



Broadcasting Notice of Consultation CRTC 2009-644

Ottawa, 9 October 2009

Notice of hearing

30 October 2009

Gatineau, Quebec

Deadline for submission of interventions/comments: 21 October 2009

The Commission will hold a hearing commencing on 30 October 2009 at 10:30 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. **0859291 B.C. Ltd.**
Victoria, Sooke, River Jordan, Port Alberni and Campbell River, British Columbia
Application Nos. 2009-1298-2 and 2009-1302-1
2. **7202377 Canada Inc.**
Across Canada
Application No. 2009-1028-3
3. **7202342 Canada Inc.**
Across Canada
Application No. 2009-1029-1

1. **Victoria, Sooke, River Jordan, Port Alberni and Campbell River, British Columbia** **Application Nos. 2009-1298-2 and 2009-1302-1**

Applications by **0859291 B.C. Ltd.** (the applicant) for authority to acquire, from Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership, the assets of the English-language television programming undertakings CHEK-TV Victoria and its transmitters, CHEK-TV-1 Sooke, CHEK-TV-2 River Jordan, CHEK-TV-3 Port Alberni and CHEK-TV-5 Campbell River, British Columbia and for a new broadcasting licence to continue the operation of the undertakings.

The applicant is also seeking a full licence term to continue the operation of the above-mentioned undertakings. The current licence expires on 31 August 2010, as approved in *Licence renewals*, Broadcasting Decision CRTC 2009-409, 6 July 2009.

In the event that the 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 would no longer be part of a large multi-station ownership group.

Pursuant to a temporary management agreement dated 4 September 2009, the Trustee, Mr. James MacDonald, has interim management and effective control of the above-mentioned undertakings, as approved by the Commission in a letter also dated 4 September 2009. Furthermore, the Trustee holds all issued and outstanding shares in the capital of 0859291 B.C. Ltd. for the benefit of Mr. John Pollard, the sole shareholder and director of the corporation.

As a result of the transaction, the applicant will be owned by a consortium of local investors, 39 employees of CHEK-TV and Communications Energy and Paperworkers Union locals. Its board of directors will exercise effective control pursuant to the terms of the Shareholders' Agreement dated 23 September 2009.

The purchase price for the transaction, based on the terms of the Asset Purchase Agreement dated 4 September 2009, is 2 dollars. The applicant has not proposed a tangible benefits package, but has offered a number of intangible benefits resulting from this transaction.

Applicant's address:

420-880 Douglas Street
 Victoria, British Columbia
 V8W 2B7
 Fax: 250-384-7766
 E-mail: jpollard@cheknews.ca

Examination of applications:

At the applicant's address

and

Vancouver Island Regional Library
 Port Alberni Branch
 4255 Wallace Street, Unit B
 Port Alberni, British Columbia

and

Vancouver Island Regional Library
 Courtenay Branch
 300- 6th Street
 Courtenay, British Columbia

2. **Across Canada**
Application No. 2009-1028-3

Application by **7202377 Canada Inc.** (the applicant) for authority to acquire from CTVglobemedia Inc. (CTVgm) the assets of the English-language category 2 specialty television programming undertaking known as SexTV: The Channel.

The applicant is also requesting a new licence to continue the operation of the undertaking under the same terms and conditions as those in effect under the current licence.

The Commission notes that the proposed transaction also includes the acquisition of the assets of the English-language category 2 specialty television programming undertaking known as Drive-In Classics Channel, which is dealt with in a separate application (2009-1029-1) included in this notice of hearing.

The applicant is a corporation wholly owned and controlled by Corus Entertainment Inc.

The purchase price for the entire transaction, including the purchase of Drive-In Classics Channel, and based on the terms of the Letter of Intent, is \$40,000,000. The applicant proposed a tangible benefits package representing 10% of the value of the transaction to be paid over a seven-year period.

In Transfer of effective control of CHUM Limited to CTVglobemedia Inc., Broadcasting Decision CRTC 2007-165, 8 June 2007, the Commission approved the application by CTVgm, on behalf of CHUM Limited (CHUM), for authority to transfer to CTVgm the effective control of CHUM, which included the assets of SexTV: The Channel. Consequently, the proposed transaction would occur shortly after a previous change in control.

Applicant's address:

181 Bay Street
Suite 1630
Toronto, Ontario
M5J 2T3
Fax: 416-642-3779
E-mail: sylvie.courtemanche@corusent.com

Examination of application:

At the applicant's address

3. **Across Canada**
Application No. 2009-1029-1

Application by **7202342 Canada Inc.** (the applicant) for authority to acquire from CTVglobemedia Inc. (CTVgm), the assets of the English-language category 2 specialty television programming undertaking known as Drive-In Classics Channel.

The applicant is also requesting a new licence to continue the operation of the undertaking under the same terms and conditions as those in effect under the current licence.

The Commission notes that the proposed transaction also includes the acquisition of the assets of the English-language category 2 specialty television programming undertaking known as SexTV: The Channel, which is dealt with in a separate application (2009-1028-3) included in this notice of hearing.

The applicant is a corporation wholly owned and controlled by Corus Entertainment Inc.

The purchase price for the entire transaction, including the purchase of SexTV: The Channel, and based on the terms of the Letter of Intent, is \$40,000,000. The applicant proposed a tangible benefits package representing 10% of the value of the transaction to be paid over a seven-year period.

In *Transfer of effective control of CHUM Limited to CTVglobemedia Inc.*, Broadcasting Decision CRTC 2007-165, 8 June 2007, the Commission approved the application by CTVgm, on behalf of CHUM Limited (CHUM), for authority to transfer to CTVgm the effective control of CHUM, which included the assets of Drive-In Classics Channel. Consequently, the proposed transaction would occur shortly after a previous change in control.

Applicant's address:

181 Bay Street
 Suite 1630
 Toronto, Ontario
 M5J 2T3
 Fax: 416-642-3779
 E-mail: sylvie.courtemanche@corusent.com

Examination of application:

At the applicant's address

Public Participation
Deadline for Interventions
21 October 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

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
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Regional 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>.