency 107.1 MHz (channel 269B) with an average effective radiated power of 18,700 watts (maximum effective radiated power of 40,000 watts

with an average effective height of antenna above average terrain of 32 metres).

The applicant proposes an adult contemporary music format.

The applicant is requesting permission to simulcast the programming of the new FM station on CKDH for a period of three months from the date of implementation of the new station.

The applicant is also requesting, pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act*, the revocation of the licence of CKDH effective at the end of the simulcast period.

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

This application requires the issuance of a new licence.

Applicant's address:

5121 Sackville Street, 7th floor Halifax, Nova Scotia B3J 1K1

Fax: 902-423-2093

E-Mail: ccrockett@mbsradio.com

Examination of application:

CKDH #38 Highway 6 Amherst, Nova Scotia

6. **Province of Quebec Application No. 2008-1024-3**

Application by **Gérald Dominique**, on behalf of a corporation to be incorporated, for a licence to operate a regional French-language Category 2 specialty television programming undertaking to be known as Je me souviens to serve the Province of Quebec.

The applicant proposes that this service be dedicated to the broadcast of obituary notices, notices of hospitalization, messages of thanks and prayers, mainly in alphanumeric format that would also be read on air.

The applicant proposes to offer programming exclusively from the following categories: 1, 2a), 3, 4, 12, 13, 14 and 15, as set out in Schedule I of the *Specialty Services Regulations*, 1990.

The applicant requests authority to broadcast up to six minutes per hour of local or regional advertising on this service.

Applicant's address:

9, Terrasse Chatel Laval, Quebec H7L 3A4

Fax: 450-963-4772

E-Mail: gerald_dominique@hotmail.com

Examination of application:

At the applicant's address

7. Laval, Sainte-Thérèse, Oka, Deux-Montagnes, Boisbriand, Saint-Eustache, Blainville, Rosemère, Lorraine, Bois-des-Fillions, Quebec Application No. 2008-0844-6

Application by **Télévision Régionale de Laval inc.** for a licence to operate a low-power non-profit French-language community television programming undertaking in Laval and certain neighbouring communities.

The new station would operate on channel 4 with the transmitter power of 79 watts.

The applicant is requesting that its service area include the municipalities of Laval, Sainte-Thérèse, Oka, Deux-Montagnes, Boisbriand, Saint-Eustache, Blainville, Rosemère, Lorraine and Bois-des-Fillions.

Licensee's address:

1607 Saint-Elzéar Boulevard West Laval, Quebec H7L 3N6

Fax: 450-973-8007

E-Mail: francis.cuggia@tvrl.ca

Examination of application:

At the applicant's address

8. Îles-de-la-Madeleine, Quebec Application No. 2008-0941-0

Application by **Diffusion communautaire des Îles inc.** for a licence to operate a non-profit

French-language community programming undertaking service in Îles-de-la-Madeleine.

The applicant states that it has the support of Persona Communication inc., a broadcasting distribution undertaking serving the Îles-de-la-Madeleine market.

The applicant states that its project will have a positive impact as an alternative news source and on job creation, citizen engagement and local expression.

Applicant's address:

1172 de La Vernière Road, P.O. Box 8192, Cap-aux-Meules Îles-de-la-Madeleine, Quebec G4T 1R3

Fax: 418-986-5319 E-Mail: <u>tvi@cfim.ca</u>

Examination of application:

At the applicant's address

9. **Drayton Valley, Alberta Application No. 2008-0690-4**

Application by **Drayton Valley Word of Life Center Church and Ministries** for a licence to operate an English-language FM religious (church) low-power radio programming undertaking in Drayton Valley.

The new station would operate on frequency 90.3 MHz (channel 212LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 30.5 metres).

The applicant will provide five to eight hours per week of programming consisting of live broadcast of masses, wedding, funerals, baptisms and other similar religious celebrations. The station will not solicit or broadcast advertising.

