



## Broadcasting Notice of Public Hearing CRTC 2008-9

Ottawa, 17 July 2008

### Notice of consultation and hearing

**24 September 2008**

**Gatineau, Quebec**

**Deadline for submission of interventions/comments: 21 August 2008**

The Commission will hold a public hearing commencing on **24 September 2008 at 9:30 a.m., at the Commission Headquarters, 1 Promenade du Portage, Gatineau, Quebec.** The Commission intends to consider the following applications, subject to interventions, without the appearance of the parties:

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

#### Item Applicant and Locality

1. **The Fight Network Inc.**  
Across Canada  
Application No. 2008-0637-5
2. **CTV Limited**  
Across Canada  
Application No. 2008-0641-6
3. **Le5 Communications Inc.**  
Across Canada  
Application No. 2008-0737-3
4. **Clovys Communications Inc.**  
Across Canada  
Application No. 2008-0748-0
5. **VidéOptique Inc.**  
Drummond, St-Hyacinthe, Arthabaska, Érable, Upton, St-Victor, St-Éphrem,  
Notre-Dame-du-Bon-Conseil, Saint-Perpétue, Sainte-Brigitte, Sainte-Clotilde and  
Sainte-Séraphine, Quebec  
Application No. 2008-0677-1
6. **Rogers Broadcasting Limited**  
Toronto, Ontario  
Application No. 2008-0540-1
7. **Northwoods Broadcasting Limited**  
Fort Frances, Kenora, Dryden, Sioux Lookout, Ignace, Hudson, Atikokan, Red Lake  
and Ear Falls, Ontario  
Application No. 2008-0768-8

8. **Access Communications Co-operative Limited**  
Province of Saskatchewan  
Application No. 2008-0602-8
9. **3937844 Canada Inc., a subsidiary of Newcap Inc.**  
Wainwright, Alberta  
Application No. 2008-0545-0
10. **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**  
Vernon and Enderby, British Columbia  
Application No. 2008-0558-3

1. **Across Canada**  
**Application No. 2008-0637-5**

Application by **The Fight Network Inc.**, for a licence to operate a national French-language Category 2 specialty television programming undertaking to be known as Le Réseau des Combats.

The applicant proposes that the service be devoted to the broadcast of fights, live or archived, news, interviews and analysis, movies and variety shows.

The applicant proposes to offer programming from the following categories: 1, 2(a), 2(b), 3, 5(b), 6(a), 6(b), 7(a), 7(c), 7(d), 7(e), 7(g), 9, 10, 11, 12, 13 and 14 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant proposes the following condition of licence:

That no more than 20% of all programming broadcast during the broadcast year shall be drawn from program category 7.

The applicant indicated that it intends to offer high definition programming content on the proposed specialty service.

*Applicant's address:*

488 Wellington Street West  
3<sup>rd</sup> floor  
Toronto, Ontario  
M5V 1E3  
Fax: 416-348-9418  
E-Mail: [gburger@thefightnetwork.com](mailto:gburger@thefightnetwork.com)

*Examination of application:*

At the applicant's address, and

Heenan Blaikie LLP  
1250 René-Lévesque Boulevard West  
Suite 2500  
Montréal, Quebec

2. **Across Canada**  
**Application No. 2008-0641-6**

Application by **CTV Limited** (CTV), to acquire the assets of the analog specialty service programming undertakings known as MuchMusic and MuchMoreMusic, of the category 1 specialty service programming undertaking known as Razer, and of the category 2 specialty service programming undertakings known as MuchLoud, MuchMoreRetro, MuchVibe and PunchMuch, from 4358350 Canada Inc., a wholly-owned subsidiary of CTV, through the wind-up of 4358350 Canada Inc. into CTV.

The applicant is also requesting new licences to continue the operation of the undertakings under the same terms and conditions as those in effect under the current licences.

CTV is the parent corporation of 4358350 Canada Inc., licensee of the above-referenced English-language specialty service programming undertakings.

