



Broadcasting Notice of Consultation CRTC 2014-472

PDF version

Ottawa, 12 September 2014

Notice of hearing

12 November 2014

Gatineau, Quebec

Deadline for submission of interventions/comments/answers: 14 October 2014

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

The Commission will hold a hearing on **12 November 2014 at 11 a.m. at the Commission Headquarters, 1 Promenade du Portage, Gatineau, Quebec**. Subject to interventions, the Commission intends to consider the following applications, without the appearance of the parties:

Applicant/licensee and locality

1. **3553230 Canada Inc.**
Saint-Constant, Quebec
Application 2014-0484-7
2. **Groupe Médias Pam inc.**
Saint-Constant, Quebec
Application 2014-0624-9
3. **Craig Timmermans, on behalf of a corporation to be incorporated**
Little Current and Manitoulin Island, Ontario
Application 2014-0314-6
4. **Thunder Bay Information Radio Inc.**
Thunder Bay, Ontario
Application 2014-0630-7
5. **Clear Sky Radio Inc.**
Sylvan Lake, Alberta
Application 2014-0015-0
6. **Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership**
Edmonton, Alberta and Prince Albert, Laronge, Big River, Waskesiu Lake, North Battleford and Meadow Lake, Saskatchewan
Application 2014-0639-8

7. **Blackgold Broadcasting Inc.**

Ponoka, Alberta

Application 2014-0676-0

1. **3553230 Canada Inc.**

Saint-Constant, Quebec

Application 2014-0484-7

Application by **3553230 Canada Inc.** to renew the broadcasting licence for the French-language Commercial AM radio station CJMS Saint-Constant, which expires 31 March 2015.

The licensee is requesting to renew the licence under the same terms and conditions as those in effect under the current licence.

This application is related to the application (2014-0624-9) by Groupe Médias Pam inc. for authority to acquire the assets of CJMS Saint-Constant from 3553230 Canada Inc. (item 2).

It appears to the Commission that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns for the 2011-2012 and 2012-2013 broadcast years.

It also appears to the Commission that the licensee may have failed to comply with section 15 of the Regulations relating to Canadian content development contributions for the same broadcast years.

The Commission also notes that the licensee has already been found in non-compliance in the current licence term with respect to sections 8(1), 8(5) and 8(6) of the Regulations relating to the provision of complete logs and records and with section 9(4) of the Regulations relating to the filing of information requested by the Commission.

This non-compliance was noted in *CJMS Saint-Constant – Issuance of broadcasting orders following recurring non-compliance*, Broadcasting Decision CRTC 2014-174, 11 April 2014, in which the Commission issued 5 Broadcasting Orders CRTC 2014-175 and 2014-176 requiring the licensee to comply at all times with sections 8(1), 8(5), 8(6) and 9(4) of the Regulations.

The Commission notes that this is the fourth consecutive licence term in which 3553230 Canada Inc. is in non-compliance with respect to CJMS.

Applicant's address:

143 Saint-Pierre Street

Saint-Constant, Quebec

J5A 2G9

Fax: 514-287-3299

Email: 5762530@gmail.com

Email to request electronic version of application: 5762530@gmail.com

2. Groupe Médias Pam inc.
 Saint-Constant, Quebec
 Application 2014-0624-9

Application by **Groupe Médias Pam inc.** (Groupe Médias) for authority to acquire from 3553230 Canada Inc. the assets of the French-language commercial AM radio programming undertaking CJMS Saint-Constant, Quebec.

This application is related to the application (2014-0484-7) by 3553230 Canada Inc. to renew the broadcasting licence for CJMS Saint-Constant (item 1).

Group Médias is wholly owned and controlled by Mr. Jean Ernest Pierre.

Pursuant to the agreement, Groupe Médias will acquire the assets for \$15,000 and an hour's worth of advertising airtime per week for 52 weeks.

The applicant did not propose any tangible benefits, noting that the radio undertaking was experiencing financial difficulties and that investments would be needed to make the station financially viable.

Following completion of the transaction, Groupe Médias would become the licensee of CJMS Saint-Constant.

Applicant's address:

3390 Crémazie Blvd. East
 Montréal, Quebec
 H2A 1A4

Fax: 514-287-3299

Email: jeanernestpierre1410@gmail.com

Email to request electronic version of application: jeanernestpierre1410@gmail.com

3. Craig Timmermans, on behalf of a corporation to be incorporated
 Little Current and Manitoulin Island, Ontario
 Application 2014-0314-6

Application by **Craig Timmermans, on behalf of a corporation to be incorporated**, for a broadcasting licence to operate an English-language commercial FM radio station in Little Current and Manitoulin Island.

The station would operate at 103.1 MHz (channel 276B) with an effective radiated power of 35,200 watts (non-directional antenna with an effective height above average terrain of 178 metres).

The applicant proposes a Country 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:

10 Campbell Street East
Little Current, Ontario
P0P 1K0

Fax: 705-368-1080

Email: country103@manitoulin.net

Website to view application: www.country103fm.ca

Email to request electronic version of application: country103@manitoulin.net

4. Thunder Bay Information Radio Inc.

Thunder Bay, Ontario

Application 2014-0630-7

Application by **Thunder Bay Information Radio Inc.** for a broadcasting licence to operate an English-language FM tourist information radio station in Thunder Bay.

