



Broadcasting Notice of Consultation CRTC 2015-152

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Ottawa, 17 April 2015

Notice of application received

Across Canada

Deadline for submission of interventions/comments/answers: 22 May 2015

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

The Commission has received the following application:

NMTV Inc.

Across Canada

Application 2014-0751-0

Application by **NMTV Inc.** (NMTV) for authority to change its ownership and effective control pursuant to section 10(4) of the *Specialty Services Regulations, 1990* (the Regulations).

NMTV is the licensee of Nuevo Mundo Television, a national, Spanish-language general interest ethnic specialty Category B service.

In a letter decision dated 7 February 2014, the Commission approved a series of transactions changing the effective control of the undertaking five times and ultimately conferring the effective control of the undertaking to the board of directors of NMTV, pursuant to a shareholders agreement dated 7 May 2012.

On 15 May 2014, Ms. Nimar Cedeno, a non-Canadian, acquired 6% of the issued and outstanding shares of NMTV. That same day, Nuevo Mundo TV Holdings Inc. (NMTV Holdings), a company whose voting interests are held in equal parts by Ms. Cedeno and two Canadians, Mr. Marc Côté and Mr. Peter Jaimes, acquired 76% of the voting interest of NMTV. According to the information contained in the application, it appears that NMTV Holdings is a corporation controlled by Ms. Cedeno pursuant to the terms of a shareholders agreement.

In order to avoid the possibility that the Commission, during its examination of the application, will make a finding of non-compliance with *Direction to the CRTC (Ineligibility of Non-Canadians)* (the Direction), NMTV indicated that the effective control of NMTV Holdings was handed over to Mr. Jaimes, trustee, pursuant to the terms of the Voting Trust Agreement signed on 15 May 2014.

In accordance with the share purchase agreement, the price paid by NMTV Holdings and Ms. Cedeno to acquire the shares of NMTV is \$874,989. The applicant did not propose a tangible benefits package.

The Commission is generally concerned about multi-step transactions and reserves the right, in the case of such transactions, to review not just the final step, but the entire sequence of events, including all previous steps, in order to determine the appropriateness of any proposed tangible benefits package.

The Commission notes that NMTV is in apparent non-compliance with the Direction and with section 10(4) of the Regulations.

Applicant's address:

4119 Saint-Laurent Boulevard
Montréal, Quebec
H2W 1Y7

Email: pjames@nuevomundotv.com

Email to request electronic version of application: pjames@nuevomundotv.com

Procedure

Deadline for interventions, comments or answers

22 May 2015

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

An 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 its website or upon request by contacting the applicant at its 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

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

Quebec

505 de Maisonneuve Boulevard West
Suite 205
Montréal, Quebec
H3A 3C2
Tel.: 514-283-6607

Ontario

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

Manitoba

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

Saskatchewan

403 – 1975 Scarth Street
Regina, Saskatchewan
S4P 2H1

Tel.: 306-780-3422

Fax: 306-780-3319

Alberta

200 – 4th Avenue South-East

Suite 574

Calgary, Alberta

T2G 4X3

Tel.: 403-292-6660

Fax: 403-292-6686

British Columbia

858 Beatty Street

Suite 290

Vancouver, British Columbia

V6B 1C1

Tel.: 604-666-2111

Fax: 604-666-8322

Secretary General