



Broadcasting Notice of Consultation CRTC 2016-176

PDF version

Ottawa, 10 May 2016

Notice of hearing

13 July 2016

Gatineau, Quebec

Deadline for submission of interventions/comments/answers: 9 June 2016

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

The Commission will hold a hearing on **13 July 2016 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. **Bay of Islands Radio Inc.**
Corner Brook, Newfoundland and Labrador
Application 2016-0169-1
2. **Atlantic Broadcasters Limited**
Antigonish, Nova Scotia
Application 2014-0941-7
3. **Cogeco Cable Canada GP Inc., on its behalf and on behalf of licensed subsidiaries**
Provinces of Quebec and Ontario
Applications 2016-0256-6, 2016-0394-4 and 2016-0395-2
4. **Evanov Radio Group Inc.**
Montréal and Hudson/Saint-Lazare, Quebec
Application 2016-0189-9
5. **Attraction Radio inc., on behalf of Gestion Appalaches inc.**
Thetford Mines, Victoriaville, Disraeli and Lac Mégantic, Quebec
Applications 2016-0198-0, 2016-0317-6 and 2016-0319-2
6. **Bayshore Broadcasting Corporation**
Gravenhurst and Bracebridge, Ontario
Application 2014-0147-1

1. **Bay of Islands Radio Inc.**

Corner Brook, Newfoundland and Labrador
Application 2016-0169-1

Application by **Bay of Islands Radio Inc.** for a broadcasting licence to operate a low-power, English-language community FM radio station in Corner Brook.

The station would operate on frequency 100.1 MHz (channel 261LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of -97.64 metres).

The applicant proposes to broadcast 126 hours of programming each broadcast week, of which 106 hours would be devoted to local programming.

In addition to its English-language programming, the applicant proposes to broadcast French- and Mi'kmaq-language programming.

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:

20 University Drive
Corner Brook, Newfoundland and Labrador
A2H 5G4
Email: info@boir.ca
Website to view application: www.boir.ca
Email to request electronic version of application: crtc@boir.ca

2. **Atlantic Broadcasters Limited**

Antigonish, Nova Scotia
Application 2014-0941-7

Application by **Atlantic Broadcasters Limited** for a broadcasting licence to operate an English-language commercial FM radio station in Antigonish.

The station would operate on frequency 93.5 MHz (channel 228C1) with an average effective radiated power (ERP) of 60,600 watts (maximum ERP of 60,600 watts with an effective height of antenna above average terrain of 215 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:

85 Kirk Street
 Antigonish, Nova Scotia
 B2G 2R9
 Fax: 902-863-6300
 Email: info@989xfm.ca
 Email to request electronic version of application: info@989xfm.ca

3. Cogeco Cable Canada GP Inc., on its behalf and on behalf of licensed subsidiaries

Provinces of Quebec and Ontario
 Applications 2016-0256-6, 2016-0394-4 and 2016-0395-2

Applications by **Cogeco Cable Canada GP Inc. (CCC GP), on its behalf and on behalf of licensed subsidiaries**, for authority to effect a multi-step corporate reorganization that would require the issuance of new broadcasting licences to CCC GP.

The applicant is also requesting new broadcasting licences in order to continue the operations of the undertakings noted below, under the same terms and conditions as those in effect under the current licences.

The licensees and licensed broadcasting undertakings that would be affected by the reorganization are the following:

- CCC GP and Cogeco Cable Holdings Inc. (CCH), partners in a general partnership carrying on business as Cogeco Cable Québec General Partnership (CCQ GP), the licensee of terrestrial broadcasting distribution undertakings (BDUs) serving Drummondville, Rimouski, Saint-Hyacinthe and Trois-Rivières, Quebec;
- CCC GP (the general partner) and CCH (the limited partner), carrying on business as Cogeco Cable Canada LP (CCC LP), the licensee of terrestrial BDUs serving Belleville, Burlington, Georgetown, Hamilton/Dundas, Hamilton/Stoney Creek, Kingston, Niagara Falls, Peterborough, Sarnia, St. Catharines and Windsor, Ontario; and
- CCH, the licensee of the video-on-demand (VOD) programming undertaking known as Cogeco On Demand, serving Quebec and Ontario.

CCQ GP, CCC LP and CCH are all wholly owned subsidiaries of Cogeco Communications Inc., a corporation indirectly owned by Gestion Audem inc. (Gestion Audem).

The proposed multi-step reorganization would be effected as follows:

First step, application 2016-0256-6

CCH would transfer its 99.9% partnership interest in CCQ GP to CCC GP. Subsequently, CCQ GP would be dissolved and CCC GP would become the licensee of the terrestrial BDUs noted above.

Second step, application 2016-0394-4

CCH would transfer its 95.1% partnership interest in CCC LP to CCC GP. Subsequently, CCC LP will be dissolved and CCC GP would become the licensee of the terrestrial BDUs noted above.

Third step, application 2016-0395-2

CCC GP would acquire the assets of Cogeco On Demand from CCH. As a result, CCC GP would become the licensee of the VOD programming undertaking serving Quebec and Ontario.

Finally, CCC GP would change its corporate name to Cogeco Connexion Inc.

Each of these steps would occur in sequence on 1 September 2016.

The multi-step corporate reorganization would not change the effective control of CCC GP, which would continue to be exercised by the board of directors of Gestion Audem.

