



Broadcasting Notice of Consultation CRTC 2014-189

PDF version

Ottawa, 23 April 2014

Notice of hearing

26 June 2014

Gatineau, Quebec

Deadline for submission of interventions/comments/answers: 23 May 2014

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

The Commission will hold a hearing on **26 June 2014 at 11 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:

Applicant/licensee and locality

1. **Bell Aliant Regional Communications Inc. (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partner), carrying on business as Bell Aliant Regional Communications, Limited Partnership**
Across Canada
Application 2014-0058-0
2. **Rogers Broadcasting Limited, on behalf of a corporation to be incorporated**
Across Canada
Application 2014-0163-7
3. **8470286 Canada Inc.**
Joliette, Quebec
Application 2013-1209-0
4. **United Christian Broadcasters Canada**
Windsor, Ontario
Application 2013-1213-1
5. **Arrow Radio**
Ohsweken, Ontario
Application 2013-1663-8
6. **Clear Sky Radio Inc.**
Lethbridge, Alberta
Applications 2014-0151-2 and 2014-0224-7

1. **Bell Aliant Regional Communications Inc. (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partner), carrying on business as Bell Aliant Regional Communications, Limited Partnership**
Across Canada
Application 2014-0058-0

Application by **Bell Aliant Regional Communications Inc. (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partner), carrying on business as Bell Aliant Regional Communications, Limited Partnership**, for a broadcasting licence to operate a national terrestrial pay-per-view service.

The applicant proposes to offer English-language programming that will primarily consist of live and tape-delayed sports events, as well as event-driven programming. Consistent with *Revised regulatory framework for pay-per-view services*, Broadcasting Regulatory Policy CRTC 2013-561, 23 October 2013 (Regulatory Policy 2013-561), the applicant may elect to broadcast programs from any of the program categories set out in the *Pay Television Regulations, 1990*.

The applicant confirmed that it would adhere to the standard conditions of licence and expectations set out in Regulatory Policy 2013-561.

Applicant's address:

1505 Barrington Street
Halifax, Nova Scotia
B3J 2W3

Fax: 613-594-4628

Email: regulatory@bellaliant.ca

Website to view application:

http://productsandservice.bellaliant.net/PS/ns/english/common/hearings_applications.jsp

Email to request electronic version of application: regulatory@bellaliant.ca

2. **Rogers Broadcasting Limited, on behalf of a corporation to be incorporated**
Across Canada
Application 2014-0163-7

Application by **Rogers Broadcasting Limited, on behalf of a corporation to be incorporated** (Rogers (OBCI)), for authority to acquire, as part of a corporate reorganization, the assets of the national, English-language Category B specialty service Ampersand from Rogers Broadcasting Limited (Rogers).

The applicant is also requesting a new licence to operate the service under the same terms and conditions as those set out in *Ampersand – Category 2 specialty service*, Broadcasting Decision CRTC 2011-105, 18 February 2011, as modified by *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011.

The Commission notes that the undertaking is not yet in operation and that a licence has not yet been issued.

Upon closing of the transaction, the licensee would become Rogers (OBCI), a corporation whose voting shares would be held by a corporation to be incorporated (Holdco) (80%) and by FX Networks, LLC (FX) (20%), a non-Canadian.

The voting shares in Holdco would be held by Rogers (83.33%) and by FX (16.67%).

This transaction would not affect the effective control of the undertaking, which would continue to be exercised by Rogers Communications Inc.

Applicant's address:

333 Bloor Street East
Toronto, Ontario
M4W 1G9

Fax: 416-935-8203

Email to request electronic version of application: susan.wheeler@rci.rogers.com

3. **8470286 Canada Inc.**
Joliette, Quebec
Application 2013-1209-0

Application by **Attraction Radio inc., on behalf of 8470286 Canada Inc.**, for authority to acquire the assets of the commercial radio station CJLM-FM Joliette from the Coopérative de radiodiffusion MF 103.5 de Lanaudière.

The applicant is also requesting a new licence to continue the operation of CJLM-FM under the same terms and conditions as those set out in the current licence, which expires 31 August 2020.

8470286 Canada Inc. is a wholly owned subsidiary of Attraction Radio inc., which in turn is owned by Attraction Média inc. and controlled by Richard Speer.

In accordance with the purchase offer, 8470286 Canada Inc. will acquire the assets for \$750,000. The applicant requested that it be exempted from the payment of tangible benefits, stating that the average profit of the undertaking over the last three years was negative.