Following completion of the transaction, CTV would become the licensee of the above-referenced specialty service programming undertakings.

The above transaction would not affect the effective control of MuchMusic, MuchMoreMusic, Razer, MuchLoud, MuchMoreRetro, MuchVibe and PunchMuch which would continue to be exercised by CTV.

*Applicant's address:*

299 Queen Street West  
Toronto, Ontario  
M5V 2Z5  
Fax: 416-332-5000  
E-Mail: [dspodek@ctv.ca](mailto:dspodek@ctv.ca)

*Examination of application:*

At the applicant's address

3. **Across Canada**  
**Application No. 2008-0737-3**

Application by **Le5 Communications Inc.** (Le5), to acquire the assets of the commercial radio programming undertakings CHYC-FM Sudbury and of CHYK-FM Timmins and its transmitters CHYX-FM Kapuskasing and CHYK-FM-3 Hearst, from The Haliburton Broadcasting Group Inc. (Haliburton).

The applicant is also requesting new licences to continue the operation of the undertakings under the same terms and conditions as those in effect under the current licences.

Following completion of the transaction, Le5, a corporation owned and controlled by Mr. Paul Lefebvre, would become the licensee of the broadcasting undertakings listed above.

The purchase price for the assets, based on the Asset Purchase and Sale Agreement, is \$425,000. The applicant has not proposed a tangible benefits package.

*Applicant's address:*

233 Brady Street  
 Suite 400  
 Sudbury, Ontario  
 P3B 4H5  
 Fax: 705-674-9948  
 E-Mail: [palainle5@hotmail.com](mailto:palainle5@hotmail.com)

*Examination of application:*

At the applicant's address

4. **Across Canada**  
**Application No. 2008-0748-0**

Application by **Clovys Media Corporation** for a licence to operate a national French-language Category 2 specialty television programming undertaking to be known as Chaîne Ethnoculturelle Clovys Entertainment Channel.

The applicant states that the programming will consist of a French-language music video service specialising in urban music and black culture:

- Urban music (hip-hop, rap, rhythm and blues, soul, reggae)
- World music (Zouk, Raï, soca, calypso, compa, bossa nova)
- Latin music (reggaeton, merengue, salsa, bachata)

The applicant proposes to offer programming from the following categories: 2(b), 3, 7(c), 7(d), 7(f), 8(a), 8(b), 8(c) and 11 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant stated that no less than 65% of its programs would come from categories 8(b) and 8(c).

*Applicant's address:*

3275 Prieur Street East  
 Montréal, Quebec  
 H1H 2K4  
 Fax: 514-303-9775  
 E-Mail: [info@clovys.com](mailto:info@clovys.com)

*Examination of application:*

At the applicant's address

5. **Drummond, St-Hyacinthe, Arthabaska, Érable, Upton, St-Victor, St-Éphrem, Notre-Dame-du-Bon-Conseil, Saint-Perpétue, Sainte-Brigitte, Sainte-Clotilde and Sainte-Séraphine, Quebec**  
**Application No. 2008-0677-1**

Application by **VidéOptique Inc.**, for a licence to operate a regional video-on-demand programming undertaking.

The applicant proposes to offer programming that will consist primarily of feature films but may also include other types of programming such as drama and comedy, animated television programs and films and general entertainment and human interest.

The applicant also indicates that the programming will be predominantly in the French-language.

*Applicant's address:*

916 St-Pierre Street  
 Drummondville, Quebec  
 J2C 3Y2  
 Fax: 819-358-5710  
 E-Mail: [rrroy@ivictelcom.com](mailto:rrroy@ivictelcom.com)

*Examination of application:*

At the applicant's address, and

La Compagnie de Téléphone de St-Victor  
264 St-Joseph Street  
St-Victor, Quebec

La Compagnie de Téléphone Upton  
732 St-Ephrem Street  
Upton, Quebec

Téléphone Warwick  
3 du Centre sportif Street  
Warwick, Quebec

Le Téléphone de St-Éphrem inc.  
31 Bureau Street  
St-Éphrem, Quebec

Télé-Int-Tel inc.  
5025 Marquette Street  
St-Hyacinthe, Quebec

Télé-Int-Tel inc.  
360b Notre Dame Street  
Notre-Dame-du-Bon-Conseil, Quebec

6. **Toronto, Ontario**  
**Application No. 2008-0540-1**

Application by **Rogers Broadcasting Limited**, for a licence to operate a regional English-language Category 2 specialty television programming undertaking to be known as CITY News (Toronto).

