



Broadcasting Notice of Consultation CRTC 2018-424

PDF version

Ottawa, 16 November 2018

Public record: 1011-NOC2018-0424

Notice of hearing

20 February 2019

Québec, Quebec

Deadline for submission of interventions/comments/answers: 17 December 2018

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

The Commission will hold a hearing public beginning on **20 February 2019 at 9 a.m., at a location to be determined at a later date.**

The Commission will consider the following applications:

Applicant/Licensee and locality

1. **Leclerc Communication inc.**
Québec and Montréal, Quebec
Applications 2018-0772-8 and 2018-0778-6

Applications by **Leclerc Communication inc.** (Leclerc) for authority to acquire from RNC Media Inc. (RNC) the assets of the French-language commercial radio stations CHOI-FM Québec and CKLX-FM Montréal, and to obtain new broadcasting licences to continue the operation of these stations.

Leclerc, a corporation controlled by Jacques Leclerc, operates the stations CFEL-FM and CJEC-FM in the Québec market.

RNC is controlled by Pierre R. Brosseau and Jean-Yves Gourd.

Leclerc proposes to change CKLX-FM's format from a specialty spoken word format exclusively focused on sports to a musical format (combining Alternative pop/Triple A/Hot AC musical formats).

The applicant stated that the acquisition of the stations is conditional upon the Commission's approval of the proposed format change.

Pursuant to the asset purchase agreement, Leclerc would purchase most of the assets of the undertakings for \$19,000,000. The applicant proposed a value of the transaction of \$19,405,444, which includes the leases assumed by the purchaser, and a tangible benefits package of \$1,164,326, which is equal to 6% of the value of the transaction.

Common Ownership Policy

The Commission's Common Ownership Policy, as set out in *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998 and reaffirmed in *Regulatory policy - Diversity of voices*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008 and *Revised guidelines for the application of the Common Ownership Policy for Radio*, Broadcasting Information Bulletin CRTC 2010-341, 4 June 2010, states that in markets with eight commercial radio stations or more operating in a particular language, a person may be permitted to own or control as many as two AM and two FM radio stations in that language. Leclerc is requesting an exception to the Common Ownership Policy for permission to own and control CHOI-FM, which would be the third French-language FM radio station that it would own in the Québec market.

Following the closing of the transaction, Leclerc would become the licensee of the French-language commercial radio stations CHOI-FM and CKLX-FM.

Call for comments on market capacity and the appropriateness of issuing a call for radio applications to serve Québec, Portneuf and Sainte-Marie, Quebec

In Broadcasting Notices of Consultation 2016-160, 2016-160-1, 2016-160-2, 2018-260, 2018-260-1, 2018-261 and 2018-261-1, the Commission called for comments on market capacity and the appropriateness of issuing a call for radio applications to serve Québec, Portneuf and Sainte-Marie, Quebec. These proceedings, which are now closed for comments, are being considered by the Commission. Interested parties may consult the public examination file for these proceedings for information that they may find useful in preparing their comments.

Additional documents may be added to the public record associated with the applications under consideration following the issuance of this notice of consultation. Interested persons should therefore consult the public record regularly.

Applicant's address:

815 Lebourgneuf Boulevard

Québec, Quebec

G2J 0C1

Fax: 418-682-8430

Email: demande@leclerccommunication.ca

Email to request electronic version of applications: demande@leclerccommunication.ca

Procedure

Deadline for interventions, comments or answers

17 December 2018

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 filing, or where required, service 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 or served. The Commission advises parties who file or 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.

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, fax, 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 fax 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 "Have your say!" section, 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 TTY: 1-877-909-2782

Secretary General