



Broadcasting Notice of Consultation CRTC 2017-1

PDF version

Ottawa, 5 January 2017

Notice of hearing

27 March 2017

Gatineau, Quebec

Deadline for submission of interventions/comments/answers: 7 February 2017

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

The Commission will hold a hearing starting on **27 March 2017 at 9 a.m. at the Conference Centre, 140 Promenade du Portage, Phase IV, Outaouais Room, Gatineau, Quebec.**

[Attend the hearing or listen to it online.](#)

The Commission will consider the following applications:

Applicant/licensee and locality

1. **Wawatay Native Communications Society**
Ottawa and Toronto, Ontario
Applications 2016-0034-6 and 2016-0024-7
2. **Aboriginal Multi-Media Society of Alberta**
Calgary and Edmonton, Alberta
Applications 2016-0026-3 and 2016-0029-7
3. **VMS Media Group Ltd.**
Calgary and Edmonton, Alberta
Applications 2016-0044-5 and 2016-0042-9
4. **Northern Native Broadcasting (Terrace B.C.)**
Vancouver, British Columbia
Application 2016-0013-0
5. **First Peoples Radio Inc.**
Ottawa and Toronto, Ontario; Calgary and Edmonton, Alberta; and Vancouver,
British Columbia
Applications 2016-0036-2, 2016-0033-8, 2016-0028-9, 2016-0031-2 and
2016-0027-1

6. TELUS Communications Company

Kamloops, Kelowna, Nanaimo, Penticton, Prince George, Terrace, Vancouver (including Lower Mainland, Fraser Valley, Whistler and surrounding areas), Vernon and Victoria, British Columbia; Calgary, Edmonton (including St. Albert, Sherwood Park, Spruce Grove and Stony Plain), Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer, Alberta; Rimouski, Saint-Georges, Sept-Îles, Baie-Comeau, Gaspé, Montmagny, Sainte-Marie, Mont-Tremblant and surrounding areas, Quebec; and across Canada
Application 2016-1132-7

Preamble for items 1 to 5

In Broadcasting Notice of Consultation 2015-399, the Commission called for applications for a radio licence or licences to serve the urban Aboriginal communities in one or more of the Ottawa, Toronto, Calgary, Edmonton and Vancouver markets. The Commission indicated that it was seeking innovative applications that focused on serving Aboriginal Canadians, regardless of the type of service proposed.

The Commission emphasized the critical role that such urban Aboriginal radio stations could play in serving the public interest and contributing to the fulfillment of the policy objectives set out in sections 3(1)(d)(iii) and 3(1)(o) of the *Broadcasting Act* to reflect the special place of Aboriginal peoples within Canadian society. The Commission noted that “there is a pressing need to serve the Aboriginal community as a whole given that issues vitally important to Aboriginal Canadians are not fully covered or addressed at all in other, non-Native media.”

Background

As noted in Broadcasting Notice of Consultation 2015-399, the Commission revoked the broadcasting licences for the following Type B Native radio stations held by Aboriginal Voices Radio Inc. (AVR) in Broadcasting Decision 2015-282 on the basis of serious and repeated non-compliance and the inability of the licensee to adequately serve the needs of the Aboriginal communities in these markets:

- CKAV-FM Toronto (operating at 106.5 MHz);
- CKAV-FM-2 Vancouver (operating at 106.3 MHz);
- CKAV-FM-3 Calgary (operating at 88.1 MHz);
- CKAV-FM-4 Edmonton (operating at 89.3 MHz); and
- CKAV-FM-9 Ottawa (operating at 95.7 MHz).

Although AVR was granted leave to appeal and was permitted by Court order to continue operating pending the outcome of that proceeding, the Commission published its call for applications to ensure that it would be prepared to address the issue of service to the urban Aboriginal communities involved without delay should the appeal be denied. As the Federal Court of Appeal has now denied AVR’s appeal of

Broadcasting Decision 2015-282 by order dated 10 November 2016, the Commission will proceed with the consideration of the applications received in response to Broadcasting Notice of Consultation 2015-399.

Applications

As stated in Broadcasting Notice of Consultation 2015-399, the decision of whether to licence services for one or all of these markets will be assessed based on evidence giving clear indication that there is demand and a market for the proposed service. This includes evidence demonstrating the needs of the Aboriginal communities in the market(s), how the proposed service(s) will meet these needs and whether, if there are currently services addressing Aboriginal communities, the market(s) can sustain the proposed additional services.

