



## Broadcasting Notice of Consultation CRTC 2009-158

Route reference:  
Broadcasting Public Notice 2008-90

Ottawa, 25 March 2009

### Notice of hearing

**27 May 2009**

**Halifax, Nova Scotia**

**Various broadcasting applications**

**Deadline for submission of interventions/comments: 29 April 2009**

The Commission will hold a hearing commencing on **27 May 2009 at 9:30 a.m.**, at the **World Trade and Convention Centre, 1800 Argyle Street, Halifax, Nova Scotia** to consider the following applications:

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

### Item Applicant and Locality

1. **Acadia Broadcasting Limited**  
Halifax, Nova Scotia  
Application No. 2008-1644-9
2. **HFX Broadcasting Inc.**  
Halifax, Nova Scotia  
Application No. 2008-1285-1
3. **Frank Torres, on behalf of a corporation to be incorporated**  
Halifax, Nova Scotia  
Application No. 2008-1645-7
4. **Parrsboro Radio Society**  
Parrsboro, Nova Scotia  
Application No. 2009-0374-1
5. **Canyon.TV Incorporated**  
Across Canada  
Application No. 2008-1625-9
6. **Sam J. Louis, on behalf of a corporation to be incorporated**  
Across Canada  
Application No. 2008-1694-4
7. **Truro Live Performing Arts Association**  
Truro, Nova Scotia  
Application No. 2008-1517-8
8. **Alex J. Walling, on behalf of a corporation to be incorporated**  
Liverpool, Nova Scotia  
Application No. 2008-1680-4

9. **Hope FM Ministries Limited**  
Truro, Nova Scotia  
Application No. 2009-0235-5
10. **Jonathan Schneider, on behalf of a corporation to be incorporated**  
Toronto, Ontario  
Application No. 2008-1724-9
11. **Mitchell Seaforth Cable T.V. Ltd.**  
Dublin, Ontario  
Application No. 2008-1725-7
12. **Andy McNabb, on behalf of a corporation to be incorporated**  
Peterborough, Ontario  
Application No. 2009-0253-7

## **PREAMBLE**

### **Items 1 to 3**

On 8 October 2008, the Commission issued Broadcasting Public Notice CRTC 2008-90, calling for applications for a broadcasting licence to operate a radio programming undertaking to serve Halifax, Nova Scotia.

In response to this call, the Commission has received several applications for a licence to serve Halifax.

Of these applications, items 1 and 2 are technically mutually exclusive since they are all proposing the use of frequency 105.1 MHz. These applications, along with item 3 will be treated as competitive radio applications for Halifax.

### **Item 4**

While not competitive with the Halifax applications from an economic perspective, the technical amendment application by the Parrsboro Radio Society for its continued use of the 99.1 MHz frequency would be technically mutually exclusive with the application submitted by Frank Torres, on behalf of a corporation to be incorporated, for a new Halifax FM station, proposing the use of the 99.1 MHz frequency (item 4). Accordingly, item 5 will be scheduled as part of the competitive phase at the hearing where the Commission will consider the Halifax new radio applications.

### **Items 5 to 12**

The Commission intends to consider, subject to interventions, items 5 to 12 during the non-appearing phase of the hearing.

1. **Halifax, Nova Scotia**  
**Application No. 2008-1644-9**

Application by **Acadia Broadcasting Limited** for a broadcasting licence to operate an English-language FM commercial radio programming undertaking in Halifax.

The new station would operate on frequency 105.1 MHz (channel 286C) with an effective radiated power of 45,000 watts (non-directional antenna with an effective height of antenna above average terrain of 224.1 metres).

The applicant proposes an Adult Album Alternative (Triple A) music format.

The Commission may withdraw this application from the hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

*Applicant's address:*

58 King Street  
 Saint John, New Brunswick  
 E2L 3T4  
 Fax: 506-632-3407  
 E-mail: [macmullin.jim@radioabl.ca](mailto:macmullin.jim@radioabl.ca)

*Examination of application:*

Halifax Public Library  
 5381 Spring Garden Road  
 Halifax, Nova Scotia

2. **Halifax, Nova Scotia**  
**Application No. 2008-1285-1**

Application by **HFX Broadcasting Inc.** for a broadcasting licence to operate an English-language FM commercial radio programming undertaking in Halifax.

