



## Broadcasting Notice of Consultation CRTC 2017-316

PDF version

Ottawa, 31 August 2017

### Notice of hearing

**27 November 2017**

**Toronto, Ontario**

**Deadline for submission of interventions/comments/answers: 2 October 2017**

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

The Commission will hold a hearing starting on **27 November 2017 at 9 a.m. at the Holiday Inn Toronto Yorkdale, 3450 Dufferin Street, Toronto, Ontario.**

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

The Commission will consider the following applications:

#### **Applicant/licensee and locality**

1. **Dufferin Communications Inc.**  
Grimsby/Beamsville, Ontario  
Application 2014-1355-9
2. **Durham Radio Inc.**  
Grimsby/Beamsville, Ontario  
Application 2017-0257-2
3. **Byrnes Communications Inc.**  
Grimsby/Beamsville, Ontario  
Application 2017-0261-3
4. **My Broadcasting Corporation**  
Georgina, Ontario  
Application 2015-0361-5
5. **Frank Torres, on behalf of a corporation to be incorporated**  
Georgina, Ontario  
Application 2017-0561-7
6. **Radio Markham York Incorporated, on behalf of a corporation to be incorporated**  
Georgina, Ontario  
Application 2017-0568-3

7. **TELUS Communications Inc.**  
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 and Red Deer, Alberta; Rimouski, Saint-Georges, Sept-Îles, Baie-Comeau, Gaspé, Montmagny, Sainte-Marie, Mont-Tremblant and surrounding areas, Quebec; and across Canada  
Applications 2017-0446-1 and 2017-0592-2
8. **Videotron Ltd.**  
Various locations in Quebec  
Application 2017-0613-6
9. **Byrnes Communications Inc.**  
Niagara Falls and Fort Erie, Ontario  
Application 2017-0445-3
10. **2044577 Alberta Ltd.**  
Strathmore, Alberta  
Application 2017-0478-4
11. **Kenneth Collin Brown**  
Barriere, British Columbia  
Application 2017-0437-0

### **Preamble for items 1 to 3**

*In Call for applications – Radio stations to serve Grimsby and Beamsville*, Broadcasting Notice of Consultation CRTC 2016-451, 10 November 2016 (Broadcasting Notice of Consultation 2016-451), the Commission called for applications for broadcasting licences for radio stations to serve Grimsby and Beamsville, Ontario. According to Broadcasting Notice of Consultation 2016-451, the application that is already before the Commission, which triggered the call for applications, can be updated.

In response to this notice of consultation, the Commission received three applications for broadcasting licences for English-language commercial FM radio stations to serve the Grimsby and Beamsville market. As the three applications propose the use of frequency 88.5 MHz and to serve the same market, they are technically mutually exclusive and will be considered together.

### **Preamble for items 4 to 6**

*In Call for applications – Radio stations to serve Georgina, Ontario*, Broadcasting Notice of Consultation CRTC 2017-100, 13 April 2017 (Broadcasting Notice of Consultation 2017-100), the Commission called for applications for broadcasting licences for radio stations to serve Georgina, Ontario. According to Broadcasting Notice of Consultation 2017-100, the application that is already before the Commission, which triggered the call for applications, can be updated.

In response to this notice of consultation, the Commission received three applications for broadcasting licences for English-language commercial FM radio stations to serve the Georgina market. Items 4 and 5 propose the use of frequency 93.7 MHz and are therefore technically mutually exclusive. As all three applications propose to serve the same market, they will be considered together.

### **Preamble for items 7 to 11**

The Commission intends to consider, subject to interventions, items 7 to 11 during the non-appearing phase of the hearing.

#### **1. Dufferin Communications Inc.**

Grimsby/Beamsville, Ontario  
Application 2014-1355-9

Application by **Dufferin Communications Inc.** for a broadcasting licence to operate an English-language commercial FM radio station in Grimsby/Beamsville.

The station would operate at 88.5 MHz (channel 203A) with an average effective radiated power (ERP) of 2,000 watts (maximum ERP of 4,000 watts with an effective height of antenna above average terrain of 6 metres).

