



## Broadcasting Notice of Consultation CRTC 2019-72

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Ottawa, 12 March 2019

*Public record: 1011-NOC2019-0072*

### Notice of hearing

**16 May 2019**

**Gatineau, Quebec**

**Deadline for submission of interventions/comments/answers: 11 April 2019**

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

The Commission will hold a hearing on **16 May 2019 at 11 a.m., at the Commission Headquarters, 1 Promenade du Portage, Gatineau, Quebec**. The Commission intends to consider the following applications, subject to interventions, without the appearance of the parties:

#### **Applicant/Licensee and locality**

1. **Michel Lambert, on behalf of a corporation to be incorporated**  
Saint-Raymond-de-Portneuf, Quebec  
Application 2016-1149-2
2. **10679313 Canada inc.**  
Sainte-Marie, Quebec  
Application 2016-1223-4
3. **Stingray Radio Inc. / Radio Stingray inc.**  
Drumheller, Alberta  
Application 2019-0071-2
4. **Sirius XM Canada Inc.**  
Across Canada  
Application 2017-0835-6
5. **Société CKRP Radio Rivière-la-Paix**  
Falher, Alberta  
Application 2018-1064-8

**1. Michel Lambert, on behalf of a corporation to be incorporated**

Saint-Raymond-de-Portneuf, Quebec  
Application 2016-1149-2

Application by **Michel Lambert, on behalf of a corporation to be incorporated** for a broadcasting licence to operate a French-language commercial FM radio station in Saint-Raymond-de-Portneuf.

The station would operate at 88.7 MHz (channel 204B1) with an average effective radiated power (ERP) of 7,164 watts (maximum ERP of 12,000 watts with an effective height of antenna above average terrain of 138.4 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 20 days prior to the hearing, that the application is technically acceptable.

*Applicant's address:*

8685 Jean-Paul-Sartre Avenue  
Québec, Quebec  
G1G 5A9  
Email: [mi.lambert@bell.net](mailto:mi.lambert@bell.net)

**2. 10679313 Canada inc.**

Sainte-Marie, Quebec  
Application 2016-1223-4

Application by **10679313 Canada inc.** for a broadcasting licence to operate a French-language commercial FM radio station in Sainte-Marie.

The station would operate at 105.3 MHz (channel 287A) with an average effective radiated power (ERP) of 1,159 watts (maximum ERP of 4,500 watts with an effective height of antenna above average terrain of 89.3 metres).

The applicant proposes a country and folk music format.

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

*Applicant's address:*

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Montréal, Quebec  
H2T 3B3  
Fax: 514-846-1227  
Email: [schamberland@arsenalmedia.com](mailto:schamberland@arsenalmedia.com)  
Email to request electronic version of application: [serge.bellerose55@gmail.com](mailto:serge.bellerose55@gmail.com)

### 3. **Stingray Radio Inc. / Radio Stingray inc.**

Drumheller, Alberta  
Application 2019-0071-2

Application by **Stingray Radio Inc. / Radio Stingray inc.** (Stingray) for authority to acquire from Golden West Broadcasting Limited (Golden West) the assets of the English-language commercial radio station CHOO-FM Drumheller.

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

Stingray is a widely held Canadian public company effectively controlled by Eric Boyko, pursuant to the Nomination Rights Agreement and the Voting Trust Agreement.

Golden West is effectively controlled by Elmer Hildebrand.

Pursuant to the Asset Purchase and Sale Agreement, Stingray would purchase the assets of the undertaking for \$1,600,000. The applicant proposed a value of the transaction of \$1,699,560 and a tangible benefits package of \$101,974, which is equal to 6% of the value of the transaction.

Following the closing of the transaction, Stingray would become the licensee of CHOO-FM Drumheller.

