



## Broadcasting Notice of Consultation CRTC 2010-138

Ottawa, 10 March 2010

### Notice of hearing

**10 May 2010**

**National Capital Region**

**Deadline for submission of interventions/comments: 9 April 2010**

The Commission will hold a hearing commencing **10 May 2010 at 9:00 a.m. at the Conference Centre, Portage IV, 140 Promenade du Portage, Gatineau, Quebec**, to consider the following applications.

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

### Applicant and Locality

1. **3553230 Canada Inc.**  
Saint-Constant, Quebec  
Application No. 2010-0392-0
2. **Metromedia CMR Broadcasting Inc.**  
Montréal, Quebec  
Application No. 2010-0234-4
3. **Fight Media Inc.**  
Across Canada  
Application No. 2010-0150-3
4. **Joel Lagacé, on behalf of a corporation to be incorporated**  
Iroquois Falls, Ontario  
Application No. 2010-0025-7
5. **Rawlco Radio Ltd., 587681 Saskatchewan Ltd., DavidCo and HarryCo, partners in a general partnership carrying on business as Northwestern Radio Partnership**  
North Battleford and Meadow Lake, Saskatchewan  
Application Nos. 2010-0049-7 and 2010-0074-4
6. **CTV Television Inc.**  
Red Deer and Rocky Mountain House, Alberta  
Application No. 2009-1515-0

7. **Nakusp Roots Music Society**  
Nakusp, British Columbia  
Application No. 2010-0111-4

**PREAMBLE**

**Items 1 and 2**

These involve radio licence renewal applications by licensees that appear to be operating in non-compliance with either their conditions of licence or the *Radio Regulations, 1986*. These applications will be heard as appearing items.

**Items 3 to 7**

The Commission intends to consider, subject to interventions, items 3 to 7 during the non-appearing phase of the public hearing.

**1. Saint-Constant, Quebec**  
**Application No. 2010-0392-0**

Application by **3553230 Canada Inc.** to renew the broadcasting licence for the French-language commercial radio programming undertaking CJMS Saint-Constant, expiring 31 August 2010.

It appears to the Commission that the licensee may have failed to comply with its condition of licence concerning contributions to Canadian talent development (CTD).

In *CJMS Saint-Constant – Licence renewal*, Broadcasting Decision CRTC 2008-223, 26 August 2008, the Commission renewed CJMS's licence for a short-term of two years given that it was the second time that CJMS had been found to be in non-compliance with the *Radio Regulations, 1986*. The Commission also imposed a condition of licence requiring the licensee to remit all outstanding required contributions to CTD by no later than 31 August 2008. It now appears to the Commission that the licensee has failed to do so.

The Commission intends to inquire into these matters at the hearing. The Commission expects the licensee to show cause at this hearing why a mandatory order should not be issued requiring the licensee to comply with its condition of licence relating to contributions to CTD.

The Commission also expects the licensee to demonstrate at this hearing why the Commission should not suspend, revoke or refuse to renew CJMS's licence, pursuant to sections 24 and 9 of the *Broadcasting Act*.

*Licensee's address:*

143 St-Pierre Street  
Saint-Constant, Quebec  
J5A 2G9  
Fax: 450-632-0528  
E-Mail: [5762539@gmail.com](mailto:5762539@gmail.com)

*Examination of application:*

At the licensee's address

**2. Montréal, Quebec**  
**Application No. 2010-0234-4**

Application by **Metromedia CMR Broadcasting Inc.** to renew the broadcasting licence for the English-language commercial radio programming undertaking CFQR-FM Montréal, expiring 31 August 2010.

It appears to the Commission that the licensee may have failed to comply with subsection 2.2(3.1)(b) of the *Radio Regulations, 1986* (the Regulations) concerning the broadcast of Canadian musical selections from content subcategory 34 (Jazz and blues) for the week of 5 to 11 July 2009.

The Commission intends to inquire into these matters at the hearing. The Commission expects the licensee to show cause at this hearing why a mandatory order should not be issued requiring the licensee to comply with the Regulations relating to level of Canadian musical selections from content subcategory 34 that must be broadcast during the broadcast week.

In *CFQR-FM Montréal – Licence renewal*, Broadcasting Decision CRTC 2006-597, 16 October 2006, the Commission issued a two-year short term licence renewal for CFQR-FM to 31 August 2010, based on its failure to comply with its condition of licence relating to the broadcast of hits.

*Licensee's address:*

BC Place  
 Bay Wellington Tower  
 181 Bay Street  
 Suite 1630  
 Toronto, Ontario  
 M5J 2T3  
 Fax: 416-642-3779  
 E-Mail: [sylvie.courtemanche@corusent.com](mailto:sylvie.courtemanche@corusent.com)

*Examination of application:*

800 de la Gauchetière Street West  
 Suite 1100  
 Montréal, Quebec

**3. Across Canada**  
**Application No. 2010-0150-3**

Application by **Fight Media Inc.** (Fight Media) for authority to acquire, as part of a corporate reorganization, the assets of the Category 2 specialty television programming undertakings known as The Fight Network and Le Réseau des Combats, from The Fight Network Inc. (TFN Inc.).

