



Broadcasting Notice of Consultation CRTC 2013-448-1

PDF version

Additional reference: 2013-448

Ottawa, 6 September 2013

Notice of hearing

5 November 2013

Gatineau, Quebec

Addition of an item, correction to item 4 (to the English version only) and amendments to items 5 and 6

Deadline for submission of interventions/comments/answers: 27 September 2013

[\[Submit an intervention/comment/answer or view related documents\]](#)

Further to Broadcasting Notice of Consultation 2013-448, the Commission announces the addition of the following item at the appearing phase of the hearing and changes to items 4, 5 and 6 (**the changes to items 4, 5 and 6 are in bold**):

3553230 Canada Inc.

Saint-Constant, Quebec

Reference 2013-1228-0

Since December 2012, the Commission has attempted on several occasions to obtain from **3553230 Canada Inc.**, licensee of the French-language commercial radio station CJMS Saint-Constant, the logger tapes and program logs for the station in order to analyze them in preparation for the station's licence renewal. The licence for this station expires 31 August 2014.

In a letter dated 4 July 2013, the Commission informed the licensee that it had been found in non-compliance with sections 8(1), 8(5), 8(6) and 9(4) of the *Radio Regulations, 1986* (the Regulations) with respect to the filing of program logs and logger tapes and with the requirement to provide any relevant information at the Commission's request.

The Commission notes that the licensee is in non-compliance for a fourth consecutive licence term. Further to the 10 May 2010 public hearing, the Commission had renewed CJMS Saint-Constant's licence for a short licence term of four years, given the licensee's prior incidents of non-compliance.

The Commission intends to examine these matters at the hearing. Therefore, pursuant to section 12 of the *Broadcasting Act*, the Commission calls 3553230 Canada Inc. to this public hearing. The Commission expects the licensee to show cause why a mandatory order requiring the licensee to comply with sections 8(1), 8(5), 8(6) and 9(4) of the

Regulations should not be issued. Given the licensee's history of non-compliance, the Commission may also consider recourse to the suspension or revocation of the licence, pursuant to sections 9 and 24 of the *Broadcasting Act*.

The Commission reminds interested persons that interventions submitted with respect to this file should be limited to the above-mentioned non-compliances.

Additional information may be placed on the public record as it becomes available. The Commission encourages interested persons to monitor the public record and the Commission's website for additional information that they may find useful when preparing their comments.

Licensee's address:

143 St-Pierre Street
 Saint-Constant, Quebec
 J5A 2G9
 Fax: 450-632-0528
 Email: 5762539@gmail.com

Correction to item 4 (to the English version only)

8324433 Canada Inc., on behalf of 8504598 Canada Inc. and 8384851 Canada Inc.
 Across Canada
 Applications 2013-0589-7 and 2013-0590-5

Applications by 8324433 Canada Inc. (8324433 Canada), on behalf of 8504598 Canada Inc. (**8504598** Canada) and 8384851 Canada Inc. (**8384851** Canada), for authority to effect a change in ownership and effective control of **8504598** Canada and **8384851** Canada, through a two-step transaction.

8324433 Canada is a wholly owned subsidiary of Corus Entertainment Inc. (Corus).

8504598 Canada is the licensee of CKQB-FM Ottawa and CKQB-FM-1 Pembroke, whereas 8384851 Canada is the licensee of CJOT-FM Ottawa. Both corporations are directly owned by Bell Media Inc. (Bell Media) and were created to hold certain assets of which BCE Inc. has been required to divest (see Astral broadcasting undertakings – Change of effective control, Broadcasting Decision 2013-310, 27 June 2013). The corporations are currently under the control of the Trustee Mr. Pierre Boivin, pursuant to the Voting Trust Agreement approved by the Commission in the Letter of approval of 27 June 2013.

For both transactions, the first step would be affected through the acquisition by 8324433 Canada of all of the issued and outstanding shares of **8504598** Canada and 8384581 Canada. As the second step of the transaction, **8504598** Canada, 8384581 Canada and 8324433 Canada would amalgamate to form Radio Amalco.

Should the Commission approve these transactions, the effective control of CKQB-FM, CKQB-FM-1 and CJOT-FM would be exercised by Corus.

Pursuant to the Share Purchase Agreement, the applicant would purchase the shares of **8504598** Canada for \$10 million and the shares of 8384851 Canada for \$3 million. The applicant has proposed a tangible package of \$780,000, which is equal to 6% of the total purchase price of \$13 million.

Amendments to items 5 and 6

Item 5

OpenBroadcaster Inc.
Across Canada
Application 2013-0439-4

Application by OpenBroadcaster Inc. for a broadcasting licence to operate a national video-on-demand (VOD) service to be known as OBX on Demand.

Applicant's address:

P.O. Box 87
Tagish, Yukon Territory
Y0B 1T0
Email: radiator@openbroadcaster.com
Website to view application: www.openbroadcaster.com/OBX_VOD.zip
Email to request electronic version of application: radiator@openbroadcaster.com

Item 6

OpenBroadcaster Inc.
Across Canada
Application 2013-0441-9

Application by OpenBroadcaster Inc. for a broadcasting licence to operate a national video-on-demand (VOD) service to be known as OBZONE on Demand.

Applicant's address:

P.O. Box 87
Tagish, Yukon Territory
Y0B 1T0
Email: radiator@openbroadcaster.com
Website to view application: www.openbroadcaster.com/OBZONE_VOD.zip
Email to request electronic version of application: radiator@openbroadcaster.com

Procedure

Deadline for interventions, comments or answers

27 September 2013

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions and answers of respondents, the procedure for filing confidential information and requesting its disclosure, and the conduct of the public hearing. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

An intervention or an answer from a respondent must be filed with the Commission and served on the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

For applications to be considered during the appearing phase of the hearing, the intervention or answer 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.

The applicant, respondents and interveners are permitted to coordinate, organize and file, in a single submission, interventions of other interested persons who share their position but do not wish to appear at the hearing as a "Joint Supporting Intervention." More information on how to do so and a template for the covering letter to be filed by the parties can be found in *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010.

Interventions and answers will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents, 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 was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

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 altered during electronic transmission.

Interventions and answers must 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 an application to be considered during the non-appearing phase of the hearing is brought to the oral phase of the hearing, and if parties wish to appear, they must provide reasons why their written interventions or answers are not sufficient and why an appearance is necessary. Parties requiring communication support must state their request on the first page of their intervention. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the public hearing.

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 designated confidential, 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.

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 parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the applicants/licensees, either on their websites or upon request by contacting the applicants/licensees at their email addresses, provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours 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
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices

Nova Scotia

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

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205 Viger Avenue West
Suite 504
Montréal, Quebec
H2Z 1G2
Tel.: 514-283-6607

Ontario

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
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Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

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2220 – 12th Avenue
Suite 620
Regina, Saskatchewan
S4P 0M8
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100 – 4th Avenue South-West
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Calgary, Alberta
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Fax: 604-666-8322

Secretary General