The applicant states that most of its programming will be sourced from its local television – OMNI and Citytv stations - and radio news properties. The programming will consist of a mix of local news, traffic, weather, business, sports and entertainment information devoted exclusively to residents in the Greater Toronto and commuting areas.

The applicant proposes to offer programming from the following categories: 1, 2(a), 2(b), 3, 5(b), 6(a), 6(b), 8(a), 11, 12, 13, and 14 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant also proposes that approximately 5% of CITY News (Toronto) total schedule will be drawn from the following categories: 2(b), 3, 5(b), 6, 8(a), 12, 13 and 14.

The applicant proposes not to broadcast any live events.

Further, the applicant is seeking to broadcast a mix of local, regional and national advertising. The applicant proposes the following condition of licence to that effect:

The applicant shall not distribute during each clock hour more than twelve (12) minutes of advertising material.

*Applicant's address:*

333 Bloor Street East  
6<sup>th</sup> Floor  
Toronto, Ontario  
M4W 1G9  
Fax: 416-935-8203  
E-Mail: [susan.wheeler@rci.rogers.com](mailto:susan.wheeler@rci.rogers.com)

*Examination of application:*

At the applicant's address

**7. Fort Frances, Kenora, Dryden, Sioux Lookout, Ignace, Hudson, Atikokan, Red Lake and Ear Falls, Ontario  
Application No. 2008-0768-8**

Application by **Northwoods Broadcasting Limited** (Northwoods), to acquire the assets of the radio programming undertakings CFOB-FM Fort Frances, CJRL-FM Kenora, CKDR-FM Dryden, CKDR-2-FM Sioux Lookout and its transmitters CKDR-1 Ignace, CKDR-3 Hudson and CKDR-6 Atikokan and CKDR-5-FM Red Lake and its transmitter CKDR-4 Ear Falls, Ontario, from Fawcett Broadcasting Limited (Fawcett), a wholly-owned subsidiary of Northwoods, through the wind-up of Fawcett into Northwoods.

The applicant is also requesting new licences to continue the operation of the undertakings under the same terms and conditions as those in effect under the current licences.

Northwoods is the parent corporation of Fawcett, licensee of the above-referenced radio programming undertakings.

Following completion of the transaction, Northwoods would become the licensee of the above-referenced radio programming undertakings.

The above transaction would not affect the effective control of the undertakings which would continue to be exercised by John E. Irving.

*Applicant's address:*

58 King Street  
 Saint-John, New Brunswick  
 E2L 4K1  
 Fax: 506-202-7578  
 E-Mail: [macmullin.jim@radioabl.ca](mailto:macmullin.jim@radioabl.ca)

*Examination of application:*

210 Scott Street  
 Fort Frances, Ontario

128 Main Street South  
 Kenora, Ontario

122 King Street  
 Dryden, Ontario

2 Fifth Street  
 Balmertown, Ontario

8. **Province of Saskatchewan**  
**Application No. 2008-0602-8**

Application by **Access Communications Co-operative Limited**, for a licence to operate a regional video-on-demand programming undertaking to serve the province of Saskatchewan.

The applicant proposes to offer programming that will consist primarily of feature films but may also include other types of programming such as comedy, documentaries, animation, music, sports and adult programming.

The applicant also indicates that while the programming will be predominantly in the English-language, approximately 5% of all the programming offered will be in the French-language.