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

TFN Inc. (the current licensee) is wholly-owned and controlled by TFN Global Inc. (TFN Global), which in turn is controlled by Mayhem Media Corp. (Mayhem). Mayhem is a corporation owned and controlled by Mr. Edwin Nordholm and Mr. Loudon Owen (each holding 50% of the voting interest).

On 2 November 2007, the Commission approved by Letter of Authority (Application no. 2007-1288-7), a change in the effective control of TFN Inc., from Mr. Michael Garrow to Mayhem. Following this approval, Mayhem advanced loans (the "Loans") to TFN Global and obtained security interest in all the assets of TFN Global and TFN Inc. Mayhem has sold participation interests in the Loans to various parties (the "Participants").

The Loans are in default and Mayhem has demanded repayment. In accordance with section 65 of the Ontario *Personal Property Security Act* (PPSA), Mayhem intends to foreclose on the collateral.

Under the PPSA procedure, all related property of TFN Inc. becomes the property of Mayhem. After such foreclosure is effected, Mayhem would become the owner of all the assets of TFN Inc.

Subsequently, Mayhem and the Participants intend to reorganize and re-capitalize the undertakings. As such, the proposed licensee, Fight Media, will acquire the assets from Mayhem and will assume responsibility for current trade payables and regulatory obligations.

Fight Holdings Inc. (Fight Holdings), the parent corporation of Fight Media, will initially be held by Mayhem Capital LP (Mayhem LP), a limited partnership controlled by its general partner Mayhem GP Corp. (Mayhem GP). All of the issued and outstanding voting shares of Mayhem GP will be owned by Mr. Nordholm and Mr. Owen (50% each).

Participants will exchange their participation interests in the loans for either voting shares of Fight Holdings or limited partnership interests in Mayhem LP pursuant to an Exchange Agreement.

As a result of these proceedings and multi-step transactions, Fight Media will be wholly owned by Fight Holdings, which in turn will be owned by Mayhem LP (the principal shareholder with more than 50% of the voting interest) and other shareholders (none of which will own more than 10% of the voting interest).

According to the applicant, the proposed transaction will not result in a change in control of the undertakings as Messrs. Nordholm and Owen will continue to control the licensee by virtue of their ability to elect a majority of directors on the boards of directors of both Fight Holdings and Fight Media.

*Applicant's address:*

One First Canadian Place, Suite 2810  
Toronto, Ontario  
M5X 1A4  
Fax: 414-777-7439  
E-Mail: [enordholm@thefightnetwork.com](mailto:enordholm@thefightnetwork.com)

*Examination of application:*

At the applicant's address

**4. Iroquois Falls, Ontario**  
**Application No. 2010-0025-7**

Application by **Joel Lagacé, on behalf of a corporation to be incorporated**, for a broadcasting licence to operate an English-language Type B community FM radio programming undertaking in Iroquois Falls.

The new station would operate on frequency 104.7 MHz (channel 284LP) with an average effective radiated power (ERP) of 39.9 watts (maximum ERP of 50 watts with an effective height of the antenna above average terrain of 60 metres).

The applicant proposes a mixed Country/Pop, Rock and Dance music format.

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:*

441 Cambridge Drive  
 Iroquois Falls, Ontario  
 P0K 1G0  
 Fax: 705-272-1193  
 E-Mail: [cjfl@1047fm.net](mailto:cjfl@1047fm.net)

*Examination of application:*

At the applicant's address

**5. North Battleford and Meadow Lake, Saskatchewan**  
**Application Nos. 2010-0049-7 and 2010-0074-4**

Applications by **Rawlco Radio Ltd., 587681 Saskatchewan Ltd., DavidCo<sup>1</sup> and HarryCo<sup>2</sup>, partners in a general partnership carrying on business as Northwestern Radio Partnership** (collectively the applicant), for authority to effect a multi-step corporate reorganization and requiring the issuance of new broadcasting licences to the applicant to continue the operation of the broadcasting undertakings under the same terms and conditions as those in effect under the current licences issued to Rawlco Radio Ltd., 587681 Saskatchewan Ltd. and Dekkerco Holdings Limited, partners in a general partnership carrying on business as Northwestern Radio Partnership (the Partnership) (collectively Northwestern).

Northwestern is the current licensee of CJCQ-FM, CJHD-FM and CJNB North Battleford, Saskatchewan and CJNS-FM Meadow Lake, Saskatchewan.

**STEP 1****Application No. 2010-0049-7**

Dekkerco Holdings Ltd., a current partner holding 31 voting units (31%) and 50 equity units (50%) in the partnership, will be wound up into its parent corporation 591666 Saskatchewan Ltd. (591666).