Applicant's address:

5 Place Ville-Marie
Office 1700
Montréal, Quebec
H3B 0B3
Fax: 514-874-2625

Email: licence@cogeco.com

Email to request electronic version of application: licence@cogeco.com

4. Evanov Radio Group Inc.

Montréal and Hudson/Saint-Lazare, Quebec
Application 2016-0189-9

Application by **Evanov Radio Group Inc.** (Evanov Radio) for authority to acquire from Dufferin Communications Inc. (Dufferin), as part of an intra-corporate reorganization, the assets of the French-language commercial AM radio station CHRF Montréal; the assets of the English-language commercial FM radio station CHSV-FM Hudson/Saint-Lazare; and the assets of the ethnic commercial AM radio station CFMB Montréal.

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

Evanov Radio is solely owned by Evanov Communications Inc., which in turn is controlled by Mr. William V. Evanov.

The applicant did not propose a tangible benefits package on the basis that the proposed transaction would not result in a change of effective control.

Applicant's address:

5312 Dundas Street West

Toronto, Ontario

M9B 1B3

Fax: 416-234-8572

Email: judy@evanovradio.com

Email to request electronic version of application: judy@evanovradio.com

5. Attraction Radio inc., on behalf of Gestion Appalaches inc.

Thetford Mines, Victoriaville, Disraeli and Lac Mégantic, Quebec

Applications 2016-0198-0, 2016-0317-6 and 2016-0319-2

Applications by **Attraction Radio inc.** (Attraction Radio), **on behalf of Gestion Appalaches inc.** (Gestion Appalaches), for authority to effect a multi-step corporate reorganization that would require the issuance of new broadcasting licences to Gestion Appalaches.

Radio Mégantic ltée (Radio Mégantic), Radio Victoriaville ltée (Radio Victoriaville) and Réseau des Appalaches (FM) ltée (Réseau des Appalaches) are all licensed subsidiaries of Gestion Appalaches, which in turn is a subsidiary of Attraction Radio.

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

The proposed multi-step reorganization would be effected as follows:

First step, application 2016-0198-0

Radio Mégantic would be wound-up into Gestion Appalaches. As a result, Gestion Appalaches would become the licensee of CKLD-FM Thetford Mines and its transmitter CJLP-FM Disraeli.

Second step, application 2016-0317-6

Radio Victoriaville would be wound-up into Gestion Appalaches. As a result, Gestion Appalaches would become the licensee of CFDA-FM Victoriaville.

Third step, application 2016-0319-2

Réseau des Appalaches would be wound-up into Gestion Appalaches. As a result, Gestion Appalaches would become the licensee of CFJO-FM Thetford Mines and its transmitter CFJO-FM-1 Lac Mégantic.

This transaction also includes a series of steps that would not require the Commission's prior approval.

The multi-step corporate reorganization would not change the effective control of Attraction Radio or its licensed subsidiaries, which would continue to be exercised by Mr. Richard Speer.

Applicant's address:

5455, de Gaspé Avenue

Office 805

Montréal, Quebec

H2T 2B3

Fax: 514-846-1227

Email: schamberland@attraction.ca

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

6. Bayshore Broadcasting Corporation

Gravenhurst and Bracebridge, Ontario

Application 2014-0147-1

Application by **Bayshore Broadcasting Corporation** for a broadcasting licence to operate an English-language commercial FM radio station in Gravenhurst and Bracebridge.

The station would operate on frequency 102.3 MHz (channel 272B1) with an effective radiated power of 22,000 watts (non-directional antenna with an effective height of antenna above average terrain of 69.5 metres).

The applicant proposes a Country music format.

In Findings on market capacity and the appropriateness of issuing a call for radio applications to serve Bracebridge and Gravenhurst, Ontario, Broadcasting Decision CRTC 2015-490, 4 November 2015 (Broadcasting Decision 2015-490), the Commission issued its determinations on market capacity and the appropriateness of issuing a call for radio applications to serve Bracebridge and Gravenhurst. The Commission found that the Bracebridge and Gravenhurst market could sustain an additional station.

During the proceeding leading to Broadcasting Decision 2015-490, only Bayshore Broadcasting Corporation expressed interest in serving the market. Therefore, consistent with *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014, the Commission found that it was not necessary to issue a call for applications. The Commission is therefore proceeding with the consideration of this application.

The present application was initially published under Part 3 of the *Canadian Radio-Television and Telecommunications Commission Rules of Practice and Procedure* as part of a public process. It was scheduled to be heard at a hearing held on 22 March 2016 (*Notice of Hearing*, Broadcasting Notice of Consultation CRTC 2016-20, 20 January 2016), but the application required further consideration and was withdrawn to be rescheduled at a later date.

The Commission will consider the interventions and the reply already accepted and filed on the public record for the 22 March 2016 public hearing in addition to other interventions and replies received in the context of the present hearing.

Applicant's address:

270 Ninth Street East
Owen Sound, Ontario
N4K 5P5

Email: rkentner@bayshorebroadcasting.ca

Website to view application: www.bayshorebroadcasting.ca

Email to request electronic version of application: rkentner@bayshorebroadcasting.ca

Procedure

Deadline for interventions, comments or answers

9 June 2016

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, answer, replies 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 related 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.

Pursuant to *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

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 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

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Secretary General