The new station would operate on frequency 105.1 MHz (channel 286C) with an average effective radiated power of 32,000 watts (maximum effective radiated power of 45,000 watts with an effective height of antenna above average terrain of 224.5 metres).

The applicant proposes to broadcast an Adult Album Alternative (Triple A) format.

The Commission may withdraw this application from the hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

*Applicant's address:*

5302 Dundas Street West  
 Toronto, Ontario  
 M9B 1B2  
 Fax: 416-233-8617  
 E-mail: [Carmela@evanovradio.com](mailto:Carmela@evanovradio.com)

*Examination of application:*

5527 Cogswell Street  
 Halifax, Nova Scotia

3. **Halifax, Nova Scotia**  
**Application No. 2008-1645-7**

Application by **Frank Torres, on behalf of a corporation to be incorporated**, for a broadcasting licence to operate an English-language FM commercial radio programming undertaking in Halifax.

The new station would operate on frequency 99.1 MHz (channel 256B) with an average effective radiated power of 14,223 watts (maximum effective radiated power of 35,000 watts with an effective height of antenna above average terrain of 118.5 metres).

The applicant is proposing a Blues music format.

The Commission may withdraw this application from the hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

*Applicant's address:*

95 Royal Crest Court  
 Unit 5  
 Markham, Ontario  
 L3R 9X5  
 Fax: 905-470-1655  
 E-mail: [ftorres@skywords.com](mailto:ftorres@skywords.com)

*Examination of application:*

5527 Cogswell Street  
 Halifax, Nova Scotia  
 B3J 1R2

4. **Parrsboro, Nova Scotia**  
**Application No. 2009-0374-1**

Application by **Parrsboro Radio Society** to amend the licence of the low-power community Type B radio programming undertaking CICR-FM Parrsboro.

The licensee proposes to change the authorized contours by increasing the effective radiated power from 50 watts to 500 watts (non-directional antenna with an effective height of antenna above average terrain of 24 metres). The station would continue to operate on frequency 99.1 MHz (channel 256).

The licensee stated that the increase of the authorized contour would enable the signal to cover the neighbouring areas of Southampton, Canaan, Five Islands, Bass River, Advocate and Apple River.

CICR-FM is currently licensed as a low-power unprotected FM service and approval of the present application would change its operating class to one that has protected status under the Department of Industry's rules.

*Licensee's address:*

396 Main Street  
 PO Box 729  
 Parrsboro, Nova Scotia  
 B0M 1S0  
 Fax: 902-254-3097  
 E-mail: [parrsborocommunityradio@hotmail.com](mailto:parrsborocommunityradio@hotmail.com)

*Examination of application:*

Shaw Country Market  
 8610 Highway 209  
 Port Geville, Nova Scotia

5. **Across Canada**  
**Application No. 2008-1625-9**

Application by **Canyon.TV Incorporated** for a broadcasting licence to operate a national English-language Category 2 specialty programming undertaking to be known as Canyon TV. No more than 20% of programming would be offered in the French language.

The applicant proposes a service that would consist of programming dedicated to music videos from a wide range of genres and that would include live performances as well.

The applicant proposes to offer programming from the following categories 8(a), 8(b), 8(c) and 14, as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant also proposes the following conditions of licence:

- that at least 85% of all programming broadcast during the broadcast week be drawn from category 8(b) Music video clips;
- that no more than 10% of all programming broadcast during the broadcast week be drawn from category 8(c) Music video programs;
- that no more than 5% of all programming broadcast during the broadcast week be drawn from category 8(a) Music and dance other than music views programs or clips.

The applicant indicated that 50% of its programming content would be offered in high definition format.

Applicant's address:

253 21<sup>st</sup> Avenue North-East  
 Calgary, Alberta  
 T2E 1S5  
 Fax: 403-475-7986  
 E-mail: [warren@canyon.tv](mailto:warren@canyon.tv)

*Examination of application:*

At the applicant's address

**6. Across Canada  
 Application No. 2008-1694-4**

Application by **Sam J. Louis, on behalf of a corporation to be incorporated**, for a broadcasting licence to operate a national English-language Category 2 high definition specialty programming undertaking to be known as Black Broadcasting Television.

