



## Broadcasting Public Notice CRTC 2006-120

Ottawa, 13 September 2006

*The Commission has received the following applications. The deadline for submission of interventions/comments is **18 October 2006**.*

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

### Item Applicant and locality

1. **Canadian Satellite Radio Inc.**  
Across Canada
2. **Seaside Communications Inc.**  
Glace Bay and surrounding areas, Nova Scotia
3. **K-Rock 1057 Inc.**  
Kingston, Ontario

### 1. **Across Canada** **Application No. 2006-0300-5**

Application by **Canadian Satellite Radio Inc.** relating to its satellite subscription radio service operating under the name XM Radio Canada.

The licensee proposes to amend its condition of licence relating to Canadian Talent Development which reads:

7. (a) During each broadcast year, the licensee shall contribute a minimum of 5% of gross revenues from its satellite subscription radio undertaking to eligible third parties directly connected to the development of Canadian musical and other artistic talent or other initiatives approved by the Commission. For purposes of this condition of licence, "eligible third parties" shall have the definition set out in *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC [1995-196](#), 17 November 1995, as amended from time to time by the Commission.

with the following condition:

7. (a) The licensee shall contribute a minimum of 5% of gross revenues from its satellite subscription radio undertaking to eligible third parties directly

connected to the development of Canadian musical and other artistic talent or other initiatives approved by the Commission. For purposes of this condition of licence, "eligible third parties" shall have the definition set out in *Contributions by radio stations to Canadian talent development – A new approach*, Public Notice CRTC [1995-196](#), 17 November 1995, as amended from time to time by the Commission.

Furthermore, the licensee has requested the following conditions of licence:

1. In each year, Canadian Satellite Radio be permitted to contribute more than 5% of gross subscription revenues towards its Canadian Talent Development as approved by the Commission.
2. Any overpayment (i.e. Payment of more than 5% of gross subscription revenues in a given year) of Canadian Talent Development funds in a given year shall be applied towards the entire CTD contribution over the license term so that by the end of that term, Canadian Satellite Radio shall have to contribute no more than 5% of gross subscription revenue towards Canadian Talent Development.
3. That "a given year" reflect the August 31 year end and not the service's launch date, to prevent further confusion.

The applicant has stated that it wishes to make contributions to Canadian Talent Development (CTD) earlier in the six-year licence term. The applicant also states that it is not seeking a reduction in the total amount to be contributed to CTD but would like to be eligible to make overpayments earlier in the licence term that would be considered as part of the 5% overall gross revenue/contribution. The applicant argues that this flexibility will allow it to "enhance (its) ability to support Canadian artists."

The applicant contends that "in the first 1-3 years as (they) build (their) revenues, the amount of (their) contributions" will be small and the intended recipients may not receive financial support for several years. The applicant says that the intended recipients have applied to the applicant to request an amended condition of licence to permit the above.

*Licensee's address:*

Canada Trust Tower, BCE Place  
Canadian Satellite Radio  
Suite 2300  
161 Bay Street  
Toronto, Ontario  
M5J 2S1  
Fax: 416-408-6005  
E-Mail: [Stewart.lyons@xmradio.ca](mailto:Stewart.lyons@xmradio.ca)

*Examination of application:*

At the licensee's address

2. **Glace Bay and surrounding areas, Nova Scotia**  
**Application No. 2006-1032-0**

Application by **Seaside Communications Inc.** to amend the licence of its cable distribution undertaking serving Glace Bay and surrounding areas.

The licensee proposes to add the following condition of licence:

The licensee may, at its option, insert certain promotional material as a substitute for the "local availabilities" (i.e. that is non-Canadian advertising material) of non-Canadian satellite services. At least 75% of these local availabilities must be made available for use by licensed Canadian programming services for the promotion of their respective services, for the promotion of the community channel and for unpaid Canadian public service announcements. A maximum of 25% of the local availabilities may be made available for the promotion of discretionary programming services and packages, customer service information, channel realignments, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services.

This proposal is consistent with the Commission's new policy for the use of local availabilities as set out in *Promotion of non-programming services using local availabilities*, Broadcasting Public Notice CRTC 2006-69, 2 June 2006.

*Licensee's address:*

1318 Grand Lake Road  
P.O. Box 4558  
Reserve Mines, Nova Scotia  
B1E 1L2  
Fax: 902-539-2597  
E-Mail: [rmccaffrey@seaside.ns.ca](mailto:rmccaffrey@seaside.ns.ca)

*Examination of application:*

At the licensee's address

3. **Kingston, Ontario**  
**Application No. 2005-1576-0**

Application by **K-Rock 1057 Inc.** to renew the licence of the English-language FM commercial radio programming undertaking CIKR-FM Kingston, expiring 31 December 2006.

The licensee proposes to replace the following condition of licence related to Canadian talent development which reads:

(...) that it contribute a minimum of \$3,000 each year to FACTOR. It shall also allocate an additional amount of \$25,000 in each of the first five years of operation, and \$27,500 in each of the following two years, to support live performances in Kingston by Canadian artists. Further, should the amount expended in any year in supporting these live performances fall short of the amount earmarked for that purpose and noted above, the shortfall shall be contributed to FACTOR.

With the following condition of licence:

That the licensee contribute a total of \$30,500 annually in Canadian talent development which will include \$3,000 to FACTOR.

*Licensee's address:*

K-Rock 1057 Inc.  
 863 Princess Street, Suite 301  
 Kingston, Ontario  
 K7L 5N4  
 Fax: 613-549-5302  
 E-Mail: [jpwright@krock1057.ca](mailto:jpwright@krock1057.ca)

*Examination of application:*

At the applicant's address

## **Public Participation**

### **Deadline for Interventions/Comments**

**18 October 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.

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

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.

### **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](http://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.

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec K1A 0N2  
Tel: 819-997-2429  
Toll free Telephone: 1-877-249-2782  
Toll-free TDD: 1-877-909-2782  
Fax: 819-994-0218

Metropolitan Place  
99 Wyse Road, Suite 1410  
Dartmouth, Nova Scotia B3A 4S5  
Tel: 902-426-7997  
Fax: 902-426-2721

205 Viger Avenue West  
Suite 504  
Montréal, Quebec H2Z 1G2  
Tel: 514-283-6607

55 St. Clair Avenue East, Suite 624  
Toronto, Ontario M4T 1M2  
Tel: 416-952-9096

Kensington Building  
275 Portage Avenue, Suite 1810  
Winnipeg, Manitoba R3B 2B3  
Tel: 204-983-6306 – TDD: 204-983-8274  
Fax: 204-983-6317

Cornwall Professional Building  
2125 – 11<sup>th</sup> Avenue, Room 103  
Regina, Saskatchewan S4P 3X3  
Tel: 306-780-3422

10405 Jasper Avenue, Suite 520  
Edmonton, Alberta T5J 3N4  
Tel: 780-495-3224

530-580 Hornby Street  
Vancouver, British Columbia V6C 3B6  
Tel: 604-666-2111 – TDD: 604-666-0778  
Fax: 604-666-8322

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>