Upon closing of the transaction, 8470286 Canada Inc. would become the licensee of CJLM-FM.

Additional information may be placed on the public examination file. 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 comments.

Applicant's address:

5455 de Gaspé Avenue

Suite 805

Montréal, Quebec

H2T 3B3

Fax: 514-846-1227

Email: schamberland@attractionradio.com

Email to request electronic version of application: serge.bellerose55@gmail.com

4. **United Christian Broadcasters Canada**

Windsor, Ontario

Application 2013-1213-1

Application by **United Christian Broadcasters Canada** for a broadcasting licence to operate an English-language specialty FM radio station in Windsor.

The station would operate at 90.5 MHz (channel 213B1) with an average effective radiated power (ERP) of 1,730 watts (maximum ERP of 10,000 watts with an effective height of antenna above average terrain of 55.5 metres).

The applicant proposes a Christian Adult Contemporary music service with 95% of its weekly music drawn from subcategory 35 (Non-classic religious).

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the application is technically acceptable.

Applicant's address:

RPO Quinte Mall

P.O. Box 23095

Belleville, Ontario

K8P 5J3

Fax: 613-966-3211

Email: j.hunt@ucbcanada.com

Email to request electronic version of application: j.hunt@ucbcanada.com

5. **Arrow Radio**

Ohsweken, Ontario

Application 2013-1663-8

Application by **Arrow Radio** for a broadcasting licence to operate an English- and Native-language Type B Native low-power FM radio station in Ohsweken.

The station would operate at 93.5 MHz (channel 228A1) with an average effective radiated power (ERP) of 42 watts (maximum ERP of 75 watts with an effective height of antenna above average terrain of 80 metres).

The applicant proposes to broadcast 113 hours of station-produced programming during each broadcast week.

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the application is technically acceptable.

Applicant's address:

3326 6th Line Road
Ohsweken, Ontario
NOA 1M0

Email: joshuarrhill@gmail.com

Email to request electronic version of application: joshuarrhill@gmail.com

6. **Clear Sky Radio Inc.**
Lethbridge, Alberta
Applications 2014-0151-2 and 2014-0224-7

Applications by **Clear Sky Radio Inc.** (Clear Sky) for authority to acquire from Golden West Broadcasting Ltd. the assets of the English-language specialty FM radio station CKVN-FM Lethbridge.

The applicant is also requesting a new licence to continue the operation of the station. Clear Sky requests to change the station's specialty format (Christian music) to a Modern Rock music format. Consequently, Clear Sky requests the removal of conditions of licence 1-6 set out in Appendix 2 of *CHVN-FN Winnipeg and CKVN-FM Lethbridge – Licence renewals*, Broadcasting Decision CRTC 2013-608, 14 November 2013.

Clear Sky indicated that the station's acquisition was conditional on the Commission's approval of the removal of the conditions of licence discussed above.

Upon closing of the transaction, the licensee of the station would become Clear Sky Radio Ltd., a corporation jointly controlled by Paul Larsen and Mary McKinnon Mills.

Pursuant to the asset purchase agreement dated 3 February 2014, the purchase price is \$1,300,000.

While the applicant does not propose tangible benefits since the station is unprofitable, it committed to devote, by condition of licence, over and above the basic annual contribution to Canadian content development (CCD), an additional amount equivalent to 6% of the value of the transaction to spread over the first seven years of operation. Of this amount, 20% will be devoted to FACTOR and the remainder will be directed to eligible CCD initiatives.

Additional information may be placed on the public examination file. 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 comments.

Applicant's address:

220 Third Avenue South
Suite 400
Lethbridge, Alberta
T1J 0G9

Fax: 866-841-7971

Email: paul@clearskyradio.com

Email to request electronic version of application: paul@clearskyradio.com

Procedure

Deadline for interventions, comments or answers

23 May 2014

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.

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 is brought to an 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.

Availability of documents

Electronic versions of the applications are available on the Commission's website at www.crtc.gc.ca by selecting the application number within this notice. They are also available from the applicants, either on their websites or upon request by contacting the applicants at their email addresses, provided above.

Electronic versions of the interventions and other documents referred to in this notice are available by visiting the "Public Proceedings" section of the Commission's website. The documents can be accessed by selecting "View all proceedings open for comment," then

clicking on the links in the “Related Documents” column associated with this particular notice.

Documents are also available from Commission offices, upon request, during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

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Secretary General