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

Applicant's address:

5115 – 50th Avenue Drayton Valley, Alberta T7A 1R4

Fax: 780-621-0267

E-Mail: GWCarter@telusplanet.net

Examination of application:

At the applicant's address

10. Calgary, Alberta Application No. 2008-1047-5

Application by **Canwest Media Inc.** for a licence to operate an English-language transitional digital television undertaking associated with its existing TV station CICT-TV Calgary.

The new station would operate from the existing CICT-TV tower on channel 41C with an average effective radiated power of 3,200 watts (maximum effective radiated power of 5,000 watts with an average effective height of antenna above average terrain of 51 metres).

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

Applicant's address:

121 Bloor Street East, Suite 1500 Toronto, Ontario M4W 3M5 Fax: 416-386-2779

E-Mail: cbell@canwest.com

Examination of application:

Global Calgary 222-23 Street North-East Calgary, Alberta

11. Edmonton, Alberta Application No. 2008-1048-3

Application by **Canwest Media Inc.** for a licence to operate an English-language transitional digital television undertaking associated with its existing TV station CITV-TV Edmonton.

The new station would operate from the existing CITV-TV tower on channel 47C with an average effective radiated power of 3,700 watts (maximum effective radiated power of

5,900 watts with an average effective height of antenna above average terrain of 22.5 metres).

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

Applicant's address:

121 Bloor Street East, Suite 1500 Toronto, Ontario M4W 3M5 Fax: 416-386-2779

E-Mail: cbell@canwest.com

Examination of application:

Global Edmonton 5325 Allard Way Edmonton, Alberta

12. Revelstoke, British Columbia Application No. 2008-0946-0

Application by **Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.** to convert radio station CKCR Revelstoke from the AM band to the FM band.

The new station would operate on frequency 106.1 MHz (channel 291A) with an effective radiated power of 800 watts (non-directional antenna/effective height of antenna above average terrain of -808.8 metres).

The applicant proposes an Adult Contemporary music format.

The applicant is requesting permission to simulcast the programming of the new FM station on CKCR for a period of three months from the date of implementation of the new station.

The applicant is also requesting, pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act*, the revocation of the licence of CKCR effective at the end of the simulcast period.

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

This application requires the issuance of a new licence.

Applicant's address:

1717 René-Lévesque Boulevard East Suite 300 Montréal, Quebec H2L 4T9

Fax: 514-529-3263

E-Mail: claflamme@corp.astral.com

Examination of application:

208 First Street East Revelstoke, British Columbia

13. Whitehorse, Yukon; Yellowknife, Northwest Territories; Norman Wells, Northwest Territories; High Level, Alberta and Fort Nelson, British Columbia Application No. 2008-0947-8

Application by **Northwestel Cable Inc.** for a licence to operate a regional video-on-demand programming undertaking.

The applicant proposes to offer programming that will consist primarily of feature films, but may also include other types of programming such as long form documentary, professional, sports, drama, comedy, and general entertainment and human interest.

The applicant also indicates that the programming will be predominantly in the English language.

Applicant's address:

Northwestel Cable Inc. P.O. Box 1469 Yellowknife, Northwest Territories X1A 2P1

Fax: 867-668-7674

E-Mail: regulatoryaffairs@nwtel.ca

Examination of application:

Northwestel Cable Inc. 5120-49th Street Yellowknife, Northwest Territories

Northwestel Cable Inc. 203-4103 4th Avenue

Whitehorse, Yukon

Northwestel Cable Inc. 5404-50th Avenue Fort Nelson, British Columbia

Northwestel Payment Agent Northern Store Main Square Box 9000 Norman Wells, Northwest Territories

Librarian High Level Municipal Public Library 9907-100 Avenue High Level, Alberta

14. Whistler, British Columbia Application No. 2008-0997-3

Application by **Four Senses Entertainment Inc.** for a licence to operate an English-language FM commercial radio programming undertaking in Whistler.