*Applicant's address:*

730 Wellington Street  
Montréal, Quebec  
H3C 1T4

Fax: 514-664-1143

Email: [shudon@stingray.com](mailto:shudon@stingray.com)

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

### 4. **Sirius XM Canada Inc.**

Across Canada  
Application 2017-0835-6

Application by **Sirius XM Canada Inc.** (Sirius XM) to renew the broadcasting licence for the national satellite subscription radio programming undertakings Sirius Canada and XM Canada, expiring 31 August 2019.<sup>1</sup>

Sirius XM requested to amend its conditions of licence 6 and 13 set out in *Sirius Canada and XM Canada - Licence renewal*, Broadcasting Decision CRTC 2012-629, 16 November 2012.

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<sup>1</sup> The broadcasting licence for Sirius Canada and XM Canada was administratively renewed from 1 September 2018 to 31 August 2019 in *Administrative renewals*, Broadcasting Decision CRTC 2018-305, 22 August 2018.

Specifically, Sirius XM is requesting to replace its current condition of licence 6, which reads as follows:

6. Between 6 a.m. and midnight each week, the licensee shall devote at least 25% of the musical selections broadcast on each Canadian music channel to new Canadian musical selections and at least 40% of the musical selections broadcast to Canadian selections by emerging English- and French-language Canadian artists, as defined in paragraphs 5 and 9 of *Definition of emerging Canadian artists on commercial radio*, Broadcasting Regulatory Policy CRTC 2011-316, 12 May 2011, as amended from time to time.

For the purposes of this condition of licence, a “new Canadian musical selection” is a Canadian selection, as defined in section 2.2(2) of the *Radio Regulations, 1986*, that has been released in the 6 months prior to the date that the musical selection is broadcast. The Eastern Time zone will be used for purposes of determining compliance with this condition of licence.

Sirius XM proposes to replace the aforementioned condition of licence with the following:

6. a) Between 6 a.m. and midnight each week, the licensee shall devote at least 25% of the musical selections broadcast on each Canadian music channel to new Canadian musical selections and at least 40% of the musical selections broadcast to Canadian selections by emerging English- and French-language Canadian artists.
- b) For the purposes of this condition of licence, a “new Canadian musical selection” is a Canadian selection that has been released in the 18 months prior to the date that the musical selection is broadcast.
- c) For the purposes of this condition of licence, an “emerging English Canadian artist” is an artist who has not yet achieved “Gold” record sales according to SoundScan or has not reached a position on the Nielsen Canada Top 200 Billboard Album Chart or a position in the Top 20 on the Nielsen Emerging Chart. The artist would retain the status of emerging English Canadian artist until a period of 48 months have passed from the date in which the artist has achieved the position on the charts noted herein.
- d) For the purposes of this condition of licence “an emerging French Canadian artist” is an artist who has never previously achieved “Gold” record sales according to SoundScan. An artist would retain the status of emerging French Canadian artist for a period of 48 months from the date in which the artist reaches a top 200 position on the SoundScan chart, and after the artist has two Top 10 positions on the ADISQ digital sales chart.
- e) For the purposes of paragraphs (c) and (d) of this condition of licence, an “artist” includes duos, trios or groups of artists operating under a defined identity. If a member of a duo, trio, or group begins with a new defined identity, the solo

artist or duo, trio or group shall be considered an “emerging artist” according to the above criteria.

Additionally, Sirius XM is requesting to replace its current condition of licence 13, which reads as follows:

- 13 (a) During each broadcast year, the licensee shall contribute a minimum of 4% of gross revenues from its satellite subscription radio undertakings reported in its annual returns for the previous broadcast year to eligible initiatives for the development of Canadian content development (CCD).
- (b) During each broadcast year of the licence term, the licensee shall allocate its contribution under (a) above as follows:
- no less than 20% to FACTOR;
  - no less than 10% to MUSICACTION;
  - no less than 5% to the Community Radio Fund of Canada; and
  - the remainder to other eligible initiatives (discretionary contribution).
- (c) No more than 5% of the discretionary contribution during any broadcast year shall be devoted to expenses and salaries for CCD coordination staff (i.e. the Ambassador/l’Ambassadeur pour la musique canadienne).
- (d) At least 45% of the licensee’s discretionary contribution shall be allocated to initiatives for the development of Canadian French-language content, and no less than 45% shall be allocated to initiatives for the development of Canadian English-language content.

