



Broadcasting Notice of Consultation CRTC 2014-474

PDF version

Ottawa, 12 September 2014

Notice of application received

Alliston, Ontario

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

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

The Commission has received the following application:

2188301 Ontario Corporation

Alliston, Ontario

Application 2013-1640-7

Application by **2188301 Ontario Corporation** to renew the broadcasting licence for the low-power, English-language commercial radio station CFAO-FM Alliston, which expires 31 December 2014.¹

In *English-language FM radio station in Alliston*, Broadcasting Decision CRTC 2008-147, 28 July 2008 (Broadcasting Decision 2008-147), the Commission approved an application by Frank Rogers, on behalf of a corporation to be incorporated, to operate an English-language, low-power commercial FM radio station in Alliston.

As part of its examination of the licensee's performance over its current licence term, 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 provision of annual returns for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 broadcast years;
- section 15(2) of the Regulations relating to the basic Canadian content Development (CCD) contributions for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 broadcast years;
- its condition of licence 2 relating to additional CCD contributions set out in Broadcasting Decision 2008-147 for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 broadcast years;

¹ In *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2014-359, 8 July 2014, the Commission administratively renewed the licence for CFAO-FM Alliston until 31 December 2014.

- section 9(4) of the Regulations with respect to the obligation to provide all information relevant to the Commission's request; and
- the obligation to be a Canadian licensee pursuant to the *Direction to the CRTC (Ineligibility of non-Canadians)*.

In its licence renewal application form, the licensee stated that the station was off-air due to financial problems and transmitter issues. The licensee also stated that it was planning to resume broadcasting in January 2014.

Through several deficiency letters filed on the public record, the Commission tried to obtain from the licensee all of the missing annual returns, the reason why it never paid its CCD contributions since the beginning of its operations and when it was planning to resume broadcasting. To date, the Commission notes that no annual returns have been filed, no CCD contributions have been made and CFAO-FM has still not resumed broadcasting. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca.

The Commission notes that CFAO-FM appears to have been off-air for the majority of its current licence term, during which the Commission has also received numerous complaints from the public on the status of the station and why no programming was broadcast on the frequency 94.7 MHz in Alliston.

The Commission is of the view that being off-air does not represent the best use of a scarce public radio frequency and does not contribute to the fulfillment of the objectives of the *Broadcasting Act*. As a result, the Commission considers this a very serious matter.

In light of all of the above and given the licensee's numerous and serious instances of apparent non-compliance set out in this notice, the Commission could decide not to renew CFAO-FM's broadcasting licence should the station not resume its operations and fail to comply with its regulatory obligations by **31 October 2014**. In addition, the Commission directs the licensee to submit, by no later than **1 October 2014**, all of the annual returns for each broadcast year regarding CFAO-FM.

In the event that the station resumes broadcasting and that the licensee demonstrates that it is Canadian, the Commission could renew the licence for a short-term period and require that the licensee submit a plan to fulfill the CCD shortfall incurred since 2009, and demonstrate its capacity to maintain the station's operations and to comply with its regulatory obligations.

Licensee's address:

67 Ruthven Crescent
Alliston, Ontario
L9R 0A5

Email: frogers@bell.net

Email to request electronic version of application: frogers@bell.net

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 answer from a respondent must be received by the Commission and by 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 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.

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.

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 version of the application is available on the Commission's website at www.crtc.gc.ca by selecting the application number within this notice. It is also available from the applicant, either on his website or upon request by contacting the applicant at his email address, 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

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