The applicant proposes a Modern Easy Listening/Adult Contemporary 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:*

5312 Dundas Street West

Toronto, Ontario

M9B 1B3

Fax: 416-213-8617

Email: [carmela@evanovradio.com](mailto:carmela@evanovradio.com)

Web site to view the application: [www.evanovradio.com](http://www.evanovradio.com)

Email to request electronic version of application: [carmela@evanovradio.com](mailto:carmela@evanovradio.com)

#### **2. Durham Radio Inc.**

Grimsby/Beamsville, Ontario  
Application 2017-0257-2

Application by **Durham Radio Inc.** for a broadcasting licence to operate an English-language commercial FM radio station in Grimsby/Beamsville.

The station would operate at 88.5 MHz (channel 203A) with an average effective radiated power (ERP) of 2,000 watts (maximum ERP of 4,000 watts with an effective height of antenna above average terrain of 6 metres).

The applicant proposes a Classic Hits 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:*

207-1200 Airport Boulevard  
Oshawa, Ontario  
L1J 8P5

Fax: 905-571-1150

Email: [doug@kx96.fm](mailto:doug@kx96.fm)

Email to request electronic version of application: [steve@kx96.fm](mailto:steve@kx96.fm)

### **3. Byrnes Communications Inc.**

Grimsby/Beamsville, Ontario

Application 2017-0261-3

Application by **Byrnes Communications Inc.** for a broadcasting licence to operate an English-language commercial FM radio station in Grimsby/Beamsville.

The station would operate at 88.5 MHz (channel 203A) with an average effective radiated power (ERP) of 1,030 watts (maximum ERP of 3,000 watts with an effective height of antenna above average terrain of 121.5 metres).

The applicant proposes a Classic Hits 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:*

2289 Fairview Street  
Suite 317  
Burlington, Ontario  
L7R 2E3

Fax: 905-571-1150

Email: [chris@byrnesmedia.com](mailto:chris@byrnesmedia.com)

Email to request electronic version of application: [chris@byrnesmedia.com](mailto:chris@byrnesmedia.com)

### **4. My Broadcasting Corporation**

Georgina, Ontario

Application 2015-0361-5

Application by **My Broadcasting Corporation** for a broadcasting licence to operate an English-language commercial FM radio station in Georgina.

The station would operate at 93.7 MHz (channel 229A) with an average effective radiated power (ERP) of 1,553 watts (maximum ERP of 2,900 watts with an effective height of antenna above average terrain of 50.7 metres).

The applicant proposes an Adult Contemporary / Gold music blend 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:*

321B Raglan Street South

Renfrew, Ontario

K7V 4H4

Fax: 613-432-1086

Email: [andrew@mbcmedia.ca](mailto:andrew@mbcmedia.ca)

Email to request electronic version of application: [georgina@mbcmedia.ca](mailto:georgina@mbcmedia.ca)

**5. Frank Torres, on behalf of a corporation to be incorporated**

Georgina, Ontario

Application 2017-0561-7

Application by **Frank Torres, on behalf of a corporation to be incorporated** for a broadcasting licence to operate an English-language commercial FM radio station in Georgina.

The station would operate at 93.7 MHz (channel 229B) with an average effective radiated power (ERP) of 6,780 watts (maximum ERP of 26,000 watts with an effective height of antenna above average terrain of 56.1 metres).

The applicant proposes a Classic Hits 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:*

95 Royal Crest Court

Unit 23B

Markham, Ontario

L3R 0E2

Email: [etorres@skywords.com](mailto:etorres@skywords.com)

Email to request electronic version of application: [etorres@skywords.com](mailto:etorres@skywords.com)

**6. Radio Markham York Incorporated, on behalf of a corporation to be incorporated**

Georgina, Ontario  
Application 2017-0568-3

Application by **Radio Markham York Incorporated, on behalf of a corporation to be incorporated** for a broadcasting licence to operate an English-language commercial FM radio station in Georgina.

