



Broadcasting Notice of Consultation CRTC 2009-632

Ottawa, 8 October 2009

Notice of hearing

14 December 2009

Gatineau, Quebec

Deadline for submission of interventions/comments: 12 November 2009

The Commission will hold a hearing commencing on **14 December 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:

[\[Broadcasting interventions/comments form\]](#)

Item Applicant and Locality

1. **TVA Group Inc.**
Across Canada
Application No. 2009-0702-4
2. **Canyon.TV Incorporated**
Across Canada
Application No. 2009-0893-1
3. **TVA Group Inc.**
Across Canada
Application No. 2009-0912-9
4. **Canyon.TV Incorporated**
Across Canada
Application No. 2009-0988-0
5. **Soundview Entertainment Inc.**
Across Canada
Application No. 2009-1043-1
6. **FreeHD Canada Inc.**
Across Canada
Application No. 2009-1094-4
7. **FreeHD Canada Inc.**
Across Canada
Application No. 2009-1095-2

8. **Canyon.TV Incorporated**
Across Canada
Application No. 2009-1105-9
9. **Rogers Broadcasting Limited**
Across Canada
Application No. 2009-1274-2
10. **Paul Blackmore**
Middle Musquodboit, Nova Scotia
Application No. 2009-1044-9
11. **Télé Inter-Rives ltée**
Rivière-du-Loup, Quebec
Application No. 2009-1100-2
12. **Cogeco Cable Quebec 2009 Inc. (the general partner) and Cogeco Cable Canada Inc. (the limited partner), partners in a general partnership carrying on business as Cogeco Cable Quebec General Partnership**
Various locations in the province of Quebec
Application No. 2009-1214-8
13. **Canadian Broadcasting Corporation**
Various locations in the province of Ontario
Application No. 2009-0956-7
14. **Canadian Broadcasting Corporation**
Various locations in the province of Ontario
Application No. 2009-0957-5
15. **Canadian Broadcasting Corporation**
Various locations in the province of Ontario
Application No. 2009-0958-3
16. **Douglas George Edwards**
Innisfil, Ontario
Application No. 2009-1116-6
17. **Newcap Inc.**
Westlock, Alberta
Application No. 2009-0976-5
18. **City West Cable (North) Corp.**
Prince Rupert, British Columbia and the northwest of the province
Application No. 2009-1098-6

19. **Rogers Broadcasting Limited**
Vancouver, British Columbia
Application No. 2009-1139-8
20. **Northern Lights Entertainment Inc.**
Iqaluit, Nunavut
Application No. 2009-1013-4

1. **Across Canada**
Application No. 2009-0702-4

Application by **TVA Group Inc.** for a broadcasting licence to operate a national French-language Category 2 specialty television programming undertaking to be known as TVA Sports.

The applicant states that the programming will consist of all aspects of sports and in particular of general interest Canadian professional sports.

The applicant proposes to offer programming from the following categories: 1, 2(a), 2(b), 3, 5(b), 6(a), 6(b), 7(a), 7(c), 7(d), 7(e), 8(b), 8(c), 10, 11, 12, 13 and 14, as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant states that its application is in line with *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory Policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008* that enables competition between Canadian specialty services operating in the genre of mainstream sports.

The applicant states that it will abide by the standard conditions of licence set out in *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news, Broadcasting Regulatory Policy CRTC 2009-562, 4 September 2009*.

The applicant states that it is prepared to accept a condition of licence limiting to 10% of each broadcast month the programming from categories 7, 7(d), 7(e), 8(b) and 8(c) combined.

The applicant states that it will devote no less than 50% of its programming to the broadcast of Canadian content each broadcast day and no less than 60% in each evening broadcast period.

The applicant states that it will commit, by condition of licence, to close caption 90% of the programming aired during the broadcast day.