The applicant states that the programming would consist of news, arts, education, social, political and financial programming affecting black Canadian culture and heritage both nationally and internationally.

The applicant proposes to offer programming from the following categories: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13, and 14, as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant proposes that no more than 15% of all programming broadcast during each broadcast week be devoted to category 7(d) Theatrical feature films aired on TV, that no more than 15% be devoted to category 6(a) Professional sports, and that no more than 15% be devoted to category 8 Music.

The applicant requests that, of the 12 minutes of advertising material permitted during each clock hour, it be authorized to broadcast up to 6 minutes of local and regional advertising.

*Applicant's address:*

233 Tuscany Ravine North West  
 Calgary, Alberta  
 T3L 2X2  
 Fax: 401-241-1606  
 E-mail: [mlouis@npbi.ca](mailto:mlouis@npbi.ca)

*Examination of application:*

400 5<sup>th</sup> Avenue South West  
 Suite 300  
 Calgary, Alberta

7. **Truro, Nova Scotia**  
**Application No. 2008-1517-8**

Application by **Truro Live Performing Arts Association** for a broadcasting licence to operate an English-language FM developmental community radio programming undertaking in Truro.

The new station would operate on frequency 106.1 MHz (channel 291 VLP) with an effective radiated power of 5 watts (non-directional antenna with an effective height of antenna above average terrain of 19 metres).

This application was first scheduled to be heard at a hearing on 30 March 2009 (Broadcasting Notice of Consultation CRTC 2009-36, 29 January 2009) but was withdrawn to be rescheduled at a later date.

The Commission will consider the interventions already received and accepted on the public file for the 30 March 2009 hearing as well as other interventions received in the context of this hearing.

The Commission also notes that this application is technically mutually exclusive with application 2009-0235-5 scheduled at this hearing for the use of the 106.3 MHz frequency.

The Commission may withdraw this application from the hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

*Applicant's address:*

4 Belgrave Terrace  
Truro, Nova Scotia  
B2N 2G4  
E-mail: [truroradio@hotmail.com](mailto:truroradio@hotmail.com)

*Examination of application:*

At the applicant's address

8. **Liverpool, Nova Scotia**  
**Application No. 2008-1680-4**

Application by **Alex J. Walling, on behalf of a corporation to be incorporated** for a broadcasting licence to operate an English-language FM Type B community radio programming undertaking in Liverpool.

The new station will operate on frequency 99.3 MHz (channel 257LP) with an effective radiated power of 50 watts (non-directional antenna with an effective height of antenna above average terrain of 60 metres).

The Commission may withdraw this application from the hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

*Applicant's address:*

P.O. Box 1244  
Liverpool, Nova Scotia  
B0T 1K0  
Fax: 902-254-3097  
E-mail: [info@qccfm.com](mailto:info@qccfm.com)

*Examination of application:*

176 Main Street  
2<sup>nd</sup> floor  
Liverpool, Nova Scotia

9. **Truro, Nova Scotia**  
**Application No. 2009-0235-5**

Application by **Hope FM Ministries Limited** to amend the broadcasting licence of a low-power English-language specialty FM radio programming undertaking CINU-FM in Truro.



The licensee proposes to change the frequency from 98.5 MHz (channel 253LP) to 106.3 MHz (channel 292LP). All other technical parameters for the undertaking will remain unchanged.

In Use of frequency 98.5 MHz by the new community radio station in Halifax, Broadcasting Decision CRTC 2006-467, 6 September 2006, the Commission approved an application by Coopérative Radio-Halifax-Métro limitée in order to operate CKRH-FM, a new French-language French-language Type A community FM radio programming undertaking, in Halifax at 98.5 MHz which is the same frequency occupied by CINU-FM.

The licensee is requesting a change in frequency in order to solve interference issues with CKRH-FM.

The Commission also notes that this application is technically mutually exclusive with application 2008-1517-8 scheduled at this hearing for the use of the 106.1 MHz frequency.

The Commission may withdraw this application from the hearing if it is not advised by the Department of Industry, at least twenty days prior to the hearing, that the application is technically acceptable.

