



# Broadcasting Notice of Consultation CRTC 2021-376-1

PDF version

Reference: 2021-376

Ottawa, 22 December 2021

*Public record: 1011-NOC2021-0376*

## Call for comments on market capacity to serve Rouyn-Noranda, Quebec, and call for applications to serve Rouyn-Noranda, Quebec – Suspension of deadlines

The Commission **approves** in part the procedural request submitted by Bellerose media-conseil inc., representing 10679313 Canada Inc. Specifically, the Commission approves the request to delay the intervention deadlines for Broadcasting Notice of Consultation 2021-376, but **denies** the request to return to the process set out in Broadcasting Regulatory Policy 2014-554.

Accordingly, the Commission **suspends** all deadlines for the proceeding until further notice.

### Procedural request

1. On 12 November 2021, the Commission published Broadcasting Notice of Consultation 2021-376, in which it sought comments on market capacity and called for radio applications to serve Rouyn-Noranda, Quebec.
2. On 24 November 2021, the Commission received a procedural request from Bellerose média-conseil inc. (Bellerose), representing 10679313 Canada Inc., operating as Arsenal Media (Arsenal), requesting that the Commission
  - delay the intervention deadlines for Broadcasting Notice of Consultation 2021-376 until two months after the Commission issues its decision in relation to application 2021-0297-9 filed by Arsenal to acquire the assets of the French-language commercial radio stations CHGO-FM Val-d'Or, CHOA-FM Rouyn-Noranda and its rebroadcasting transmitters CHOA-FM-1 Val-d'Or and CHOA-FM-2 La Sarre, and CJGO-FM La Sarre and rebroadcasting transmitter CJGO-FM-1 Rouyn-Noranda from Cogeco Media Inc. (Cogeco) (the Transaction);
  - return to the process set out in Broadcasting Regulatory Policy 2014-554 and not issue a call for applications until such time as the Commission has made a determination on market capacity.

## **Transaction application**

3. In accordance with Broadcasting Notice of Consultation 2021-337, the Commission announced that it would hold a hearing on 6 December 2021 to examine the Transaction. The Transaction is now under consideration and a decision will be released in due course.

## **Interventions and reply**

4. The Commission received two interventions in support of the procedural request and one intervention in opposition. Bellerose replied to the intervention in opposition.
5. As a party to the Transaction, Cogeco supported Bellerose's procedural request, stating that it shared the same concerns as Arsenal. Bell Media Inc., the licensee of CJMM-FM Rouyn-Noranda and its rebroadcasting transmitter CJMM-FM-1 La Sarre, also supported the procedural request and argued that the Commission should consider the impact that the Transaction would have on the competitive environment in Rouyn-Noranda.
6. Josyane Cossette, one of the applicants for a new station in Rouyn-Noranda, submitted an intervention in opposition to the request. The intervener submitted that the treatment of its application has already been delayed and that no truly local radio service currently serves Rouyn-Noranda. Josyane Cossette added that the best way to ensure the production of local programming is to have a local service.
7. In reply to Josyane Cossette's intervention, Bellerose argued that it is also in her interest to know who will be part of the radio market before submitting her comments regarding Broadcasting Notice of Consultation 2021-376. Bellerose further argued that the delays should have been expected given that her request was submitted about three months into the COVID-19 pandemic.

## **Issues**

8. After examining this procedural request, the Commission considers that it must address the following issues:
  - whether to delay deadlines established in Broadcasting Notice of Consultation 2021-376; and
  - whether to return to the process established in Broadcasting Regulatory Policy 2014-554.

## **Request to delay deadlines**

9. While the two processes established in broadcasting notices of consultation 2021-337 and 2021-376 are separate and will be considered on their own merits, the decision on the Transaction may influence certain parties' decision to comment on market capacity or submit an application for a new station to serve the Rouyn-Noranda market.

10. The Commission acknowledges that approving this request will delay the consideration of the applications noted in Broadcasting Notice of Consultation 2021-376. However, the Commission considers that the arguments put forward in the procedural request to postpone the deadlines are valid. Specifically, postponing the deadline will enable the parties to have a more complete understanding of the market and of the players in that market prior to submitting comments or filing applications for a new station to serve that market.
11. In light of the above, the Commission finds it appropriate to suspend the deadlines for submitting comments and replies, as well as the deadline for submitting applications for a licence to operate a radio station in Rouyn-Noranda.

**Request to revert to the process established in Broadcasting Regulatory Policy 2014-554**

12. Since the publication of Broadcasting Regulatory Policy 2014-554, the Commission has generally made a determination on a given market's capacity prior to issuing a call for applications. However, the decision to deviate from that regulatory policy in this process was a matter specifically considered by the Commission. Due consideration for predictability in the Commission processes was outweighed by the need to consider and treat the applications subject to Broadcasting Notice of Consultation 2021-376 as expeditiously as possible.
13. Other than the costs associated with preparing an application for a new station, Arsenal did not provide any rationale justifying the treatment of the applications in accordance with Broadcasting Regulatory Policy 2014-554.
14. In light the above, the Commission denies the request to revert to the process established in Broadcasting Regulatory Policy 2014-554.

**Conclusion**

15. In light of all of the above, the Commission **suspends** the deadlines for submitting comments and replies, as well as the deadline for submitting applications for a licence to operate a new radio station to serve Rouyn-Noranda until further notice. Revised deadlines will be established after the publication of the decision relating to the Transaction.
16. The Commission **denies** the request to revert to the process established in Broadcasting Regulatory Policy 2014-554. The Commission considers that the suspension of the deadlines will enable the parties to take note of the Commission's decision on the Transaction. With this information, the parties can decide whether they wish to participate in Broadcasting Notice of Consultation 2021-376 and will not otherwise be prejudiced by the streamlined process.

Secretary General

## Related documents

- *Call for comments on market capacity to serve Rouyn-Noranda, Quebec, and call for applications to serve Rouyn-Noranda, Quebec*, Broadcasting Notice of Consultation CRTC 2021-376, 12 November 2021
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2021-337, 5 October 2021
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014