In order to provide community programming produced by the applicant's community channel on the VOD service, it proposes to add a condition of licence that would allow it, as an exception to the *Pay Television Regulations, 1990*, to offer programming, other than filler programming, produced by itself or by a related person. The applicant indicated it would accept a condition of licence requiring that it offer a maximum of 10% of such programming as part of the proposed VOD inventory.

The applicant is also seeking a condition of licence authorizing it to distribute programming that contains commercial messages where those messages are already included in a program previously aired by a Canadian television programming undertaking, including community programming provided by its own community channel and to charge a fee for that programming.

To that end, the applicant proposes the following condition of licence:

The licensee shall not include as part of its video-on-demand offering any program containing a commercial message except where:

- a) the commercial message was already included in a program previously broadcast by a Canadian programming service;
- b) the program's inclusion as part of the video-on-demand offering is in accordance with the terms of a written agreement entered into with the operator of the Canadian programming service that broadcast the program; and
- c) the message is included in the licensee's community programming in accordance with subsections 27(1)(g), (h), and (i) of the *Broadcasting Distribution Regulations*.

The applicant further proposes a condition of licence requiring it to allocate all revenues generated by a subscriber fee for community programming distributed by the applicant exclusively to the production of community programming.

The applicant states that these additional conditions of licence will enable it to increase the diversity of programming available to its proposed VOD service.

*Applicant's address:*

2250 Park Street  
Regina, Saskatchewan  
S4N 7K7  
Fax: 306-565-5395  
E-Mail: [documents@accesscomm.ca](mailto:documents@accesscomm.ca)

*Examination of application:*

At the applicant's address

9. **Wainwright, Alberta**  
**Application No. 2008-0545-0**

Application by **3937844 Canada Inc., a subsidiary of Newcap Inc.**, to convert radio station CKKY Wainwright from the AM band to the FM band.

The new station would operate on frequency 101.9 MHz (channel 270C1) with an effective radiated power of 100,000 watts (non-directional antenna /antenna height of 163.4 metres).

The licensee is requesting permission to simulcast the programming of the new FM station on CKKY Wainwright for a period of 3 months from the date of implementation of the new FM station.

The licensee is also requesting, pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act*, the revocation of the licence of CKKY Wainwright effective at the end of the simulcast period.

*Licensee's address:*

745 Windmill Road  
 Dartmouth, Nova Scotia  
 B3B 1C2  
 Fax: 902-468-5661  
 E-Mail: [dmurray@ncc.ca](mailto:dmurray@ncc.ca)

*Examination of application:*

1037-2<sup>nd</sup> Avenue  
 2<sup>nd</sup> Floor  
 Wainwright, Alberta

10. **Vernon and Enderby, British Columbia**  
**Application No. 2008-0558-3**

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**, to acquire the assets of the radio programming undertakings CKIZ-FM Vernon and its transmitter CKIZ-FM-1 Enderby British Columbia, from Rogers Broadcasting Limited.

The applicant is also requesting a licence to continue the operation of the undertakings under the same terms and conditions as those in effect under the current licence.

Pursuant to the *Commercial Radio Policy, 2006* (Broadcasting Public Notice CRTC 2006-158, 15 December 2006), the applicant proposes tangible benefits of \$240,000 over a seven-year period, representing 6% of the \$4 million purchase price for the assets, based on the asset purchase agreement.

*Applicant's address:*

1800 – 1067 West Cordova Street  
Vancouver, British Columbia  
V6C 1C7  
Fax: 604-688-6776  
E-Mail: [korenberg@jp-group.com](mailto:korenberg@jp-group.com)

*Examination of application:*

At the applicant's address, and

3313-32<sup>nd</sup> Avenue  
Vernon, British Columbia

## **Public Participation**

### **Deadline for interventions/comments**

**21 August 2008**

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

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](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.

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.

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.

Please note that the information you 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 Webpage of this particular public process. As a result, a general search of our Web site with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

### **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 – 11th 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>