*Applicant's address:*

217 Harmony Ridge Road.  
Truro, Nova Scotia  
B6L 3P4  
Fax: 902-843-4673  
E-mail: [barry@hoperadio.ca](mailto:barry@hoperadio.ca)

*Examination of application:*

At the applicant's address

10. **Toronto, Ontario**  
**Application No. 2008-1724-9**

Application by **Jonathan Schneider, on behalf of a corporation to be incorporated**, for a broadcasting licence to operate a national video-on-demand programming undertaking to be known as Opportunity on-Demand.

The service would provide programming that would consist primarily of corporate videos that have previously been either unavailable or unorganized. The service's goal is to connect the general public and businesses, giving each access to knowledge and opportunity.

The applicant has requested an exemption to the Commission's programming packages expectation. This expectation limits the total period during which the programming in programming packages may be viewed, to one week.

The applicant indicates that the programming would be predominantly in the English language and that approximately 20% of the programming would be in the French language.

*Applicant's address:*

31 Fifeshire Road  
Toronto, Ontario  
M2L 2G4  
Fax: 416-363-0645  
E-mail: [jono.schneider@gmail.com](mailto:jono.schneider@gmail.com)

*Examination of application:*

Baker Schneider Rugeiro LLP  
120 Adelaide Street West  
Suite 1000  
Toronto, Ontario  
M5H 3V1

11. **Dublin, Ontario**  
**Application No. 2008-1725-7**

Application by **Mitchell Seaforth Cable T.V. Ltd.** for a broadcasting licence to operate a regional video-on-demand programming undertaking.

The applicant proposes to offer programming that would consist primarily of feature films and documentaries, but may also include other types of programming such as comedy, variety and series. It also proposes to air adult programming.

The applicant indicates that the programming would be predominantly in the English language.

*Applicant's address:*

123 Ontario Street RR #1  
Dublin, Ontario  
N0K 1E0  
Fax: 519-345-2873  
E-mail: [steve@ezlink.on.ca](mailto:steve@ezlink.on.ca)

*Examination of application:*

At the applicant's address

12. **Peterborough, Ontario**  
**Application No. 2009-0253-7**

Application by **Andy McNabb, on behalf of a corporation to be incorporated**, for authority to acquire the assets of the English-language specialty radio programming undertaking CKKK-FM Peterborough.

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

The value of the transaction based on the terms of the Assets Purchase Agreement is \$190,000. The applicant is requesting an exemption from the tangible benefits policy.

It is noted that CKKK-FM has been off the air since 31 March 2008.

The broadcasting licence for CKKK-FM was approved in Christian music FM radio station, Broadcasting Decision CRTC 2004-201, 9 June 2004, and amended in CKKK-FM Peterborough – Technical change, Broadcasting Decision CRTC 2007-224, 9 July 2007. Consequently, the proposed transaction would occur within the first licence term.

Additional information may be placed on the public examination file. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

*Applicant's address:*

14 Westdale Drive  
 St. Catharines, Ontario  
 L2S 2R8  
 Fax: 866-316-8217  
 E-mail: [andy.mcnabb@cogeco.ca](mailto:andy.mcnabb@cogeco.ca)

Examination of application:

2686 Lakefield Road  
 Peterborough, Ontario

**Public Participation**

**Deadline for interventions/comments**

**29 April 2009**

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 and will not notify an intervener whose intervention is received after the deadline date. The intervention will not be considered by the Commission and will not be part of the public file.

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.

Interventions will be considered by the Commission, and will form part of the public record of the proceeding without further notification to intervening parties, provided the procedure set out below has been followed. Parties will be contacted only if their submission raises procedural questions.

Written interventions should be submitted to the Secretary General of the Commission in **only one** of the following formats:

**by using the**  
[\[Broadcasting interventions/comments form\]](#)

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.

Parties must ensure, before initiating service through electronic mode, that they 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.

Interventions should clearly identify the application and indicate whether the parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

In the event that the application is brought to the oral phase of the hearing, and if parties wish to appear, they must provide reasons why their 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 parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website 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 website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

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.

Please note that the information 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 our website 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 website by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's website. 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 website.

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.

**Location of Commission offices**

Toll free Telephone: 1-877-249-2782  
Toll-free TDD: 1-877-909-2782

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec  
K1A 0N2  
Tel: 819-997-2429  
FAX: 819-994-0218

***Regional offices***

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>.*