In evaluating the applications received, the Commission will consider **how the proposed service will meet the needs of Aboriginal Canadians in the market(s) which it is seeking to serve**. In particular, as stated in Broadcasting Notice of Consultation 2015-399, the Commission will consider:

- plans and commitments regarding Aboriginal programming, including how the applicant's commitments will reflect the interests and needs of the Aboriginal population to be served, foster the development of Aboriginal cultures and help preserve Aboriginal languages;
- the capacity of the proposed business plan, whether commercial or non-commercial, to sustain the programming plans set out in the application; and
- plans to provide for broad participation by the Aboriginal population of the region served in the governance, operation and programming of the station.

For applications for new commercial radio services in a market, these factors are in addition to the following factors normally considered by the Commission in assessing such applications, as first set out in Decision 99-480:

- quality of the application;
- diversity of news voices in the market;
- market impact; and
- competitive state of the market.

In response to its call, the Commission has received a number of applications for new Native Type B or ethnic commercial specialty radio stations to serve Ottawa, Toronto, Calgary, Edmonton or Vancouver. Several of these are technically mutually exclusive, as follows:

- **Ottawa market**

Items 1 and 5 are technically mutually exclusive since the applicants propose to use the frequency 95.7 MHz in Ottawa. They will be treated as competitive radio applications for the Ottawa radio market.

- **Toronto market**

Items 1 and 5 are technically mutually exclusive since the applicants propose to use the frequency 106.5 MHz in Toronto. They will be treated as competitive radio applications for the Toronto radio market.

- **Calgary market**

Items 2, 3 and 5 are technically mutually exclusive since the applicants propose to use the frequency 88.1 MHz in Calgary. They will be treated as competitive radio applications for the Calgary radio market.

- **Edmonton market**

Items 2, 3 and 5 are technically mutually exclusive since the applicants propose to use the frequency 89.3 MHz in Edmonton. They will be treated as competitive radio applications for the Edmonton radio market.

- **Vancouver market**

Items 4 and 5 are technically mutually exclusive since the applicants propose to use the frequency 106.3 MHz in Vancouver. They will be treated as competitive radio applications for the Vancouver radio market.

Moreover, many of the applicants have applied for licences to serve more than one of the markets and have provided business plans either wholly or in part dependant on the awarding of multiple licences. Therefore, it is possible that individual applications may also be competitive, even when for different markets and not technically mutually exclusive, where a decision by the Commission to issue more than one licence to an applicant would influence the outcome in more than one market.

Please note that additional information may be placed on the public examination file for each application. The Commission encourages interested persons to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

Preamble for item 6

Item 6 will be considered, subject to interventions, during the non-appearing phase of the public hearing.

1. Wawatay Native Communications Society

Ottawa and Toronto, Ontario

Applications 2016-0034-6 and 2016-0024-7

Applications by **Wawatay Native Communications Society** for broadcasting licences to operate English-, French- and Aboriginal-language Type B Native FM radio stations in Ottawa and Toronto.

Ottawa market

Application 2016-0034-6

The station would operate at 95.7 MHz (channel 239B1) with an effective radiated power of 9,100 watts (non-directional antenna with an effective height of antenna above average terrain of 116.7 metres).

The station would focus on serving the needs of First People, Inuit and Metis communities in Ottawa. The applicant proposes a spoken word service that would broadcast 63 hours of local programming each broadcast week. Programming would be broadcast in the English, French, Cree, Inuktitut, Ojibwe, Algonquin, Oji-Cree, Mohawk and Michif languages.

Toronto market

Application 2016-0024-7

The station would operate at 106.5 MHz (channel 293B1) with an average effective radiated power (ERP) of 930 watts (maximum ERP of 2,400 watts with an effective height of antenna above average terrain of 298 metres).

The station would focus on serving the needs of First People, Inuit and Metis communities in Toronto. The applicant proposes a spoken word service that would broadcast 63 hours of local programming each broadcast week. Programming would be broadcast in the English, Cree, Inuktitut, Ojibwe, Algonquin, Oji-Cree, Mohawk and Michif languages.

The Commission may withdraw these applications from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the applications are technically acceptable.

Applicant's address:

135 Pine Street South

Timmins, Ontario

P4N 2K3

Fax: 705-360-1601

Email: johng@wawatay.on.ca

Website to view application: www.wawataynews.ca

Email to request electronic version of application: johng@wawatay.on.ca

2. Aboriginal Multi-Media Society of Alberta

Calgary and Edmonton, Alberta

Applications 2016-0026-3 and 2016-0029-7

Applications by **Aboriginal Multi-Media Society of Alberta** for broadcasting licences to operate English- and Aboriginal-language Type B Native FM radio stations in Calgary and Edmonton.

Calgary market

Application 2016-0026-3

The station would operate at 88.1 MHz (channel 201C) with an effective radiated power of 100,000 watts (non-directional antenna with an effective height of antenna above average terrain of 302.5 metres).

