



## Broadcasting Notice of Consultation CRTC 2010-146-4

PDF version

Additional references: 2010-146, 2010-146-1, 2010-146-2 and 2010-146-3

Ottawa, 13 October 2010

### Notice of hearing

**8 December 2010**

**Toronto, Ontario**

**Resumption of hearing and information added to the public file for item 1**

**Deadline for interventions on the additional information: 8 November 2010**

**Deadline for licensee's reply: 15 November 2010**

**The Commission will consider the interventions and replies for this item that have already been accepted and placed on the public file for the 12 May 2010 hearing.**

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

Further to Broadcasting Notices of Consultation 2010-146, 2010-146-1, 2010-146-2 and 2010-146-3 relating to the public hearing that began on 12 May 2010 in Toronto, Ontario, the Commission announces the following:

The Commission will resume the hearing on **8 December 2010 at 9 a.m. at the Doubletree by Hilton – Toronto Airport, 655 Dixon Road, Toronto, Ontario**, to consider the following item:

Item 1

Toronto, Ontario

Reference No. 2010-0098-4

In Broadcasting Notice of Consultation 2010-146 (the Notice), the Commission announced its intention to inquire into, hear and determine a number of matters relating to the programming and operations of the community-based campus radio programming undertaking CKLN-FM Toronto. The licensee of CKLN-FM is CKLN Radio Incorporated (CKLN Radio).

On 12 May 2010, the Commission adjourned the hearing as it related to CKLN-FM due to ongoing litigation and judicial mediation before the Ontario Superior Court of Justice concerning the governance of CKLN Radio and the legitimacy of the current board of directors.

In a letter to the licensee dated 2 June 2010, the Commission noted that the adjournment did not negate the seriousness of the allegations of non-compliance set out in the Notice. It further announced its intention to monitor the situation, directing CKLN Radio to file monthly reports on the 14<sup>th</sup> of each month, beginning 14 June 2010. Each report was to

identify whether any progress had been made in the mediation. The Commission also noted that it would reconvene the hearing into the matters raised as a part of the Notice within 60 days of 14 October 2010.

The Commission will therefore hold a hearing on **8 December 2010 at 9 a.m. at the Doubletree by Hilton – Toronto Airport, 655 Dixon Road, Toronto, Ontario**, to continue its consideration of the matters raised in the Notice. In addition to these matters, the Commission also intends to inquire about the licensee's apparent failure to comply with subsection 9(2) of the *Radio Regulations, 1986* (the Regulations) regarding its failure to file an annual return for the broadcasting year ending 31 August 2009.

Since the hearing was adjourned, the Commission has also received a number of complaints against CKLN Radio relating to the issues set out in the Notice. These complaints and the responses of CKLN have been added to the public record of this proceeding and will be considered by the Commission.

### **Process**

The material that comprised the public file at the time of the issuance of the Notice, along with correspondence related to complaints added to the record since the adjournment, are only available in hard copy in the public examination file at the CRTC offices in Gatineau and Toronto. However, submissions received from the licensee and interveners during this public proceeding since the issuance of the Notice, including all interventions, replies and monthly reports, have been and will continue to be posted on the Commission's website.

The Commission will consider the interventions and replies for this item that have already been accepted and placed on the public file for the 12 May 2010 hearing. Parties that requested to appear at the 12 May 2010 hearing will be invited to appear at the 8 December 2010 hearing. In this Notice of Consultation, the Commission is only seeking comment on the additional information filed in the context of this proceeding, namely the reports received from CKLN Radio, the complaints and Commission correspondence, as well as the licensee's apparent failure to comply with subsection 9(2) of the Regulations as noted above.

### **Important notice**

The licensee is expected to broadcast notice of this public hearing over its facilities. This notice should state the day set for the commencement of the public hearing, the nature of the matters to be heard at the public hearing and the rights of all persons in respect of the public hearing, including the time for filing an intervention. This notice should be broadcast at least four times between 13 and 29 October 2010 between 7 and 9 a.m. or between 4 and 6 p.m. local time.

The Commission notes that additional documents may be added to the public file subsequent to the issuance of this Notice of Consultation. Interested parties are accordingly advised to consult the public file for this item on an ongoing basis.

## **Public participation**

### **Deadline for interventions**

**8 November 2010**

The intervention must be received by the Commission and by CKLN Radio Inc. 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 CKLN Radio Inc. 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.

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 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 Commission offices in Toronto and Gatineau, 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

### ***Regional offices***

Metropolitan Place  
 99 Wyse Road  
 Suite 1410  
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 Tel.: 902-426-7997  
 Fax: 902-426-2721

205 Viger Avenue West  
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 H2Z 1G2  
 Tel.: 514-283-6607

55 St. Clair Avenue East  
 Suite 624  
 Toronto, Ontario  
 M4T 1M2  
 Tel.: 416-952-9096

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