



Broadcasting Notice of Consultation CRTC 2009-589

Ottawa, 21 September 2009

Notice of application received

Montréal, Quebec; Toronto, Hamilton, London, St. Catharines, Ottawa and Pembroke, Ontario; Brandon and Winnipeg, Manitoba; Calgary and Edmonton, Alberta; Fort Nelson, Fort St. John, Vernon, Kitimat, Vancouver, Revelstoke, Kelowna, Penticton, Osoyoos, Summerland, Golden, Trail, Terrace, Prince Rupert, Dawson Creek, Princeton, Nelson and Salmon Arm, British Columbia

Deadline for submission of interventions/comments: 13 October 2009

The Commission has received the following application:

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

Item Applicant and Locality

1. **Astral Media Radio Inc., on behalf of Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.**

Montréal, Quebec; Toronto, Hamilton, London, St. Catharines, Ottawa and Pembroke, Ontario; Brandon and Winnipeg, Manitoba; Calgary and Edmonton, Alberta; Fort Nelson, Fort St. John, Vernon, Kitimat, Vancouver, Revelstoke, Kelowna, Penticton, Osoyoos, Summerland, Golden, Trail, Terrace, Prince Rupert, Dawson Creek, Princeton, Nelson and Salmon Arm, British Columbia

Application No. 2009-0991-3

1. **Montréal, Quebec; Toronto, Hamilton, London, St. Catharines, Ottawa and Pembroke, Ontario; Brandon and Winnipeg, Manitoba; Calgary and Edmonton, Alberta; Fort Nelson, Fort St. John, Vernon, Kitimat, Vancouver, Revelstoke, Kelowna, Penticton, Osoyoos, Summerland, Golden, Trail, Terrace, Prince Rupert, Dawson Creek, Princeton, Nelson and Salmon Arm, British Columbia**
Application No. 2009-0991-3

Application by **Astral Media Radio Inc., on behalf of Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.** (collectively Astral) to address a Canadian content development (CCD) contribution shortfall for the 2008 broadcast year relating to 65 of its commercial radio stations.

The conditions of licence relating to CCD contributions are set out in *Acquisition of assets*, Broadcasting Decision CRTC 2007-359, 28 September 2007, and *Radio programming undertakings – Licence renewals*, Broadcasting Decision

CRTC 2007-216, 6 July 2007. As these were transitional conditions of licence, the licensee was required to make a basic annual contribution to CCD. The amount of the contribution was determined in accordance with *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Broadcasting Public Notice 2006-158), as amended from time to time. The conditions of licence stipulated that 60% of the basic CCD contribution must be allocated to FACTOR or MUSICACTION and that the remainder must be allocated to parties and initiatives fulfilling the definition of eligible initiatives in Broadcasting Public Notice 2006-158. The conditions of licence expired upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD on 1 September 2008.

According to Astral, the shortfall for the 2008 broadcast year amounts to \$659,752. Astral proposes to contribute a total amount of \$750,000 (which includes a supplementary amount of \$90,248) over the course of seven consecutive years, beginning 1 September 2009. Of this amount, Astral proposes to direct \$450,000 or 60% to MUSICACTION and \$300,000 to the Community Radio Fund of Canada (CRFC).

The licensee stated that the shortfall was due to a misunderstanding of its transitional CCD conditions of licence.

Licensee's address:

1717 René-Lévesque Boulevard East
Suite 200
Montréal, Quebec
H2L 4T9
Fax: 514-529-3263
E-Mail: rshoan@radio.astral.com

Examination of application:

131 Queen Street
Unit 2
Woodstock, New Brunswick

187 Industrial Avenue
Truro, Nova Scotia

(French-language version)
1717 René-Lévesque Boulevard East
Montréal, Quebec

(English-language version)
1411 du Fort Street
3rd Floor
Montréal, Quebec

900 d'Youville Street
1st floor
Québec, Quebec

1500 Royale Street
Suite 260
Trois-Rivières, Quebec

2070 St-Georges Street
Drummondville, Quebec

287 Pierre-Saindon Street
Suite 502
Rimouski, Quebec

104 Richelieu Street
St-Jean-sur-Richelieu, Quebec

259 Casavant Boulevard West
St-Hyacinthe, Quebec

2 St. Clair Avenue West
2nd Floor
Toronto, Ontario

1504 Merivale Road
Ottawa, Ontario

883 Upper Wentworth Street
Hamilton, Ontario

743 Wellington Road South
London, Ontario

12 Yates Street
St. Catharines, Ontario

595 Pembroke Street East
Pembroke, Ontario

177 Lombard Street
3rd Floor
Winnipeg, Manitoba

2940 Victoria Avenue
Brandon, Manitoba

1110 Centre Street North
3rd Floor
Calgary, Alberta

18520 Stony Plain Road
Suite 100
Edmonton, Alberta

11151 Horseshoe Way
Richmond, British Columbia

435 Bernard Avenue
Kelowna, British Columbia

2800 – 31st Street
Vernon, British Columbia

9901 Main Street
Suite 200
Summerland, British Columbia

33 Carmi Avenue
Penticton, British Columbia

203 – 8309 Main Street
Osoyoos, British Columbia

360 Ross Street
Salmon Arm, British Columbia

825 – 10th Avenue South
Golden, British Columbia

Alpine Mall
555 Victoria Road
Suite 7
Revelstoke, British Columbia

1560 – 2nd Avenue
Trail, British Columbia

513 Front Street
Nelson, British Columbia

901 – 102nd Avenue
Dawson Creek, British Columbia

10532 & 10534 Alaska Road
Fort St. John, British Columbia

4625 Lazelle Avenue
Terrace, British Columbia

350 City Centre
Kitimat, British Columbia

212 – 215 Cow Bay Road
Prince Rupert, British Columbia

5152 Liard Street
Fort Nelson, British Columbia

Public Participation

Deadline for Interventions/Comments

13 October 2009

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

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 submissions raise procedural questions.

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

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

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.

Submissions longer than five pages should include a summary.

Please number each paragraph of your submission. In addition, 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.

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

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, 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 that 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 the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Examination of documents

An electronic version of the 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 two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

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

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Les Terrasses de la Chaudière
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Regional offices

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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>.