Applicant's address:

TVA Group Inc.
1600 Maisonneuve Blvd East
Montréal, Quebec
H2L 4P2
Fax: 514-380-4664
E-mail: reglementaires@quebecor.com

Examination of application:

At the applicant's address

2. **Across Canada**
Application No. 2009-0893-1

Application by **Canyon.TV Incorporated** for a broadcasting licence to operate a national terrestrial pay-per-view programming undertaking.

The applicant proposes to offer programming that will consist primarily of music programs, feature films, documentaries, gaming content and adult programming but may also include other types of programming such as music videos, short films and live music events.

The applicant also indicates that the programming will be predominantly in the English language but will also provide some content in the French language.

Applicant's address:

253 21st Avenue North-East
Calgary, Alberta
T2E 1S5
Fax: 403-475-7986
E-mail: Warren@Canyon.tv

Examination of application:

At the applicant's address

3. **Across Canada**
Application No. 2009-0912-9

Application by **TVA Group Inc.** for a broadcasting licence to operate a national French-language Category 2 specialty television programming undertaking to be known as TVA Junior.

The applicant states that the programming of TVA Junior will exclusively target children between the ages of two and six.

The applicant states that its service should not be considered to be in direct competition with existing specialty services since a “general interest” youth service cannot effectively reach an audience of children aged two to six.

The applicant states that young francophone Canadians are not actually well-served, and that a French-language specialty service exclusively dedicated to children ages two to six, much like the service Treehouse that is available in the English-language market, would serve this purpose.

The applicant proposes to offer programming from the following categories: 2(a), 2(b), 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 10, 11, 12, 13 and 14, as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant states that it is prepared to accept a condition of licence limiting to 10% of each broadcast month the programming from categories 2(b), 6(a), 7, 7(d), 7(e), 8(b) and 8(c) combined.

The applicant states that it will not commit to a condition of licence requiring it to close caption 100% of the programming aired during the broadcast day. The applicant states that pre-school aged children cannot read and that the content of programming dedicated to them is usually very visual in nature.

The licensee proposes to invest the money usually dedicated to offer closed captioning, also considered as Canadian programming expenditures, to purchase more Canadian content.

Applicant's address:

TVA Group Inc.
1600 Maisonneuve Blvd East
Montréal, Quebec
H2L 4P2
Fax: 514-380-4664
E-mail: reglementaires@quebecor.com

Examination of application:

At the applicant's address

and

Quebecor Media Inc.
 612 St-Jacques Street
 15th floor South Tower
 Montréal, Quebec
 H3C 4M8

and

On the TVA and Quebecor websites:

<http://tva.ca/groupetva>

<http://www.quebecor.com/newsCenter/PublicFiles.aspx>

4. **Across Canada**
Application No. 2009-0988-0

Application by **Canyon.TV Incorporated** for a broadcasting licence to operate a national video-on-demand programming undertaking.

The applicant proposes to offer programming that will consist primarily of music programs, feature films, documentaries, gaming content and adult programming but may also include other types of programming such as music videos and short films.

The applicant also indicates that the programming will be predominantly in the English language but will also provide some content in the French language.

Applicant's address:

253 21st Avenue North-East
 Calgary, Alberta
 T2E 1S5
 Fax: 403-475-7986
 E-mail: Warren@Canyon.tv

Examination of application:

At the applicant's address

5. **Across Canada**
Application No. 2009-1043-1

Application by **Soundview Entertainment Inc.** for a broadcasting licence to operate a national, third-language general interest ethnic Category 2 specialty programming undertaking to be known as UTV Movies.

The applicant states that the proposed service will be devoted to feature films, made-for-TV movies, actor interviews, documentaries and similar movie-related programming.

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

The applicant proposes to broadcast not less than 90% of its programming in the Hindi language during the broadcast week.

The applicant requests that, of the 12 minutes of advertising material permitted during each clock hour, it be authorized to broadcast up to 6 minutes of local and regional advertising.

Applicant's address

2244 Drew Road
Unit 6
Mississauga, Ontario
L5S 1B1
Fax: 416-868-0673
E-mail: gbuck@mccarthy.ca

Examination of application:

McCarthy Tétrault LLP
Toronto Dominion Bank Tower
Suite 5300
Toronto, Ontario

6. **Across Canada
Application No. 2009-1094-4**

Application by **FreeHD Canada Inc.** (FreeHD) for a broadcasting licence to operate a new national direct-to-home satellite distribution undertaking.

