



Broadcasting Notice of Consultation CRTC 2016-440

PDF version

Ottawa, 4 November 2016

Call for comments on market capacity and the appropriateness of issuing a call for radio applications to serve St. John's, Newfoundland and Labrador

The Commission has received an application for a broadcasting licence to operate a new commercial radio station to serve St. John's, Newfoundland and Labrador. The Commission is seeking comments on market capacity and the appropriateness of issuing a call for radio applications to serve St. John's. The Commission encourages interested persons, as well as the applicant, to submit additional information, which it will take into consideration before making a final determination on whether it should proceed with a call for applications.

*The deadline for filing interventions is **5 December 2016**. Only parties that file interventions may file a reply to matters raised during the intervention phase. The deadline to file replies is **15 December 2016**.*

The Commission expects persons interested in serving the St. John's radio market to express their interest during the intervention period. If little or no interest to serve that radio market is expressed, the Commission may publish the application for consideration during the non-appearing phase of a public hearing rather than issue a call for applications.

Background

1. In Broadcasting Regulatory Policy 2014-554, the Commission set out its procedure for issuing calls for applications for broadcasting licences to operate radio stations. According to that procedure, applications for new radio stations in markets of all sizes will generally result in a call for applications with the following exceptions:
 - proposals with very little or no commercial potential or impact, including some low-power applications;
 - proposals to provide the first commercial service in a market;
 - proposals by the sole commercial operator in a market to improve service to the market, either through an AM to FM conversion or a new station;
 - proposals to provide the first commercial service in the other official language in a market or to convert the only station in the other official language from AM to FM; and

- proposals to convert stations from AM to FM in markets with two or fewer commercial operators.
2. The Commission will also take into account the availability or scarcity of spectrum when considering applications that propose to use one of the last known frequencies in a market. Such applications will not be eligible to be considered under one of the exceptions to the issuance of a call.
 3. Upon receipt of an application that does not fall within one of the exceptions to the issuance of a call, the Commission will publish a notice of consultation to seek comments on market capacity and the appropriateness of issuing a call. The Commission will also publish the following information in the notice of consultation: the applicant's name, the type of service proposed (commercial mainstream or specialty, community, campus, etc.), the technical parameters proposed (frequency, band, broadcast power) and a sampling of the main communities included in the primary contour of the proposed station's coverage.

Application for St. John's

4. The Commission announces that it has received the following application for a broadcasting licence to operate a new commercial radio station to serve St. John's, Newfoundland and Labrador:

Applicant	Type of service	Technical parameters
Andrew Green and Jordan Elliott, on behalf of a corporation to be incorporated	Commercial radio station	98.3 MHz FM with an effective radiated power of 51,000 watts

Call for comments

5. In light of the above, the Commission calls for comments on the capacity of St. John's to support a new station and on whether it should issue a call for applications for new radio stations to serve this community. The Commission encourages interested persons, as well as the applicant, to submit additional information that it will take into consideration before making a final determination on whether to proceed with a call for applications.
6. Aggregated financial information relating to the St. John's radio market can be found in the Commission's [radio market report](#).

7. Following receipt of comments, the Commission will conduct an assessment of the capacity of St. John's to support a new station, taking into account economic and financial data as well as the comments received in the public consultation.
8. As indicated in Broadcasting Regulatory Policy 2014-554, the Commission will weigh factors such as market capacity, spectrum availability or scarcity and interest by other parties in serving the market when deciding whether to:
 - publish the application for consideration during the non-appearing phase of a public hearing;
 - issue a call for applications; or
 - make a determination that the market cannot sustain additional stations, return the application and issue a decision setting out this determination.

Procedure

9. 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, answers, 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](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
10. The Commission invites interventions that address the issues and questions set out above. The Commission will accept interventions that it receives on or before **5 December 2016**. Only parties that file interventions may file a reply to matters raised during the intervention phase. The deadline for the filing of replies is **15 December 2016**.
11. 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.
12. 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.
13. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, 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.

14. 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

15. 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.
16. 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.
17. 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

18. 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.

19. 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.
20. 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.
21. 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

22. Electronic versions of the interventions and 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.
23. 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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Secretary General

Related documents

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010