



## Broadcasting Notice of Consultation CRTC 2009-425

Ottawa, 17 July 2009

### Notice of hearing

**24 August 2009**

**Gatineau, Quebec**

**Deadline for submission of interventions/comments: 3 August 2009**

The Commission will hold a hearing on **24 August 2009 at 9:00 a.m. at the Commission Headquarters, 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. **2209005 Ontario Inc.**  
Montréal, Quebec  
Application Nos. 2009-1020-0 and 2009-1018-4
2. **2190015 Ontario Inc.**  
Hamilton, Ottawa, London, Muskoka, Sudbury, Sault Ste. Marie, North Bay and Timmins, Ontario  
Application Nos. 2009-1021-7 and 2009-1019-2

1. **Montréal, Quebec**  
**Application Nos. 2009-1020-0 and 2009-1018-4**

Application by **2209005 Ontario Inc.** (the applicant) to acquire the assets of the ethnic television programming undertaking CJNT-TV Montréal (also known as E! Montréal) from Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership.

The applicant is also seeking a broadcasting licence with a seven-year term to continue the operation of the undertaking. The current licence expires on 31 August 2010, as approved in Broadcasting Decision CRTC 2009-409.

In the event the proposed acquisition of assets is approved by the Commission, the applicant further requests amendments to the current conditions of licence to increase slightly the amount of local programming it broadcasts and to remove its obligation to provide specific proportions of its non-ethnic programming in English and French.

The Commission notes that the proposed transaction also includes the acquisition of the assets of CHCH-TV Hamilton along with its transmitters CHCH-TV-1 Ottawa, CHCH-TV-2 London, CHCH-TV-3 Muskoka, CHCH-TV-4 Sudbury, CHCH-TV-5 Sault Ste. Marie, CHCH-TV-6 North Bay and CHCH-TV-7 Timmins, Ontario and the transitional digital television programming undertaking CHCH-DT, which is dealt with in separate applications included in this notice of hearing.

The applicant is a corporation owned by 2185220 Ontario Limited (30% of the voting shares), a corporation equally owned by Christopher J. Fuoco and Kimberly S. Train, and by three other shareholders, namely Christopher J. Fuoco, Romen Podzyhun and C.J. (Cal) Millar (respectively holding 23.4%, 23.3% and 23.3 % of the voting shares).

The purchase price for the entire transaction, including the purchase of CHCH-TV Hamilton, based on the terms of the asset purchase agreement, is 12 dollars. Citing the financial difficulties of the station, the applicant has not proposed a tangible benefits package, but has offered a number of intangible benefits for the transaction.

Additional information may be placed on the public examination file. The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

*Applicant's address:*

P.O. Box 6143  
 Station "A"  
 Toronto, Ontario  
 M5W 1P6  
 Fax: 416-492-9539  
 E-mail: [chch@tvchannelzero.com](mailto:chch@tvchannelzero.com)

*Examination of application:*

2844 Dundas Street West  
 Toronto, Ontario  
 M6P 1Y7

163 Jackson Street West  
 Hamilton, Ontario  
 L8N 3A6

1600 de Maisonneuve Boulevard East  
 9<sup>th</sup> floor  
 Montréal, Quebec  
 H2L 4P2

301 Oxford Street East  
 London, Ontario  
 N6A 1V3

55 Metcalfe Street  
 Suite 1300  
 Ottawa, Ontario  
 K1P 6L5

180 Sharpe Street West  
 Gravenhurst, Ontario  
 P1P 1J1

236 Algonquin Boulevard East  
 Timmins, Ontario  
 P4N 1B2

74 MacKenzie Street  
 Sudbury, Ontario  
 P3C 4X8

271 Worthington Street East  
 North Bay, Ontario  
 P1B 1H1

50 East Street  
 Sault Ste. Marie, Ontario  
 P6A 3C3

2. **Hamilton, Ottawa, London, Muskoka, Sudbury, Sault Ste. Marie, North Bay and Timmins, Ontario**  
**Application Nos. 2009-1021-7 and 2009-1019-2**

Application by **2190015 Ontario Inc.** (the applicant) to acquire the assets of the English-language television programming undertakings CHCH-TV Hamilton along with its transmitters CHCH-TV-1 Ottawa, CHCH-TV-2 London, CHCH-TV-3 Muskoka, CHCH-TV-4 Sudbury, CHCH-TV-5 Sault Ste. Marie, CHCH-TV-6 North Bay and CHCH-TV-7 Timmins, Ontario and the transitional digital television programming undertaking CHCH-DT (also known as E! Ontario), from Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership.

The applicant is also seeking broadcasting licences with seven-year terms to continue the operation of the undertakings. The current licences expire on 31 August 2010, as approved in Broadcasting Decision CRTC 2009-409.

In the event the proposed acquisition of assets is approved by the Commission, the applicant further requests to be relieved of the current condition of licence requiring it to broadcast priority programming as the station will no longer be part of a large multi-station ownership group.

The Commission notes that the proposed transaction also includes the acquisition of the assets of CJNT-TV Montréal, which is dealt with in separate applications included in this notice of hearing.

The applicant is a corporation owned by 2185220 Ontario Limited (30% of the voting shares), a corporation equally owned by Christopher J. Fuoco and Kimberly S. Train, and by three other shareholders, namely Christopher J. Fuoco, Romen Podzyhun and C.J. (Cal) Millar (respectively holding 23.4%, 23.3% and 23.3% of the voting shares).

The purchase price for the entire transaction, including the purchase of CJNT-TV Montréal, based on the terms of the asset purchase agreement, is 12 dollars. Citing the financial difficulties of the station, the applicant has not proposed a tangible benefits package, but has offered a number of intangible benefits for the transaction.

Additional information may be placed on the public examination file. The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

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55 Metcalfe Street  
Suite 1300  
Ottawa, Ontario  
K1P 6L5

180 Sharpe Street West  
Gravenhurst, Ontario  
P1P 1J1

236 Algonquin Boulevard East  
Timmins, Ontario  
P4N 1B2

74 MacKenzie Street  
Sudbury, Ontario  
P3C 4X8

271 Worthington Street East  
North Bay, Ontario  
P1B 1H1

50 East Street  
Sault Ste. Marie, Ontario  
P6A 3C3

## **Public Participation**

### **Deadline for interventions/comments**

**3 August 2009**

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 and will not notify an intervener whose intervention is received after the deadline date. The intervention will not be considered by the Commission and will not be part of the public file.

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.

Interventions will be considered by the Commission, and will form part of the public record of the proceeding without further notification to intervening parties, provided the procedure set out below has been followed. Parties will be contacted only if their submission raises procedural questions.

Written interventions should be submitted to the Secretary General of the Commission in **only one** of the following formats:

**by using the**  
[[Broadcasting interventions/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.

Parties must ensure, before initiating service through electronic mode, that they 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.

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

In the event that the application is brought to the oral phase of the hearing, and if parties wish to appear, they must provide reasons why their 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 parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at [www.crtc.gc.ca](http://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.

Please note that the information 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 our website 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 the applications is available from the Commission's website by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's website. 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 website.

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 Commission offices and documentation centres.

**Location of Commission offices**

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

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

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

***Regional offices***

Metropolitan Place  
99 Wyse Road  
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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

2220 – 12<sup>th</sup> Avenue, Suite 620  
Regina, Saskatchewan  
S4P 0M8  
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>.*