As a result, 591666 will hold the voting 31% and equity units and become a partner in the Partnership, thus requiring the issuance of new broadcasting licences to Rawlco Radio Ltd., 587681 Saskatchewan Ltd. and 591666 Saskatchewan Ltd., partners in a general partnership carrying on business as Northwestern Radio Partnership.

**STEP 2****Application No. 2010-0074-4**

- Two new corporations will be incorporated, herein referred to as DavidCo (wholly owned by David Dekker) and HarryCo (wholly owned by Harry Dekker Jr.)
- 591666, a corporation owned by David Dekker (100% of the voting shares and 80% of the non-voting shares) and Harry Dekker Jr. (20% of the non-voting shares) will transfer its voting and equity units in the partnership, as follows:
  - o 40 equity units and all of its voting units (31%) in the partnership to DavidCo; and
  - o 10 equity units to HarryCo.
- Following the above transaction, 591666 will be wound up into DavidCo.

As a result, DavidCo and HarryCo will become partners in the Partnership with Rawlco Radio Ltd. (Rawlco) and 587681 Saskatchewan Ltd. This will require the issuance of new broadcasting licences to the applicant.

The Commission notes that this multi-step reorganization will not affect the effective control of the broadcasting undertakings, which will continue to be exercised by Rawlco.

*Applicant's address:*

P.O. Box 1460  
 North Battleford, Saskatchewan  
 S9A 2Z5  
 Fax: 306-445-4599  
 E-Mail: [ddekker@rawlco.com](mailto:ddekker@rawlco.com)

*Examination of application:*

1711-100<sup>th</sup> Street  
North Battleford, Saskatchewan

and

225 Centre Street  
Meadow Lake, Saskatchewan

<sup>1</sup> David Dekker, on behalf of a corporation to be incorporated

<sup>2</sup> Harry Dekker Jr., on behalf of a corporation to be incorporated

**6. Red Deer and Rocky Mountain House, Alberta**  
**Application No. 2009-1515-0**

Application by **CTV Television Inc.** (CTV) for a broadcasting licence to operate an English-language television programming undertaking in Red Deer (CFRN-TV-6) and a transmitter in Rocky Mountain House (CFRN-TV-10).

The applicant proposes to offer one hour each week of distinct local programming on CFRN-TV-6 Red Deer and to rebroadcast the general programming of CFRN-TV Edmonton. Further, CTV stated that it does not expect to access the Local Programming Improvement Fund. The transmitters serving Red Deer and Rocky Mountain House are currently rebroadcasting the programming of CFRN-TV Edmonton.

The transmitter serving Red Deer operates on channel 8 with an average effective radiated power (ERP) of 22,000 watts (maximum ERP of 71,000 watts with an effective height of the antenna above average terrain of 289.9 meters).

The transmitter serving Rocky Mountain House operates on channel 12 with an average ERP of 420 watts (maximum ERP of 1,600 watts with an effective height of the antenna above average terrain of 168.5 meters).

*Applicant's address:*

299 Queen Street West  
Toronto, Ontario  
M5V 2Z5  
Fax: 416-384-4582  
E-Mail: [david.spodek@ctv.ca](mailto:david.spodek@ctv.ca)

*Examination of application:*

18520 Stony Plain Road  
Edmonton, Alberta

and

239 4818C-48 Avenue  
Red Deer, Alberta

**7. Nakusp, British Columbia  
Application No. 2010-0111-4**

Application by **Nakusp Roots Music Society** for authority to acquire from Columbia Basin Alliance for Literacy (CBAL) the assets of the English-language low-power Type B community FM radio programming undertaking CJHQ-FM Nakusp.

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

Pursuant to a Letter of Understanding, CBAL will donate its broadcasting equipment valued at approximately \$7,200.

*Applicant's address:*

P.O. Box 559  
Nakusp, British Columbia  
VOG 1R0  
Fax: 250-265-2142  
E-Mail: [doug@octopusproductions.com](mailto:doug@octopusproductions.com)

*Examination of application:*

619 Broadway Street  
Nakusp, British Columbia

**Public participation**  
**Deadline for interventions**

**9 April 2010**

The intervention must be received by the Commission and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays and will not notify a party 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 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**  
[\[Broadcasting interventions/comments form\]](#)

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 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 interventions 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**

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.

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.

### **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  
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Tel.: 819-997-2429  
Fax: 819-994-0218

### **Regional offices**

Metropolitan Place  
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Fax: 902-426-2721

205 Viger Avenue West  
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Tel.: 514-283-6607  
55 St. Clair Avenue East  
Suite 624  
Toronto, Ontario  
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Tel.: 416-952-9096

Kensington Building  
275 Portage Avenue  
Suite 1810  
Winnipeg, Manitoba  
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Tel.: 204-983-6306  
Fax: 204-983-6317

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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>*