



Broadcasting Notice of Public Hearing CRTC 2006-7-2

Ottawa, 20 July 2006

Further to its Broadcasting Notices of Public Hearing CRTC 2006-7 and CRTC 2006-7-1, dated 13 and 19 July 2006, relating to a Public Hearing which will be held on 11 September 2006 at 9:00 a.m. at the Commission Headquarters, 1 Promenade du Portage, Gatineau, Quebec, the Commission announces the following:

THE PUBLIC HEARING WILL NOW TAKE PLACE ON 11 SEPTEMBER 2006 AT 9:30 A.M. AT THE CONVENTION CENTRE, 1000 RENÉ-LÉVESQUE BOULEVARD EAST, QUÉBEC, QUEBEC, TO CONSIDER THE APPLICATIONS LISTED ON BROADCASTING NOTICE OF PUBLIC HEARING CRTC 2006-7, IN ADDITION TO THE APPLICATION INDICATED BELOW. THE DEADLINE FOR SUBMISSION OF INTERVENTIONS/COMMENTS FOR THE FOLLOWING APPLICATION ONLY IS 21 AUGUST 2006.

Item Applicant and Locality

33. **Radio Nord Communications inc.**
Québec, Quebec

33. **Québec, Quebec**
Application No. 2006-0576-9

PREAMBLE

In Broadcasting Decision CRTC 2004-271, 13 July 2004 (Decision 2004-271), the Commission denied the application submitted by Genex Communications inc. (Genex) to renew the licence of its French-language commercial radio station, CHOI-FM Québec, Quebec operating on the 98.1 MHz frequency.

At the same time as it released Decision 2004-271, the Commission issued Broadcasting Public Notice CRTC [2004-49](#) (the call), calling for applications for broadcasting licences to carry on a French-language radio programming undertaking to serve Québec, Quebec.

On 26 August 2004, the Federal Court of Appeal (FCA) gave permission to Genex to continue operating CHOI-FM under the same terms and conditions as under its then current licence, and ordered the Commission to stay the call for applications for a broadcasting licence in Québec City, as it relates to applications proposing the use of the 98.1 MHz frequency. The stay was applicable until the FCA's final judgement on the merits in the matter of the appeal filed by Genex from Decision 2004-271.

On 14 September 2005, the Commission issued Broadcasting Public Notice CRTC 2004-49-1, to limit the call to applications that proposed to use frequencies other than the 98.1 MHz.

Applications received in response to the Public Notice 2004-49, as amended, were heard following Broadcasting Notice of Public Hearing CRTC 2006-2, 19 January 2006, at the 20 March 2006 public hearing in Québec City. The Commission's decisions relating to this hearing will be published no later than 10 August 2006.

On 1 September 2005, the FCA dismissed the appeal by Genex and upheld the Decision 2004-271.

On 23 September 2005, the FCA extended the time for Genex to continue operating CHOI-FM under the same terms and conditions as under its previous licence, and extended its order to stay the call for applications for the 98.1 MHz frequency, until such time as the Supreme Court of Canada renders a decision on an application to be filed by Genex for leave to appeal from the FCA's decision of 1 September 2005.

On 31 October 2005, Genex submitted an application to the Supreme Court of Canada for leave to appeal the FCA's decision of 1 September 2005.

On 13 June 2006, Genex filed a motion with the Supreme Court of Canada seeking a 1-year adjournment of its consideration of Genex's application for leave to appeal. Genex stated that it had entered into an agreement with Radio Nord Communications inc. (RNCI), under which RNCI would apply for a new licence to continue the operations of CHOI-FM; that RNCI had in fact filed such an application with the Commission; and that a certain period of time was required in order that the application be dealt with at a public hearing.

On 29 June 2006, the Supreme Court of Canada agreed to adjourn its consideration of Genex's application for leave to appeal until 31 May 2007.

THE APPLICATION

Application by **Radio Nord Communications inc.** for a licence to operate a French-language FM commercial radio programming undertaking in Québec.

The new station would operate on the 98.1 MHz frequency (channel 251C1) with an average effective radiated power of 40,000 watts (maximum effective radiated power of 40,000 watts/antenna height of 429 metres).

The applicant proposes a rock alternative music format. For the first seven years of operation, the station will contribute \$1,056,000 to direct initiatives for the development of Canadian talent.

In addition, the applicant also indicates that Genex will contribute, as part of its transaction with RCNI, an equivalent amount to direct Canadian talent development initiatives.

Consistent with its normal practice, the Commission will consider all interventions filed with respect to the present application.

Applicant's address:

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H3B 2B5
Fax: 514-866-8056
E-Mail: rbriere@radionord.com

Examination of application:

1134, Grande-Allée West
Suite 301
Québec, Quebec

[\[Broadcasting intervention/comments form\]](#)

THE COMMISSION INTENDS TO CONSIDER ITEM 33 DURING THE APPEARANCE PHASE OF THE PUBLIC HEARING ON 11 SEPTEMBER 2006, AND ITEMS 1 TO 32 DURING THE NON-APPEARANCE PHASE OF THE PUBLIC HEARING, SUBJECT TO INTERVENTIONS.

Public Participation

Deadline for interventions/comments

21 August 2006

The intervention must be received by the CRTC and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays.

The intervention must include one of the following statements in either the first or the last paragraph:

- 1 - I request to appear at the public hearing.
- 2 - I do not want to appear at the public hearing.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

**by using the
*Broadcasting Intervention/Comments Form***

located below the description of each application within this notice of public hearing

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy **must** be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your proposal.

In the event that the application is brought to the oral phase of the hearing, and if you wish to appear, you must provide reasons why your written comments are not sufficient and why an appearance is necessary.

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

Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

Documents received electronically or otherwise will be put on the Commission's web site in their entirety exactly as you send them, 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 personal information you 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.

Examination of documents

An electronic version of applications is available from the Commission's web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

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Secretary General

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>