



## Broadcasting Notice of Consultation CRTC 2018-434

PDF version

Ottawa, 26 November 2018

*Public record: 1011-NOC2018-0434*

### Notice of applications received

**Deadline for submission of interventions/comments/answers: 18 January 2019**

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

The Commission has received the following applications:

#### Applicant/Licensee and locality

##### **0971197 B.C. Ltd.**

Vancouver, British Columbia

Applications 2018-0527-7 and 2018-0784-3

Applications by **0971197 B.C. Ltd.** for authority to change its ownership and effective control through the transfer of all of its issued and outstanding shares to South Fraser Broadcasting Inc. (South Fraser).

The applicant is the licensee of the English-language commercial specialty radio station CIRH-FM Vancouver. In *Licensing of new radio stations to serve Surrey and Vancouver*, Broadcasting Decision CRTC 2014-412, 6 August 2014 (Broadcasting Decision 2014-412), the Commission granted the licence following a competitive process. The licence will expire 31 August 2020.

0971197 B.C. Ltd. is a corporation owned by a group of shareholders and controlled by its board of directors.

South Fraser is a Corporation that is wholly owned and controlled by Sukhvinder Singh Badh. It operates the English-language commercial radio station CISF-FM Surrey. Following the closing of the transaction, the effective control of CIRH-FM would be exercised by Sukhvinder Singh Badh.

CIRH-FM is in its first licence term and launched on 28 October 2015. The applicant indicated that the station ceased broadcasting on 6 May 2018 as the shareholders could no longer support it financially.

The applicant requests to amend condition of licence 4, which reads as follows:

4. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986*, in any broadcast week:
  - devote, in that broadcast week, a minimum of 50% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
  - devote, between 6:00 a.m. and 6:00 p.m., in the period from Monday to Friday of the same broadcast week, a minimum of 50% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

with the following:

4. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986*, in any broadcast week:
  - devote, in that broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety; and
  - devote, between 6:00 a.m. and 6:00 p.m., in the period from Monday to Friday of the same broadcast week, a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

The applicant further requests to delete condition of licence 5, which reads as follows:

5. The licensee shall, as an exception to the percentage of Canadian musical selections set out in section 2.2(3) of the *Radio Regulations, 1986*, as amended from time to time, devote, in each broadcast week, a minimum of 50% of its musical selections from content category 3 (Special Interest Music) to Canadian selections and schedule them in a reasonable manner throughout each broadcast day.

The applicant also requests authorization to delay the payment of the arrears involving the over-and-above Canadian content development (CCD) contributions to the second year of its operation of the station.

Pursuant to the purchase agreement, South Fraser would purchase the shares of the licensee for \$600,000. The applicant proposed a value of the transaction of \$958,000 and requests to be exempted from the obligation to pay a tangible benefits package.

According to Commission records, 0971197 B.C. Ltd. is in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* relating to the filing of annual returns by no later than 30 November of each year, for the 2015-2016 and 2016-2017 broadcast years, as well as with condition of licence 6 set out in Appendix 3 to Broadcasting

Decision 2014-412 relating to the additional CCD contributions imposed for the 2015-2016 and 2016-2017 broadcast years.

The applicant indicates that the amendment application (2018-0784-3) is non-severable from the transaction application (2018-0527-7), also to be considered in this proceeding.

*Applicant's address:*

244 Poplar Point Drive  
Kelowna, British Columbia  
V1Y 1Y1

Fax: 604-231-9717

Email: [rickjpushor@gmail.com](mailto:rickjpushor@gmail.com)

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

## **Procedure**

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

**18 January 2019**

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](#)." *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 answer from a respondent must be received by the Commission and by 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 should 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.

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.

### **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](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 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](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 "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