FreeHD requests conditions of licence that would permit it to offer programming services to customers in two large “basic” packages, one directed at anglophone consumers and the other at francophone consumers. FreeHD submits that this would benefit all stakeholders, stating, among other things, that the preponderance of each package would be Canadian (90%) and that programmers would be assured good penetration.

FreeHD states that it will distribute all over-the-air television stations that meet a certain threshold based on number of hours per week of local programming. In particular, it proposes to distribute stations in English-language markets that originate 7 hours per

week of local programming, and stations in French-language markets that originate 5 hours per week of local programming.

As part of the application, FreeHD proposes to offer a “free local program package” to consumers who acquire the necessary reception equipment. In this context, it is requesting that it be relieved of any fees that might be associated with the distribution of a television station into its own market. It is also requesting relief from the requirement to contribute to the Local Programming Improvement Fund for the first five years of its licence term.

The Commission notes that aspects of the applicant’s proposal related to the free local program package are under discussion as part of the policy proceeding announced in *Policy proceeding on a group-based approach to the licensing of television services and on certain issues relating to conventional television*, Broadcasting Notice of Consultation CRTC 2009-411, 6 July 2009. Certain details of this application have also been provided by the applicant and are on the record of that policy proceeding.

The applicant also requests various other conditions of licence. Further details of various proposed conditions of licence and other aspects of this proposal are available in the application.

Note that this application, as well as the other application submitted by FreeHD to obtain a broadcasting licence to operate a new national satellite relay distribution undertaking (2009-1095-2), are non severable.

Applicant’s address:

8000 Bathurst Street
Unit 1
Thornhill, Ontario
L4J 0B8
Fax: 613-747-8709
E-mail: dlewis@freehdcanada.ca

Examination of application:

1700 Langstaff Road
Suite 2002
Vaughan, Ontario

7. **Across Canada
Application No. 2009-1095-2**

Application by **FreeHD Canada Inc.** (FreeHD) for a broadcasting licence to operate a new national satellite relay distribution undertaking (SRDU).

As part of its SRDU application, the applicant proposes to offer a “free local program package” to broadcasting distribution undertakings (BDUs), provided that BDUs, in turn, provide the services that are part of this package free of charge to their subscribers.

The Commission notes that aspects of the applicant’s proposal related to the free local program package are under discussion as part of the policy proceeding announced in *Policy proceeding on a group-based approach to the licensing of television services and on certain issues relating to conventional television*, Broadcasting Notice of Consultation CRTC 2009-411, 6 July 2009. Certain details of this application have also been provided by the applicant and are on the record of that policy proceeding.

The applicant also requests various conditions of licence. Further details with respect to the proposed conditions of licence and other aspects of the proposal are available in the application.

Note that this application, as well as the other application submitted by FreeHD to obtain a broadcasting licence to operate a new national direct-to-home satellite distribution undertaking (2009-1094-4), are non severable.

Applicant’s address:

8000 Bathurst Street
Unit 1
Thornhill, Ontario
L4J 0B8
Fax: 613-747-8709
E-mail: dlewis@freehdcanada.ca

Examination of application:

1700 Langstaff Road
Suite 2002
Vaughan, Ontario

8. **Across Canada**
Application No. 2009-1105-9

Application by **Canyon.TV Incorporated** for a broadcasting licence to operate a national direct-to-home pay-per-view programming undertaking.

The applicant proposes to offer programming that will consist primarily of music programs, feature films, documentaries, gaming content and adult programming but may also include other types of programming such as music videos, short films and live music events.

The applicant also indicates that the programming will be predominantly in the English language but will also provide some content in the French language.