For purposes of this condition of licence, “eligible initiatives” shall have the meaning set out in section 15(1) of the *Radio Regulations, 1986*, as amended from time to time.

Sirius XM proposes to replace the aforementioned condition of licence with the following condition of licence:

13. (a) During each broadcast year, the licensee shall contribute the minimum percentage, as set out in the table below, of gross revenues from its satellite subscription radio undertakings reported in its annual returns for the previous broadcast year to eligible initiatives for the development of Canadian content development (CCD).

Year 1:	2.5%
Year 2:	1.5%
Years 3-7:	0.5%

- (b) During each broadcast year of the licence term, the licensee shall allocate its contribution under (a) above as follows:

**Year 1:**

- 20% to FACTOR
- 10% to MUSICACTION
- 5% to the Community Radio Fund of Canada
- 1% to the Canada Media Fund for allocation to the Aboriginal Program; and
- The remainder to other eligible initiatives (discretionary contribution).

**Year 2:**

- 20% to FACTOR
- 10% to MUSICACTION
- 5% to the Community Radio Fund of Canada
- 3% to the Canada Media Fund for allocation to the Aboriginal Program; and
- The remainder to other eligible initiatives (discretionary contribution).

**Years 3 to 7:**

- 50% to FACTOR
- 30% to MUSICACTION
- 15% to the Community Radio Fund of Canada
- 5% to the Canada Media Fund for allocation to the Aboriginal Program.

Commission records indicate that Sirius XM is in apparent non-compliance with its condition of licence related to Canadian content development (CCD) for the 2014-2015, 2015-2016 and 2016-2017 broadcast years. In a Commission letter dated 5 April 2017, the Commission found Sirius XM in non-compliance with its CCD condition of licence 13(a) for the 2013-2014 broadcast year. In addition, the Commission is currently in the process of auditing Sirius XM's CCD contributions for the 2014-2015 broadcast year to determine its compliance with its CCD condition of licence for that year. The Commission intends to issue a decision in relation to this audit separately from this proceeding. However, that decision will be added to the record of this proceeding, and the results will be taken into account in evaluating the licensee's performance over its current licence term.

In *Sirius Canada and XM Canada – Licence renewal*, Broadcasting Decision CRTC 2012-629, 16 November 2012, the Commission renewed the licence for Sirius Canada and XM Canada for a term of six years due in part to the licensee's non-compliance with its CCD (formerly Canadian talent development) condition of licence.

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Email: [oliver.jaakkola@siriusxm.ca](mailto:oliver.jaakkola@siriusxm.ca)

Website to view application: [www.siriusxm.ca](http://www.siriusxm.ca)

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## 5. **Société CKRP Radio Rivière-la-Paix**

Falher, Alberta

Application 2018-1064-8

Application by **Société CKRP Radio Rivière-la-Paix** (Société CKRP) for authority to acquire from l' Association canadienne-française de l' Alberta - Régionale de Rivière-la-Paix (ACFA) the assets of the French-language community radio station CKRP-FM Falher and its transmitters CKRP-FM-1 Nampa and CKRP-FM-2 Peace River.

Société CKRP is also requesting a new broadcasting licence to continue the operation of the undertaking under the same terms and conditions as those in effect under the current licence.

Société CKRP is a not-for-profit corporation controlled by its board of directors.

Pursuant to the letter of intent dated 6 January 2019, the assets of the undertaking would be transferred to Société CKRP.

Commission records indicate that ACFA, the current licensee of CKRP-FM, is in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* relating to the filing of complete annual returns by no later than 30 November of each year for the 2015-2016, 2016-2017 and 2017-2018 broadcast years.

These instances of apparent non-compliance will be examined in the context of the present application and in accordance with the Commission's approach set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014.

Following the closing of the transaction, Société CKRP would become the licensee of CKRP-FM Falher and its transmitters.

*Applicant's address:*

P.O. Box 573

Falher, Alberta

TOH 1MO

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

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

## **Procedure**

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

**11 April 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, 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.

Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. 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.

In the event that an application is brought to an 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, 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