The station would operate at 94.5 MHz (channel 233B1) with an average effective radiated power (ERP) of 4,340 watts (maximum ERP of 9,000 watts with an effective height of antenna above average terrain of 53 metres).

The applicant proposes an Adult Contemporary 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:*

1160 Tapscott Road  
Units 2 and 3  
Toronto, Ontario  
M1X 1E9

Email: [pipbola@rogers.com](mailto:pipbola@rogers.com)

Email to request electronic version of application: [pipbola@rogers.com](mailto:pipbola@rogers.com)

**7. TELUS Communications Inc.**

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 and Red Deer, Alberta; Rimouski, Saint-Georges, Sept-Îles, Baie-Comeau, Gaspé, Montmagny, Sainte-Marie, Mont-Tremblant and surrounding areas, Quebec; and across Canada  
Applications 2017-0446-1 and 2017-0592-2

Applications by **TELUS Communications Inc.** (TCI), on its own behalf and on behalf of licensed subsidiaries, for authority to effect a multi-step corporate reorganization.

TCI and 1219723 Alberta ULC (AlbertaCo) in partnership with TCI in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (TCC), is the licensee of terrestrial broadcasting distribution undertakings serving the above-noted localities, a national video-on-demand service and an unlaunched pay-per-view service.

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

**First step, application 2017-0446-1**

The partnership interests of TELE-MOBILE Company would be portioned between TCI and AlbertaCo. The applicant is requesting new broadcasting licences for TCI and AlbertaCo, partners in a general partnership carrying on business as TCC, to continue the operation of the above licensed undertakings under the same terms and conditions as those in effect under their current licences.

**Second step, application 2017-0592-2**

AlbertaCo would be wound-up into TCI. As a result, TCC would cease to exist. The applicant is requesting new broadcasting licences for TCI to continue the operation of the above licensed undertakings under the same terms and conditions as those in effect under their current licences.

Following the closing of the proposed transaction, the effective control of the above-mentioned undertakings would 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  
8<sup>th</sup> Floor  
Ottawa, Ontario  
K1P 0A6

Email: [Regulatory.Affairs@TELUS.com](mailto:Regulatory.Affairs@TELUS.com)

Email to request electronic version of application: [Regulatory.Affairs@TELUS.com](mailto:Regulatory.Affairs@TELUS.com)

**8. Videotron Ltd.**

Various locations in Quebec  
Application 2017-0613-6

Application by **Videotron Ltd.** (the applicant), for authority to acquire the assets of Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P., as part of a two-step corporate reorganization.

Videotron G.P. is the licensee of the terrestrial broadcasting distribution undertakings serving Montréal, Montréal West, Terrebonne, Québec, Gatineau, Saguenay, Granby and Sherbrooke. It is also the licensee of the on-demand services Canal Indigo and Illico sur demande.

Videotron Ltd. is also requesting new licences to continue to operate the undertakings under the same terms and conditions as those in effect under the current licences.

The applicant would remain liable, for the services of which it would become the licensee, for any potential issues related to Videotron G.P.'s compliance with its regulatory obligations. It also agrees that all the decisions that will be taken as part of *Renewal of the broadcasting licences for terrestrial broadcasting distribution undertakings that will expire in May 2018*, Broadcasting Notice of Consultation CRTC 2017-160, 18 May 2017, and all related conditions of licence will apply *mutatis mutandis* to Videotron Ltd.'s new licences.

Videotron Ltd. is owned by Quebecor Media Inc., which is effectively controlled by Mr. Pierre Karl Péladeau.

The transaction would not affect the effective control of the stations, which would continue to be exercised by Mr. Pierre Karl Péladeau.

The proposed transaction would occur in two steps.

First, 9227-2590 Québec inc. would be wound up in Videotron Ltd. As such, Videotron Ltd. would own all the units of Videotron G.P.

Second, Videotron G.P. would be dissolved and wound up in Videotron Ltd., which would become the licensee of the above-mentioned services.