Applicant's address:

253 21st Avenue North-East
 Calgary, Alberta
 T2E 1S5
 Fax: 403-475-7986
 E-mail: Warren@Canyon.tv

Examination of application:

At the applicant's address

9. **Across Canada**
Application No. 2009-1274-2

Application by **Rogers Broadcasting Limited** for a broadcasting licence to operate a national, English-language Category 2 specialty television programming undertaking to be known as Rogers' Mainstream Sports Specialty Service.

The applicant proposes to offer programming that will include extensive coverage of NHL hockey games involving Canadian teams and Major League Baseball games as well as coverage of Union of European Football Associations soccer, among other mainstream sports.

The proposed new service would offer over 50% of its programming in high definition format with a view of moving towards 90% by the end of its licence term.

It will offer programming from the following categories: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 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 14, as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant states that its application is in line with *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory Policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008* that enables competition between Canadian specialty services operating in the genre of mainstream sports.

The applicant states that it will abide by the standard conditions of licence set out in *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news, Broadcasting Regulatory Policy CRTC 2009-562, 4 September 2009*.

The applicant states that it is prepared to accept a condition of licence limiting to 10% of each broadcast month the programming from categories 2(b), 7, 7(d), 7(e), 8(b) and 8(c) combined.

The applicant states that it will devote no less than 50% of its programming to the broadcast of Canadian content each broadcast day and no less than 60% in each evening broadcast period.

The applicant states that it will commit, by condition of licence, to close caption 100% of programs during the broadcast day, in each year of the licence term.

Applicant's address:

333 Bloor Street East
6th floor
Toronto, Ontario
M4W 1G9
Fax: 416-935-8203
E-mail: susan.wheeler@rci.rogers.com

Examination of application:

At the applicant's address

10. **Middle Musquodboit, Nova Scotia**
Application No. 2009-1044-9

Application by **Paul Blackmore** for a broadcasting licence to operate a low-power, English-language, FM commercial radio programming undertaking in Middle Musquodboit.

The new station would operate on frequency 107.3 MHz (channel 297LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of the antenna above average terrain of -38 metres).

The applicant proposes to offer a music format consisting of a mix of rock, classic rock, oldies and country music.

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:

10642 Highway 224
Middle Musquodboit, Nova Scotia
B0N 1X0
Fax: 902-384-3133
E-mail: pblackmore@gmail.com

Examination of application:

At the applicant's address

11. **Rivière-du-Loup, Quebec**
Application No. 2009-1100-2

Application by **Télé Inter-Rives ltée** for a broadcasting licence to operate a French-language transitional digital television programming undertaking associated with its existing television station CIMT-TV Rivière-du-Loup.

The new station would operate on channel 41B with an average effective radiated power of 132 watts (non-directional antenna with an effective antenna height of 54.8 metres).

The proposed contours for the transitional digital station differ from the contours of the current analog station CIMT-TV.

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:

298 Armand Thériault Boulevard
Suite 100
Rivière-du-Loup, Quebec
G5R 4C2
Fax: 418-862-9752
E-mail: msimard.pres@videotron.ca

Examination of application:

At the applicant's address

12. **Various locations in the province of Quebec**
Application No. 2009-1214-8

Application by **Cogeco Cable Quebec 2009 Inc. (the general partner) and Cogeco Cable Canada Inc. (the limited partner) (Cogeco Canada), partners in a general partnership carrying on business as Cogeco Cable Quebec General Partnership**

(CCQGP) (collectively, the applicant), to acquire from the previous partners the assets of the cable broadcasting distribution undertakings operating under Class 1, 2 and 3 regional licences in various locations in the province of Quebec.

This corporate reorganization will be effected, as contemplated in the Third Amended and Restated General Partnership Agreement, through the acquisition of the assets held by Cogeco Cable Quebec Inc. (the general partner) and Cogeco Canada, carrying on business as CCQGP.

The applicant is also requesting broadcasting licences to continue the operation of the undertakings under the same terms and conditions as those in effect under the current licences.

