



Broadcasting Notice of Consultation CRTC 2020-262

PDF version

Ottawa, 13 August 2020

Public record: 1011-NOC2020-0262

Notice of hearing

13 October 2020
Gatineau, Quebec

Deadline for submission of interventions/comments/answers: 10 September 2020

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

The Commission will hold a hearing on **13 October 2020 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. Quebecor Media Inc., on behalf of TVA Group Inc.**
Montréal, Quebec
Application 2020-0401-8
- 2. International Harvesters for Christ Evangelistic Association Inc.**
Scarborough, Ontario
Application 2018-0024-3
- 3. Akash Broadcasting Inc.**
Edmonton, Alberta
Application 2020-0281-4
- 4. Radius Holdings Inc.**
Kelowna, British Columbia
Application 2020-0373-9

- 1. Quebecor Media Inc., on behalf of TVA Group Inc.**
Montréal, Quebec
Application 2020-0401-8

Application by **Quebecor Media Inc., on behalf of TVA Group Inc.** (TVA), for authority to acquire the assets of the French-language discretionary television services Évasion and Zeste from Canal Évasion inc. and Zeste Diffusion inc., respectively, as part of a corporate reorganisation.

The applicant is also requesting new broadcasting licences to continue the operation of *Évasion* and *Zeste* under the same terms and conditions as those in effect under the current licences.

In its response to a request for information, TVA stated that it had no objection to being held responsible, by condition of licence, for any finding of non-compliance on the part of *Zeste* with the requirement to broadcast Canadian content in the event that such non-compliance is found as part of *Zeste*'s next licence renewal.

In the same response, TVA also stated that it had no objection to being held responsible, by condition of licence, for any finding of non-compliance on the part of *Évasion* or *Zeste* with their regulatory obligations, as of 2 May 2019, date in which the Commission amended the licences for these services in *Zeste and Évasion – Change in ownership and effective control – Receipt of documents and licence amendments*, Broadcasting Decision CRTC 2019-126, 2 May 2019.

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

Following the closing of the transaction, TVA would become the licensee of *Évasion* and *Zeste*.

Applicant's address:

1600 de Maisonneuve Blvd. East
Montréal, Quebec
H2L 4P2

Fax: 514-380-4664

Email: reglementaires@quebecor.com

Email to request electronic version of application: reglementaires@quebecor.com

2. International Harvesters for Christ Evangelistic Association Inc.

Scarborough, Ontario

Application 2018-0024-3

Application by **International Harvesters for Christ Evangelistic Association Inc.** for a broadcasting licence to operate an English-language specialty (Christian music) FM radio station in Scarborough.

The station would operate at 105.3 MHz (channel 287A1) with an average effective radiated power (ERP) of 89 watts (directional antenna, maximum ERP of 150 watts with an effective height of antenna above average terrain of 90.7 metres).

The applicant proposes to broadcast 126 hours of programming per broadcast week, of which 84 hours would be devoted to local programming.

The applicant also proposes to devote at least 95% of all musical selections broadcast during each broadcast week to content subcategory 35 (Non-classic religious) musical selections.

This application is published as part of this non-appearing hearing pursuant to the Commission's determination in *Findings regarding market capacity and the appropriateness of issuing a call for radio applications to serve the Scarborough radio market*, Broadcasting Decision CRTC 2020-203, 26 June 2020.

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:

645 Pinewood Road
 Unit 4
 Riverview, New Brunswick
 E1B 5R6
 Fax: 506-872-2234
 Email: jeff@jefflutes.com
 Website to view application: www.harvesters.fm
 Email to request electronic version of application: jeff@jefflutes.com

3. Akash Broadcasting Inc.

Edmonton, Alberta
 Application 2020-0281-4

Application by **Akash Broadcasting Inc.** (Akash) for authority to acquire from Rogers Media Inc. (Rogers) the assets of the ethnic commercial radio station CKER-FM Edmonton.

Akash 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.

Akash is a corporation owned by Herkiranjeet Kaur Mann (80%) and Tejinderpaul Singh Saini (20%). Herkiranjeet Kaur Mann exercises effective control of Akash.

Rogers is wholly owned and controlled by Rogers Communications Inc.

Pursuant to the letter agreement between Akash and Rogers dated 6 April 2020, Akash would purchase the assets of the undertaking for \$6,466,470. The applicant proposed a value of the transaction of \$6,777,153, which includes the cost of leases assumed by the purchaser. Akash has requested an exemption from the application of the tangible benefits policy due to the economic impact following the declaration of the COVID-19 pandemic.

Following the closing of the transaction, Akash would become the licensee of CKER-FM Edmonton.

Applicant's address:

13376 Comber Way
Surrey, British Columbia
V3W 5V9

Fax: 604-507-8443

Email: tejinder@connectfm.ca

Email to request electronic version of application: tejinder@connectfm.ca

4. Radius Holdings Inc.

Kelowna, British Columbia

Application 2020-0373-9

Application by **Radius Holdings Inc.** (Radius) for authority to acquire from Grant Thornton Limited (Grant Thornton), in its capacity as trustee in the bankruptcy of Avenue Radio Ltd. (Avenue), the assets of the English-language commercial radio station CKOO-FM Kelowna.

Radius 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.

Radius is a corporation wholly owned by The Paul Larsen Family Trust. Paul Larsen, the sole Trustee of The Paul Larsen Family Trust, exercises effective control of Radius.

Avenue is wholly owned by Early Frost Investments Ltd., which in turn is wholly owned and controlled by Nicholas J. Frost. Avenue declared bankruptcy on 31 March 2020 and Grant Thornton was appointed trustee.

Pursuant to the Confidential Information Memorandum between Radius and Grant Thornton, dated 13 May 2020, Radius would purchase the assets of the undertaking for \$500,000. Since the assets are being purchased out of bankruptcy, all leases have been terminated and therefore, the applicant proposed a value of the transaction of \$500,000. Radius did not propose any tangible benefits and has requested an exception from the tangible benefits policy.

Following the closing of the transaction, Radius would become the licensee of CKOO-FM Kelowna.

Applicant's address:

7-2070 Harvey Avenue
Unit #140
Kelowna, British Columbia
V1Y 8P8

Email: paul@radiusholdings.ca

Email to request electronic version of application: paul@radiusholdings.ca

Procedure

Deadline for interventions, comments or answers

10 September 2020

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 to be considered during the non-appearing phase of the hearing 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.

Although the public hearing will be held in **Gatineau, Quebec**, the Commission will consider providing videoconference links to enable remote participation (audio or video), should it receive requests to do so.

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 "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment". 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