*Applicant's address:*

612 Saint-Jacques Street West  
Montréal, Quebec  
H3C 4M8

Fax: 514-380-4664

Email: [reglementaires@quebecor.com](mailto:reglementaires@quebecor.com)

Email to request electronic version of application: [reglementaires@quebecor.com](mailto:reglementaires@quebecor.com)

#### **9. Byrnes Communications Inc.**

Niagara Falls and Fort Erie, Ontario

Application 2017-0445-3

Application by **Byrnes Communications Inc.** (Byrnes) for authority to acquire from Vista Radio Ltd. the assets of the English-language commercial radio stations CJED-FM Niagara Falls and CFLZ-FM Fort Erie.

Byrnes is also requesting new broadcasting licences to continue the operation of the stations under the same terms and conditions as those in effect under the current licences.

Byrnes is wholly owned and controlled by Christopher Byrnes.

Pursuant to the Purchase and Sale Agreement, the applicant would purchase the assets of the undertaking for \$800,000.

Byrnes requested to be exempted from the requirement to pay tangible benefits.



Following the closing of the proposed transaction, Byrnes would become the licensee of CJED-FM and CFLZ-FM.

*Applicant's address:*

2289 Fairview Street  
Suite 317  
Burlington, Ontario  
L7R 2E3

Fax: 905-332-7779

Email: [chris@byrnesmedia.com](mailto:chris@byrnesmedia.com)

Email to request electronic version of application: [chris@byrnesmedia.com](mailto:chris@byrnesmedia.com)

**10. 2044577 Alberta Ltd.**

Strathmore, Alberta

Application 2017-0478-4

Application by **2044577 Alberta Ltd.** (2044577) for authority to acquire from Clear Sky Radio Inc. (Clear Sky) the assets of the unlaunched English-language commercial radio station CKOV-FM Strathmore.

2044577 is also requesting a new broadcasting licence to operate the unlaunched station under the same terms and conditions as those set out in the decision granting it the authority. This station is not yet in operation, and the Commission has not issued a licence for this station because the requirements for its issuance have not yet been met. Should this application be approved, the applicant would need to meet the requirements for the issuance of a licence set out in the decision.

2044577 would be owned by Clear Sky (75%) and Golden West Broadcasting Ltd. (25%), and would be jointly controlled by Paul Larsen and Mary McKinnon Mills.

As a result, the transaction would not affect the effective control of the unlaunched English-language commercial radio station CKOV-FM, which would continue to be exercised by Paul Larsen and Mary McKinnon Mills.

*Applicant's address:*

400-220 Third Avenue South  
Lethbridge, Alberta  
T1J 0G9

Email: [paul@clearskyradio.com](mailto:paul@clearskyradio.com)

Email to request electronic version of application: [paul@clearskyradio.com](mailto:paul@clearskyradio.com)

**11. Kenneth Collin Brown**

Barriere, British Columbia  
Application 2017-0437-0

Application by **Kenneth Collin Brown** (the applicant) for authority to acquire from Stephen Guay the assets of the low-power, English-language commercial radio station CHLW-FM Barriere.

The applicant is also requesting a new broadcasting licence to continue the operation of the station under the same terms and conditions as those in effect under the current licence.

Following the proposed transaction, Kenneth Collin Brown would become the licensee of CHLW-FM.

Pursuant to the Agreement of Sale, Kenneth Collin Brown would purchase the assets of the station for \$20,000.

Commission records show that the licensee is in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* relating to the late filing of annual returns for the 2014-2015 and 2015-2016 broadcast years, as well as the missing financial statement for the 2013-2014 broadcast year.

The circumstances of the station's apparent non-compliances will be examined in the context of the present application.

*Applicant's address:*

4577 Barriere Town Road  
P.O. Box 33  
Barriere, British Columbia  
V0E 1E0  
Fax: 250-672-9904  
Email: [barriere.radio@outlook.com](mailto:barriere.radio@outlook.com)  
Email to request electronic version of application: [barriere.radio@outlook.com](mailto:barriere.radio@outlook.com)

## **Procedure**

### **Deadline for interventions, comments or answers**

**2 October 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](http://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](http://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](http://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