The applicant proposes a music-based service that would broadcast 117.5 hours of local programming each broadcast week. Programming would be broadcast in the English, Cree, Blackfoot, Dene and Nakoda/Sioux languages.

Edmonton market

Application 2016-0029-7

The station would operate at 89.3 MHz (channel 207C1) with an effective radiated power of 100,000 watts (non-directional antenna with an effective height of antenna above average terrain of 153.7 metres).

The applicant proposes a music-based service that would broadcast 120 hours of local programming each broadcast week. Programming would be broadcast in the English, Cree, Dene and Nakoda/Sioux languages.

The Commission may withdraw these applications from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the applications are technically acceptable.

Applicant's address:

13245-146 Street

Edmonton, Alberta

T5L 4S8

Email: carolr@ammsa.com

Website to view application: www.ammsa.com

Email to request electronic version of application: carolr@ammsa.com

3. VMS Media Group Ltd.

Calgary and Edmonton, Alberta

Applications 2016-0044-5 and 2016-0042-9

Applications by **VMS Media Group Ltd.** for broadcasting licences to operate Aboriginal and ethnic programming commercial specialty FM radio stations in Edmonton and Calgary.

Calgary market

Application 2016-0044-5

The station would operate at 88.1 MHz (channel 201C1) with an effective radiated power of 100,000 watts (non-directional antenna with an effective height of antenna above average terrain of 297.4 metres).

The applicant proposes to broadcast 88 hours of local programming each broadcast week.

Of the total programming broadcast during the broadcast week, at least 50% would be devoted to Aboriginal programming, up to 40% to ethnic programming and up to 10% to crosscultural programming.

Aboriginal programming would be broadcast in the Cree, Blackfoot, Ojibwe and Michif languages.

The applicant states that it would adhere to a condition of licence requiring it to broadcast, in each broadcast week, programming directed to at least 13 cultural groups in at least 3 different languages.

Applicant's address:

3545 32nd Avenue North East

Unit 838

Calgary, Alberta

T1Y 6M6

Email: ranjitsidhucalgary@gmail.com

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

Edmonton market

Application 2016-0042-9

The station would operate at 89.3 MHz (channel 207C1) with an effective radiated power of 100,000 watts (non-directional antenna with an effective height of antenna above average terrain of 192.8 metres).

The applicant proposes to broadcast 88 hours of local programming each broadcast week.

Of the total programming broadcast during the broadcast week, at least 50% would be devoted to Aboriginal programming, up to 40% to ethnic programming and up to 10% to crosscultural programming.

Aboriginal programming would be broadcast in the Cree, Blackfoot, Ojibwe and Michif languages.

The applicant states that it would adhere to a condition of licence requiring it to broadcast, in each broadcast week, programming directed to at least 13 cultural groups in at least 3 different languages.

The Commission may withdraw these applications from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the applications are technically acceptable.

Applicant's address:

3307 20th Street

Edmonton, Alberta

T6T 0C5

Email: radiosursagar@gmail.com

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

4. Northern Native Broadcasting (Terrace B.C.)

Vancouver, British Columbia

Application 2016-0013-0

Application by **Northern Native Broadcasting (Terrace B.C.)** for a broadcasting licence to operate an English- and Aboriginal-language Type B Native FM radio station in Vancouver.

The station would operate at 106.3 MHz (channel 292C) with an average effective radiated power (ERP) of 4,600 watts (maximum ERP of 9,000 watts with an effective height of antenna above average terrain of 605.4 metres).

The applicant proposes a music-based service that would broadcast 126 hours of local programming each broadcast week. Programming would be broadcast in the English, Salishan, Coast Salish and Halkomelem languages.

The Commission may withdraw these applications from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the applications are technically acceptable.

Applicant's address:

4562B Queensway Drive

Terrace, British Columbia

V8G 3X6

Fax: 250-638-8027

Email: cellis@cfnrfm.ca

Website to view application: www.cfnrfm.ca

Email to request electronic version of application: cellis@cfnrfm.ca

5. First Peoples Radio Inc.

Ottawa and Toronto, Ontario; Calgary and Edmonton, Alberta; and Vancouver, British Columbia

Applications 2016-0036-2, 2016-0033-8, 2016-0028-9, 2016-0031-2 and 2016-0027-1

Applications by **First Peoples Radio Inc.** for broadcasting licences to operate English- and Aboriginal-language Type B Native FM radio stations in Ottawa, Toronto, Calgary, Edmonton and Vancouver.

Ottawa market

Application 2016-0036-2

The station would operate at 95.7 MHz (channel 239B1) with an effective radiated power of 9,100 watts (non-directional antenna with an effective height of antenna above average terrain of 117.4 metres).

The applicant proposes a music-based service that would broadcast 89 hours and 15 minutes of local programming each broadcast week. Programming would be broadcast in the English, Cree, Unukitut and Ojibwe languages.