The Commission notes that Cogeco Canada holds directly and indirectly more than 99% of CCQGP's partnership interest and that the said transaction does not affect the control of the above-mentioned undertakings, which will continue to be exercised by Cogeco Cable Inc., a corporation ultimately controlled by Gestion Audem inc.

Licensee's address:

Cogeco Cable Quebec 2009 Inc. and Cogeco Cable Canada Inc., partners in a general partnership carrying on business as Cogeco Cable Quebec General Partnership
5 Place Ville-Marie
Suite 1700
Montréal, Quebec
H3B 0B3
Fax: 514-874-0776
E-mail: Christian.jolivet@cogeco.com

Examination of application:

At the licensee's address, and

1630 6th Road
Office 200
Trois-Rivières, Quebec

13. **Various locations in the province of Ontario**
Application No. 2009-0956-7

Application by the **Canadian Broadcasting Corporation** (CBC) for a broadcasting licence to operate a French-language television programming undertaking in Toronto and for the authorization to transfer the following transmitters from CBOFT Ottawa to CBLFT Toronto: CBLFT Toronto, CBLFT-1 Sturgeon Falls, CBLFT-2 Sudbury, CBLFT-3 Timmins, CBLFT-4 Kapuskasing, CBLFT-5 Hearst, CBLFT-6 Elliot Lake, CBLFT-7 Espanola, CBLFT-8 Kitchener, CBLFT-9 London, CBLFT-10 Chatham,

CBLFT-11 Barrie, CBLFT-12 Peterborough, CBLFT-13 Belleville, CBLFT-14 Kingston, CBLFT-15 Penetanguishene, CBLFT-17 Sarnia, CBLFT-18 Thunder Bay, CBLFT-19 Nipigon, CBLFT-20 Sault Ste. Marie, CBLFT-21 Gogama, CBLFT-22 Chapleau, CBLFT-23 Wawa, CBLFT-24 Dubreuilville, CBLFT-25 Manitouwadge, CBLFT-26 Geraldton, CBLFT-27 Mattawa, CBEFT Windsor and CBFST-2 Temiscaming.

In support of its request, the licensee makes a commitment to produce at least 4 hours and 30 minutes per week on average on a yearly basis, of local news targeting Toronto and a large portion of Ontario from its bureaus in Timmins, Hearst, Sudbury, Windsor, Mississauga and Kingston.

The licensee states that CBLFT Toronto is already a regional station that offers a good service to the French-language minority communities that it serves.

The licensee states that it will conform to the same conditions relating to Canadian content that apply to the French-language CBC network, which consist of 75% of Canadian content during the broadcast day and 80% during prime time, from 7 pm to 11 pm.

The licensee states that it will conform to all industry codes that are applicable to the licence for the French-language CBC network.

If the application is approved, the licensee states that it will be able to solicit local advertising in the entire region served by the regional station CBLFT Toronto and its transmitters.

The licensee states that the potential for revenues extracted from the solicitation of local sales will be practically nil in the region served by the new regional CBLFT Toronto station's transmitters and that no other French-language over-the-air television station operates in the regions it intends to serve.

Applicant's address:

181 Queen Street
Ottawa, Ontario
K1P 1K9
Fax: 613-288-6257
E-mail: regulatoryaffairs@cbc.ca

Examination of application:

