



Broadcasting Notice of Consultation CRTC 2012-678

PDF version

Ottawa, 13 December 2012

Notice of applications received

Various locations

**Deadline for submission of interventions/comments/answers:
29 January 2013**

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission has received the following applications:

Applicant/licensee and locality

1. **Rogers Broadcasting Limited**
Edmonton, Alberta
Application 2011-0365-5
2. **South Asian Broadcasting Corporation Inc.**
Vancouver, British Columbia
Application 2011-0161-7

1. **Rogers Broadcasting Limited**
Edmonton, Alberta
Application 2011-0365-5

Application by **Rogers Broadcasting Limited** (Rogers) to renew the broadcasting licence for the commercial ethnic radio programming undertaking CKER-FM Edmonton, expiring 31 March 2013.

The licensee proposes to amend the following condition of licence:

The licensee shall broadcast during each broadcast week of the licence term, ethnic programming directed towards not less than 19 distinct ethnic groups, in not less than 19 different languages.

Specifically, the licensee wishes to reduce the number of ethnic groups served by CKER-FM from 19 to 12. Rogers states that this proposed change will allow CKER-FM to implement a broadcast schedule that is identical seven days a week, thereby maximizing the potential for building audience consistency and loyalty.

All other conditions will remain the same.

The Commission examined the licensee's compliance with its obligations regarding Canadian talent development, Canadian content development and the submission of

annual returns, as set out by condition of licence and in the *Radio Regulations, 1986*. It appears to the Commission that the licensee is in compliance with these obligations.

Licensee's address:

6-333 Bloor Street East
Toronto, Ontario
M4W 1G9

Email: susan.wheeler@rci.rogers.com

Website to view the electronic version of the application: <http://www.worldfm.ca/>

2. **South Asian Broadcasting Corporation Inc.**
Vancouver, British Columbia
Application 2011-0161-7

Application by **South Asian Broadcasting Corporation Inc. (SABC)** to renew the broadcasting licence for the commercial ethnic radio programming undertaking CKYE-FM Vancouver, expiring 31 March 2013.

The licensee proposes to delete the following condition of licence:

7. The licensee shall direct a minimum of \$30,000 in each of the first three years of operation to the financial support for Canadian talent development. In each of years four through seven, the licensee shall make direct annual expenditures representing the greater of \$30,000 and 2.5% of total annual revenues derived from the operation of its proposed station in support of Canadian talent development. These amounts shall be distributed as follows:
 - contributions to Foundation to Assist Canadian Talent on Record (FACTOR) and MuSICACTION - \$4,000 each for a total of \$8,000 per year;
 - contribution to the Canadian Association of Ethnic Broadcasters for the maintenance of its catalogue of Canadian ethnic recordings - \$3,000 per year;
 - scholarships for visible minority youth enrolled in the music or the journalism program of the British Columbia Institute of Technology - \$3,000 per year;
 - contributions to the Kalamandir Music Society of BC - \$4,000 per year;
 - contributions to the Surrey India Arts Club - \$4,000 per year;
 - contributions to the Gurdip Arts Academy - \$3,700 per year; and
 - talent search contest - \$4,250 per year.

In its place, the licensee specified that it will adhere to the requirements set out in section 15 of the *Radio Regulations, 1986* (the Regulations). According to the licensee all of the requirements related to this condition have been fulfilled.

All other conditions will remain the same.

It appears to the Commission that CKYE-FM may have failed to comply with section 9(2) of the Regulations relating to the provision of annual returns for each of the 2005-2006, 2007-2008, 2008-2009 and 2009-2010 broadcast years, as well as with its conditions of licence relating to Canadian talent development contributions for the 2005-2006 broadcast year and Canadian content development contributions for the 2008-2009 broadcast year. The licensee stated that the shortfalls and other discrepancies were due to a number of significant operational challenges.

The Commission will review the licensee's compliance with its conditions of licence and with the Regulations, as indicated in the Commission's clarification letters, which are part of the public record for this proceeding. The Commission will render its decision on the matter in the licensee's renewal decision. The Commission may consider the use of regulatory measures, such as a short-term renewal, in accordance with *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Licensee's address:

201 – 8383 128th Street
Surrey, British Columbia
V3W 4G1

Email to request an electronic copy of the application: application@redfm.ca

Procedure

Deadline for interventions or answers

29 January 2013

The new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

This notice may announce applications that would normally be subject to the written process described in Part 1 of the Rules of Procedure, but that were filed before 1 April 2011. An explanation in this regard is set out in *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 2010.

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[[Intervention/comment/answer form](#)]

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

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

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, 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 altered during electronic transmission.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Important notice

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties 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 website in their entirety exactly as received, 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.

The information that parties 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 web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the applicants/licensees, either on their websites or upon request by contacting the applicants/licensees at their email addresses, provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours at the Commission offices and documentation centres directly involved with these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

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

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

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99 Wyse Road
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Dartmouth, Nova Scotia
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Fax: 902-426-2721

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Secretary General