The new station would operate on frequency 101.5 MHz (channel 268A) with an average effective radiated power of 881 watts (maximum effective radiated power of 1,870 watts with an effective height of antenna above average terrain of -244 metres).

The applicant proposes a Hot Adult Contemporary music format which will include hit songs from the late 80s and 90s.

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

Applicant's address:

5450 Cypress Street Vancouver, British Columbia V6M 3R4

Fax: 604-873-4211

E-Mail: barry@whistlerfm.ca

Examination of application:

Whistler Public Library 4329 Main Street Whistler, British Columbia

15. Campbell River, British Columbia Application No. 2008-1187-9

Application by **Shaw Communications Inc. on behalf of Shaw Cablesystems Limited** to acquire the assets of the cable distribution undertaking serving Campbell River currently held by Campbell River T.V. Association.

The applicant is also requesting a licence to continue the operation of the undertaking upon surrender of the licence issued to name of licensee.

Shaw also requested that, should the Commission approve its application, the extension of service area granted on 17 April 2008, which added Campbell River to Shaw's Courtenay/Comox/Powell River undertaking, be rescinded.

Shaw proposes the addition of the following condition of licence:

The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.

Applicant's address:

Shaw Cablesystems Limited 630 – 3rd Avenue North-West Calgary, Alberta T2P 4L4

Fax: 403-716-6544

E-Mail: michael.ferras@sjrb.ca

Examination of application:

500 Robron Road Campbell River, British Columbia

Public Participation

Deadline for interventions/comments

13 November 2008

The intervention must be received by the CRTC and by the applicant on or before the

above mentioned date. The Commission cannot be held responsible for postal delays.

The intervention must include one of the following statements in either the first or the last paragraph:

- 1 I request to appear at the public hearing.
- 2 I do not want to appear at the public hearing.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

by using the

[Broadcasting intervention/comments form]

Or

by mail to CRTC, Ottawa, Ontario K1A 0N2

or

by fax at 819-994-0218

A true copy **must** be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line ***End of document*** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your

proposal.

In the event that the application is brought to the oral phase of the hearing, and if you wish to appear, you must provide reasons why your written comments are not sufficient and why an appearance is necessary.

Persons requiring communications support such as assistance listening devices and sign language interpretation are requested to inform the Commission at least twenty (20) days before the commencement of the public hearing so that the necessary arrangements can be made.

Important notice

Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's Web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's Web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's Web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the Webpage of this particular public process. As a result, a general search of our Web site with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

Examination of documents

An electronic version of applications is available from the Commission's Web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the

Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

Central Building

Les Terrasses de la Chaudière 1 Promenade du Portage, Room 206 Gatineau, Quebec K1A 0N2

Tel.: 819-997-2429

Toll free Telephone: 1-877-249-2782 Toll-free TDD: 1-877-909-2782

Fax: 819-994-0218

Metropolitan Place 99 Wyse Road Suite 1410

Dartmouth, Nova Scotia B3A 4S5

Tel.: 902-426-7997 Fax: 902-426-2721

205 Viger Avenue West Suite 504 Montréal, Quebec H2Z 1G2

Tel.: 514-283-6607

55 St. Clair Avenue East Suite 624 Toronto, Ontario M4T 1M2 Tel.: 416-952-9096

Kensington Building 275 Portage Avenue Suite 1810 Winnipeg, Manitoba R3B 2B3

Tel.: 204-983-6306 - TDD: 204-983-8274

Fax: 204-983-6317

Cornwall Professional Building 2125 – 11th Avenue Room 103 Regina, Saskatchewan S4P 3X3

Tel.: 306-780-3422

10405 Jasper Avenue Suite 520 Edmonton, Alberta T5J 3N4

Tel.: 780-495-3224

530-580 Hornby Street Vancouver, British Columbia V6C 3B6 Tel.: 604-666-2111 – TDD: 604-666-0778

Fax: 604-666-8322

Secretary General

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: http://www.crtc.gc.ca