Front Desk, CBC / Radio-Canada
250 Front Street West
Toronto, Ontario

and

Front Desk, CBC / Radio-Canada
181 Queen Street
Ottawa, Ontario

14. **Various locations in the province of Ontario**
Application No. 2009-0957-5

Application by the **Canadian Broadcasting Corporation** for an amendment to the broadcasting licence for CBOFT Ottawa and for the authorization to transfer the following transmitters from CBOFT Ottawa to CBLFT Toronto: CBLFT Toronto, CBLFT-1 Sturgeon Falls, CBLFT-2 Sudbury, CBLFT-3 Timmins, CBLFT-4 Kapuskasing, CBLFT-5 Hearst, CBLFT-6 Elliot Lake, CBLFT-7 Espanola, CBLFT-8 Kitchener, CBLFT-9 London, CBLFT-10 Chatham, CBLFT-11 Barrie, CBLFT-12 Peterborough, CBLFT-13 Belleville, CBLFT-14 Kingston, CBLFT-15 Penetanguishene, CBLFT-17 Sarnia, CBLFT-18 Thunder Bay, CBLFT-19 Nipigon, CBLFT-20 Sault Ste. Marie, CBLFT-21 Gogama, CBLFT-22 Chapleau, CBLFT-23 Wawa, CBLFT-24 Dubreuilville, CBLFT-25 Manitouwadge, CBLFT-26 Geraldton, CBLFT-27 Mattawa, CBEFT Windsor and CBFST-2 Temiscaming.

The licensee proposes to amend the broadcasting licence of CBOFT Ottawa in order to reduce its local programming obligation from 6 hours to 4 hours and 30 minutes per week on average on a yearly basis, and to transfer the transmitters mentioned above to CBLFT Toronto, for which the licensee is applying for a broadcasting licence.

The licensee requests that this application be considered jointly with its application to convert CBLFT Toronto into a regional station (application no. 2009-0956-7, also listed on this notice).

The licensee states that if this application is approved, its total commitment for local and regional programming in Ontario will rise from 6 hours to 9 hours per week.

The licensee states that this application is conditional upon the approval by the Commission of the conversion of CBLFT Toronto to a regional station.

Licensee's address:

181 Queen Street
Ottawa, Ontario
K1P 1K9
Fax: 613-288-6257
E-mail: regulatoryaffairs@cbc.ca

Examination of application:

Front Desk, CBC / Radio-Canada
250 Front Street West
Toronto, Ontario

and

Front Desk, CBC / Radio-Canada
181 Queen Street
Ottawa, Ontario

15. **Various locations in the province of Ontario**
Application No. 2009-0958-3

Application by the **Canadian Broadcasting Corporation** for the authorization to transfer the digital transmitter of the regional station CBLFT-DT Toronto, which is presently attached to CBOFT Ottawa, to CBLFT Toronto.

The licensee requests that this application be considered jointly with its application to convert CBLFT Toronto into a regional station (application no. 2009-0956-7, also listed on this notice).

The licensee states that this application is conditional upon the approval by the Commission of the conversion of CBLFT Toronto into a regional station.

Licensee's address:

181 Queen Street
Ottawa, Ontario
K1P 1K9
Fax: 613-288-6257
E-mail: regulatoryaffairs@cbc.ca

Examination of application:

Front Desk, CBC / Radio-Canada
250 Front Street West
Toronto, Ontario

and

Front Desk, CBC / Radio-Canada
181 Queen Street
Ottawa, Ontario

16. **Innisfil, Ontario**
Application No. 2009-1116-6

Application by **Douglas George Edwards** for a broadcasting licence to operate an English-language FM non-commercial tourist radio programming undertaking in Innisfil, Ontario.

The new station would operate on frequency 96.7 MHz (channel 244VLP) with an effective radiated power of 1 watt (non-directional antenna with an effective height of the antenna above average terrain of 10 metres).

The applicant proposes to broadcast tourist and visitor information on local attractions as well as upcoming events in the Innisfil area.

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:

92 Herrell Avenue
 Barrie, Ontario
 L4N 6T9
 Fax: 705-728-3509
 E-mail: b2bdatabase@rogers.com

Examination of application:

1729 St John's Road
 Innisfil, Ontario

17. **Westlock, Alberta**
Application No. 2009-0976-5

Application by **Newcap Inc.** to convert the radio programming undertaking CFOK Westlock from the AM to the FM band.

The new station would operate on frequency 97.9 MHz (channel 250B) with an average effective radiated power (ERP) of 27,000 watts (maximum ERP of 48,000 watts with an effective height of the antenna above average terrain of 93.7 metres).

The applicant proposes a Classic Hits format.

The applicant is requesting permission to simulcast the programming of the new FM station on CFOK 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 CFOK 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.