Toronto market

Application 2016-0033-8

The station would operate at 106.5 MHz (channel 293B1) with an average effective radiated power (ERP) of 984 watts (maximum ERP of 2,600 watts with an effective height of antenna above average terrain of 297.7 metres).

The applicant proposes a music-based service that would broadcast 89 hours and 15 minutes of local programming each broadcast week. Programming would be broadcast in the English, Ojibwe, Cree and Mohawk languages.

Calgary market

Application 2016-0028-9

The station would operate at 88.1 MHz (channel 201C) with an effective radiated power of 100,000 watts (non-directional antenna with an effective height of antenna above average terrain of 306.5 metres).

The applicant proposes a music-based service that would broadcast 89 hours and 15 minutes of local programming each broadcast week. Programming would be broadcast in the English, Blackfoot and Cree languages.

Edmonton market
Application 2016-0031-2

The station would operate at 89.3 MHz (channel 207C1) with an effective radiated power of 100,000 watts (non-directional antenna with an effective height of antenna above average terrain of 193.1 metres).

The applicant proposes a music-based service that would broadcast 89 hours and 15 minutes of local programming each broadcast week. Programming would be broadcast in the English and Cree languages.

Vancouver market
Application 2016-0027-1

The station would operate at 106.3 MHz (channel 292C) with an average effective radiated power (ERP) of 4,680 watts (maximum ERP of 9,000 watts with an effective height of antenna above average terrain of 598.5 metres).

The applicant proposes a music-based service that would broadcast 89 hours and 15 minutes of local programming each broadcast week. Programming would be broadcast in the English and Coast Salish languages.

The Commission may withdraw these applications from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the applications are technically acceptable.

Applicant's address:

339 Portage Avenue
 Winnipeg, Manitoba
 R3B 2C3

Email: jarose@aptn.ca

Website to view application: www.aptn.ca

6. TELUS Communications Company

Kamloops, Kelowna, Nanaimo, Penticton, Prince George, Terrace, Vancouver (including Lower Mainland, Fraser Valley, Whistler and surrounding areas), Vernon and Victoria, British Columbia; Calgary, Edmonton (including St. Albert, Sherwood Park, Spruce Grove and Stony Plain), Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer, Alberta; Rimouski, Saint-Georges, Sept-Îles, Baie-Comeau, Gaspé, Montmagny, Sainte-Marie, Mont-Tremblant and surrounding areas, Quebec; and across Canada

Application 2016-1132-7

Application by **TELUS Communications Inc. (TCI), and 1219723 Alberta ULC in partnership with TCI in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company** (collectively, TCC), for authority to effect a corporate reorganization within the

partnership. This would require the issuance of new broadcasting licences for TCC's terrestrial broadcasting distribution undertakings serving the above-noted localities and for its national pay-per-view and video-on-demand services.

TCC is requesting these new broadcasting licences in order to continue the operation of the undertakings and services under the same terms and conditions as those in effect under the current licences.

The Commission notes that this transaction is subsequent to a corporate reorganization resulting in the amalgamation of Emergis Inc. in TCI and involves a change at the partner's level of TELE-MOBILE Company.

The Commission further notes that the transaction does not appear to affect the control of the above-mentioned undertakings and services, which will continue to be exercised by TCI, a wholly owned subsidiary of TELUS Corporation, which is a widely held public corporation controlled by its board of directors.

Applicant's address:

215 Slater Street
8th Floor
Ottawa, Ontario
K1P 0A6

Email: Regulatory.Affairs@TELUS.com

Email to request electronic version of application: Regulatory.Affairs@TELUS.com

Procedure

Deadline for interventions, comments or answers

7 February 2017

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.

For applications to be considered during the appearing phase of the hearing, the intervention or answer must include one of the following statements in either the first or the last paragraph:

1. I request to appear at the public hearing.
2. I do not want to appear at the public hearing.

Parties are permitted to coordinate, organize and file, in a single submission, interventions by other interested persons who share their position but do not wish to appear at the hearing. 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 to be considered during the non-appearing phase of the hearing is brought to the 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 at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Secretary General

Related documents

- *CKAV-FM Toronto, CKAV-FM-2 Vancouver, CKAV-FM-3 Calgary, CKAV-FM-4 Edmonton and CKAV-FM-9 Ottawa – Revocation of licences*, Broadcasting Decision CRTC 2015-282, 25 June 2015
- *Call for radio applications to serve urban Aboriginal communities in Ottawa, Toronto, Calgary, Edmonton and Vancouver*, Broadcasting Notice of Consultation CRTC 2015-399, 26 August 2015
- *Introductory statement – Licensing new radio stations*, Decision CRTC 99-480, 28 October 1999