



## Broadcasting Notice of Consultation CRTC 2020-332

PDF version

Ottawa, 10 September 2020

*Public record: 1011-NOC2020-0332*

### Notice of application received

**Deadline for submission of interventions/comments/answers: 13 October 2020**

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

The Commission has received the following application:

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

**Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership, on behalf of Merritt Broadcasting Ltd.**  
Merritt, British Columbia  
Application 2020-0173-3

Application by **Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership (Pattison), on behalf of Merritt Broadcasting Ltd. (MBL)**, for authority to effect a change in the ownership and effective control of MBL, under the same terms and conditions as those in effect under the current licence of the radio station CKMQ-FM Merritt. The transaction would be effected by the transfer of all of the issued and outstanding shares of MBL to Jim Pattison Industries Ltd.

MBL is the licensee of CKMQ-FM, the sole English-language commercial radio station in the Merritt market.

MBL is a corporation owned and controlled in its entirety by Elizabeth Laird.

Jim Pattison Industries Ltd., Jim Pattison Broadcast Group Ltd., and Jim Pattison Broadcast Group Limited Partnership are all controlled by James A. Pattison.

Pursuant to the share purchase agreement, the purchase price for the shares of MBL is \$550,000. The applicant proposed a value of the transaction of \$678,030, which includes working capital to be transferred at closing and a lease assumed by the purchaser. The applicant also proposed a tangible benefits package of \$40,682, which is equal to 6% of the value of the transaction.

Following the closing of the transaction, the effective control of CKMQ-FM would be exercised by James A. Pattison.

## **Common Ownership Policy considerations**

The Commission's Common Ownership Policy (COP) is 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.

The COP's objectives are to ensure plurality of ownership within the private commercial element of radio broadcasting (diversity of editorial voices) and to maintain a balance of competition between radio broadcasters in any particular market.

The COP states that in markets with fewer than eight commercial radio stations operating in a particular language, a person may be permitted to own or control as many as three radio stations, with a maximum of two stations in any one frequency band. The Commission generally considers rebroadcasting transmitters as part of the COP calculation. In addition, the COP specifies that when the population in the station's overlapping area constitutes 15% or more of the population of that market, the Commission will, as a general rule, deny the applications for an exception to the COP.

CKMQ-FM is the sole local radio service that offers local programming to the Merritt community. Pattison owns and controls two FM rebroadcasting transmitters in the Merritt market, CIFM-FM-3 and CKBZ-FM-3, which rebroadcast programming originating from its Kamloops, British Columbia, stations, CIFM-FM and CKBZ-FM, respectively.

Should the Commission approve the application, Pattison would own a third FM presence in the Merritt market, and the population in the overlapping area between these three FM presences would constitute over 80% of the market's population.

Pattison is of the view that the COP should not apply in this instance, because it is not the primary contours of CIFM-FM nor CKBZ-FM that overlap with CKMQ-FM, but the contours of its rebroadcasting transmitters CIFM-FM-3 and CKBZ-FM-3.

Pattison indicated that it would accept additional conditions of licence requiring CKMQ-FM to maintain its studios in Merritt, to provide a minimal level of local programming (one-third of the programming aired in each broadcast week) and to maintain a distinct and separate musical format from what is already provided by CIFM-FM-3 and CKBZ-FM-3. Pattison also indicated that it would reluctantly accept to shut down its rebroadcasting transmitter CKBZ-FM-3 to comply with the COP.

The Commission reminds the applicant that any non-compliance issues will be dealt with in the context of the radio station's next licence renewal.

*Applicant's address:*

460 Pemberton Terrace  
Kamloops, British Columbia  
V2C 1T5  
Fax: 250-374-0445

Email: [rod.schween@jpbg.ca](mailto:rod.schween@jpbg.ca)

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

## **Procedure**

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

**13 October 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, 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 version of the application is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by selecting the application number within this notice. It is also available from the applicant, either on his website or upon request by contacting the applicant at his email address, 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 "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