



Broadcasting Notice of Consultation CRTC 2020-396

PDF version

Ottawa, 9 December 2020

Public record: 1011-NOC2020-0396

Notice of hearing

25 February 2021
Gatineau, Quebec

Deadline for submission of interventions/comments/answers: 27 January 2021

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

The Commission will hold a hearing on **25 February 2021 at 11:00 a.m., at the Commission Headquarters, 1 Promenade du Portage, Gatineau, Quebec**. The Commission intends to consider the following application, subject to interventions, without the appearance of the parties:

Applicant/Licensee and Locality

1. **Acadia Broadcasting Limited**
Halifax, Nova Scotia
Application 2020-0569-4

Application by **Acadia Broadcasting Limited** (Acadia) for authority to acquire from HFX Broadcasting Inc. (HFX) the assets of the English-language commercial FM radio stations CKHZ-FM and CKHY-FM Halifax.

Following the surrender of the licences currently in effect, Acadia is requesting that two new broadcasting licences be issued in order to continue the operation of the undertakings. In addition, Acadia requests the deletion of the following conditions of licence:

For CKHZ-FM:

- 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* (the Regulations), the licensee shall devote to Canadian selections broadcast in their entirety:
 - a) at least 40% of its musical selections from content category 2 (Popular Music) in each broadcast week; and
 - b) at least 40% of its musical selections from content category 2 between 6 a.m. and 6 p.m. in any period beginning on Monday of a week and ending on Friday.

For CKHY-FM:

- The licensee shall, as an exception to the percentage of Canadian musical selections set out in section 2.2(8) of the Regulations, as amended from time to time, 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 and schedule them in a reasonable manner throughout each broadcast day.
- The licensee shall, in any broadcast week, devote a minimum of 10% of all musical selections broadcast to musical selections drawn from content category 3 (Special Interest Music).

Acadia is a corporation owned by Black-Tip Investments Limited (50%) and Rosa Rugosa Investments Limited (50%) and its effective control is jointly exercised by John K. F. Irving and Anne C. I. Oxley.

HFX is a corporation owned by Evanov Communications Inc. (80%), Carmela Laurignano (10%) and Kymberly Joseph (10%). HFX is ultimately controlled by the Estate Trustees of the Estate of Vasil (William) Evanov.

Pursuant to the Asset Purchase and Sale Agreement, Acadia would purchase the assets of the undertakings for \$4,500,000. Acadia did not propose any tangible benefits and has requested an exception from the application of the tangible benefits policy due to the financial performance of the stations.

Commission records indicate that, for the current licence term, the licensee of CKHY-FM is in apparent non-compliance with condition of licence 2, as set out in Appendix 4 to *Various commercial radio stations – Licence renewals*, Broadcasting Decision CRTC 2016-286, 22 July 2016, which requires the licensee to devote a minimum of 40% of its musical selections from content category 2 (Popular Music) to Canadian selections in each broadcast week.

Any 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.

Should the Commission find the licensee in non-compliance, this would be the second consecutive licence term in which the licensee will have been found in non-compliance with regulatory requirements for CKHY-FM.

Following the closing of the transaction, Acadia would become the licensee of CKHZ-FM and CKHY-FM Halifax.

Applicant's address:

58 King Street, 3rd Floor
 Saint John, New Brunswick
 E2L 1G4

Email: pearson.chris@radioabl.ca

Email to request electronic version of application: pearson.chris@radioabl.ca

Procedure

Deadline for interventions, comments or answers

27 January 2021

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.

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

An electronic version of the application is available on the Commission's website at 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 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