The station would operate at 90.5 MHz (channel 213A1) with an effective radiated power of 250 watts (non-directional antenna with an effective height above average terrain of 27 metres).

Thunder Bay Information Radio Inc. currently operates an exempted low-power tourist information station in Thunder Bay using this frequency.

The applicant proposes to broadcast 126 hours of programming per broadcast week, of which 100% would be devoted to local programming.

The proposed station would continue to offer a tourist information service consisting of pre-recorded messages informing residents and visitors of weather and road conditions, community event information and emergency information, as well as attractions and services in the Thunder Bay area.

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:

198 Humber Crescent
Thunder Bay, Ontario
P7C 5X7

Fax: 807-475-3365

Email: thunderbay@informationradio.ca

Email to request electronic version of application: thunderbay@informationradio.ca

5. Clear Sky Radio Inc.
Sylvan Lake, Alberta
Application 2014-0015-0

Application by **Clear Sky Radio Inc.** for a broadcasting licence to operate an English-language commercial FM radio station in Sylvan Lake.

The station would operate at 88.5 MHz (channel 203A) with an average effective radiated power (ERP) of 791 watts (maximum ERP of 1,500 watts with an effective height of antenna above average terrain of 150 metres).

The applicant proposes a “Modern Music” format comprised of Hot Adult Contemporary and Modern Rock/Alternative music.

This application is technically mutually exclusive with an application (2014-0676-0) by Blackgold Broadcasting Inc. (item 7).

Applicant's address:

220 Third Avenue South
Suite 400
Lethbridge, Alberta
T1J 0G9
Fax: 403-388-4648

Email: paul@clearskyradio.com

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

6. Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership
Edmonton, Alberta and Prince Albert, Laronge, Big River, Waskesiu Lake,
North Battleford and Meadow Lake, Saskatchewan
Application 2014-0639-8

Application by **Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership**, for authority to acquire from Rawlco Radio Ltd. the assets of the English-language radio programming undertakings CKNO-FM and CIUP-FM Edmonton, Alberta, CKBI Prince Albert, CKBI-FM Laronge and its transmitter CKBI-FM-1 Big River, CFMM-FM Prince Albert and its transmitter CFMM-FM-1 Waskesiu Lake, CHQX-FM Prince Albert and its transmitters CHQX-FM-1 Waskesiu Lake, CHQX-FM-2 Laronge and CHQX-FM-3 Big River, CJCQ-FM North Battleford and its transmitter CJCQ-FM-1 Meadow Lake, CJHD-FM North Battleford, CJNB North Battleford and CJNS-FM Meadow Lake, Saskatchewan, pursuant to section 11(4) of the *Radio Regulations, 1986*.

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

Jim Pattison Broadcast Group Limited Partnership is owned and controlled by Mr. James A. Pattison through various subsidiaries.

Pursuant to the asset purchase agreement dated 7 July 2014, the applicant will purchase the assets for \$104,150,000. The applicant submitted that the total value of the transaction was \$106,922,125 and proposed a tangible benefit package of \$6,415,328, which is equal to 6% of this value.

Following completion of the transaction, Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership, would become the licensee of the above-noted undertakings.

The Commission notes that for CIUP-FM and CKNO-FM, the current licensee appears to be in non-compliance with its conditions of licence relating to Canadian content development.

Applicant's address:

460 Pemberton Terrace
Kamloops, British Columbia
V2C 1T5

Fax: 250-374-0445

Email: rarnish@jpbg.com

Email to request electronic version of application: rarnish@jpbg.com

7. Blackgold Broadcasting Inc.

Ponoka, Alberta

Application 2014-0676-0

Application by **Blackgold Broadcasting Inc.** for a broadcasting licence to operate an English-language commercial FM radio station in Ponoka.

The station would operate at 88.7 MHz (channel 204B1) with an effective radiated power of 10,000 watts (omnidirectional antenna with an effective height above average terrain of 111 metres).

The applicant proposes an adult country music format.

This application is technically mutually exclusive with the application (2014-0015-0) by Clear Sky Radio Inc. (item 5).

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:

#2, 5205 50th Avenue
Leduc, Alberta
T9E 6T2

Fax: 780-769-9301

Email: info@onefm.ca

Email to request electronic version of application: info@onefm.ca

Procedure

Deadline for interventions, comments or answers

14 October 2014

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, replies, answers of respondents and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. 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 "Statutes and Regulations." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

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.

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.

Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as 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.

The Commission encourages interested persons and parties 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.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

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

by completing 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.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

In the event that an application to be considered during the non-appearing phase of the hearing 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, email 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, email addresses, postal/street addresses, telephone and facsimile numbers, etc.

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.

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 answers, as well as of other documents referred to in this notice, are available on the Commission's website at www.crtc.gc.ca by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns 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

Les Terrasses de la Chaudière
 Central Building
 1 Promenade du Portage, Room 206
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 Fax: 819-994-0218

Regional offices

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 Suite 1410
 Dartmouth, Nova Scotia
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 Tel.: 902-426-7997
 Fax: 902-426-2721

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S4P 2H1
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Secretary General