Licensee's address:

745 Windmill Road
 Dartmouth, Nova Scotia
 B3B 1C2
 Fax: 902-468-5661
 E-mail: dmurray@ncc.ca

Examination of application:

17-10030 106th Street
 Westlock, Alberta

18. **Prince Rupert, British Columbia and the northwest of the province
 Application No. 2009-1098-6**

Application by **City West Cable (North) Corp.** for a broadcasting licence to operate a regional video-on-demand programming undertaking to serve the city of Prince Rupert and the northwest of the province of British Columbia.

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

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

The applicant is seeking a condition of licence that would permit it to distribute, on an on-demand basis, programming that contains commercial messages where those commercial messages were already included in a program previously aired by a Canadian programming undertaking. Such a program offered on an on-demand basis would be offered at no charge to the subscriber.

Specifically, the applicant is requesting the following conditions of licence:

The applicant shall adhere to the *Pay Television Regulations, 1990*, with the exception of paragraph 3(2)(d) Commercial messages, and section 4 Logs and records.

The applicant shall not include as part of its video-on-demand offering any program containing a commercial message except where:

- a) the message was already included in a program previously broadcast by a Canadian programming service;
- b) the program's inclusion as part of the video-on-demand offering is in accordance with the terms of a written agreement entered into with the operator of the Canadian programming service that broadcast the program; and
- c) the program is offered to subscribers on an on-demand basis at no charge.

Applicant's address:

248 3rd Avenue West
Prince Rupert, British Columbia
V8J 1L1
Fax: 250-627-0903
E-mail: administration@cwct.ca

Examination of application:

At the applicant's address

19. **Vancouver, British Columbia**
Application No. 2009-1139-8

Application by **Rogers Broadcasting Limited** for a broadcasting licence to operate an English-language transitional digital television programming undertaking associated with its existing television station CKVU-TV Vancouver.

The new station would operate from Mount Seymour on channel 47 with an average effective radiated power (ERP) of 4.3 kW (maximum ERP of 8.3 kW with an effective height of the antenna above average terrain of 670 metres).

The proposed contours for the transitional digital station differ from the contours of the current analog station CKVU-TV.

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:

333 Bloor Street East
6th Floor
Toronto, Ontario
M4W 1G9
Fax: 416-935-8203
E-mail: susan.wheeler@rci.rogers.com

Examination of application:

City-TV Vancouver
180 2nd Avenue West
Vancouver, British Columbia

20. **Iqaluit, Nunavut**
Application No. 2009-1013-4

Application by **Northern Lights Entertainment Inc.** for a broadcasting licence to operate an English-language FM commercial radio programming undertaking in Iqaluit.

The new station would operate on frequency 103.5 MHz (channel 278A) with an effective radiated power of 415 watts (non-directional antenna with an effective height of the antenna above average terrain of -38.3 metres).

The applicant proposes an Oldies music format.

The applicant requests an exception to section 14 of the *Radio Regulations, 1986* which requires the licensee to devote at least 60% of its basic annual Canadian content development contributions to FACTOR or MUSICACTION.

The applicant wishes to devote only 50% of the basic annual contributions to FACTOR while the remaining amount would be devoted to the Iqaluit Music Society. The applicant states that, since the Canadian recording industry does not always reflect Northern society or culture, it is of the view that this initiative would better further local talent and conduct activities that directly benefit local residents.

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:

P.O. Box 417
Building 626
Tumiit Plaza
Iqaluit, Nunavut
E-mail: ckiqfm@gmail.com

Examination of application:

CKIQ-FM
Building 626
Tumiit Plaza
Iqaluit, Nunavut

Public Participation

Deadline for Interventions

12 November 2009

The intervention must be received by the Commission and by the applicant on or before the above-mentioned date.

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 submissions raise procedural questions.

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

by using the
[\[Broadcasting interventions/comments form\]](#)

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 that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.

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 damaged during electronic transmission.

Interventions 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.

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, 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 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 interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their interventions/comments.

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 will also be available on the Commission's website. An electronic version of all interventions 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 two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

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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>.